

Privacy Commissioner's submission to the Petitions Committee on the Petition of Jazmine Watson

1. Thank you for inviting me to submit to the Petitions Committee on the petition of Jazmine Watson, requesting the installation of CCTV cameras in all parks and playgrounds in New Zealand.
2. CCTV is used throughout the country, often for crime detection and prevention purposes, including in public spaces. CCTV records footage of people, which can be stored, shared or changed so how it is used must comply with the Privacy Act.
3. Under the Privacy Act 2020, agencies (businesses and organisations) can only collect personal information (like footage of someone) that is necessary for a reason connected to their functions or activities.¹ With CCTV, the agency will need to understand what personal information they are collecting, and how they will manage it well before they install cameras.²
4. Agencies using CCTV need to provide notice that CCTV is in use and why.³ This is generally achieved through signage. A thorough Privacy Impact Assessment should be undertaken to identify privacy implications and how obligations under the Privacy Act can be fulfilled.
5. Generally, agencies should collect as little personal information as necessary. It is unlikely that the use of CCTV across all parks and playgrounds will be justified. Where there have been reports of incidents this may provide some justification for the necessity of CCTV in that area. However, agencies should also consider the privacy interests of individuals, including children and young people, using parks

¹ Principle 1, Privacy Act.

² Principles 1, 3, 5, 6 and 9, Privacy Act.

³ Principle 3, Privacy Act.



and playgrounds and whether there are other means of detecting and deterring antisocial behaviour in the area.

6. It is not clear which agency (or agencies) the petitioner believes would operate the CCTV system. I do not have a view on who should fund installation or operate the system. This is an operational matter and may vary based on who is responsible for the maintenance or provision of the park or playground.
7. Where it is determined that CCTV will be used it will create additional burdens on agencies to implement systems for monitoring, controlling access and managing storage of the CCTV footage. The responsible agency would also need to be able to review and provide CCTV footage in response to personal information requests.⁴
8. In relation to the petitioner's comment regarding the filming of a family member at a playground or park, individuals taking photos or recordings for their own use in a public space generally will not have obligations under the Privacy Act.⁵ While it is good to ask permission first this is not required. The exception to this is if the photos or recordings qualify as 'highly offensive'.
9. I trust my comments are of use to the Committee. I do not seek to be heard on my submission but am happy to appear before the Committee if that would be of assistance.



Michael Webster

Privacy Commissioner

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⁴ Principle 6, Privacy Act.

⁵ Section 4, Privacy Act.

