

Privacy Commissioner's submission to the Petitions Committee on the petition of Brian Webb

1. Thank you for inviting me to submit to the Petitions Committee on the petition of Brian Webb. The petition requests 'That the House of Representatives pass legislation making it compulsory for all early childhood centres to have cameras that record all interactions between children and caregivers/teachers.'
2. The petitioner's submission states that young children are vulnerable to abuse in early childhood centres, and that to prevent harm to children there need to be cameras in all areas in which children play, sleep, eat and toilet, as well as entrance and exit areas.
3. The Committee has also received a submission from the Early Childhood Council, representing independent providers in the early childhood education (ECE) sector. The Council's submission is concerned mainly with the current usage of closed-circuit television (CCTV) cameras in the ECE sector, and with the practical implications for providers of extending such coverage. The Council's submission also notes the privacy implications of CCTV usage. The Council concludes that there could be grounds for regulatory changes to encourage ECE providers to adopt CCTV but does not see any merit in a mandatory regime.

CCTV and the Privacy Act

4. Under the Privacy Act 2020, agencies (businesses and organisations) can collect personal information that is necessary for a purpose connected to their functions or activities.¹ Recording video footage of someone is a collection of personal information. An agency will need to understand what personal information it is

¹ Privacy Act 2020, s 22, Information Privacy Principle (IPP) 1.



collecting and how it will manage the information appropriately before it installs CCTV cameras.

5. Agencies using CCTV need to provide notice that CCTV is in use and why.² 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. This could be undertaken by a sector body where ECE centres are using CCTV in a similar way and for a similar purpose.
6. In addition to guidance relating to children and young people, discussed below, my Office has produced [general guidance about the use of CCTV](#), and about [responding to access requests for CCTV footage](#).

CCTV in the early childhood education sector

7. The safety of children is, of course, of paramount importance in the ECE sector. Where parents or staff have concerns that a child could be suffering harm in an ECE centre, they should report those concerns. I have made clear that [the Privacy Act is not a barrier to sharing information](#) where there is a safety or wellbeing concern for a child, and my Office has developed [guidance about sharing information to protect children's safety and wellbeing](#).
8. In deciding whether to install CCTV cameras, an ECE centre should consider not only the potential safety benefits but also the privacy risks to children. Children are particularly vulnerable to all types of harm, including privacy harm. The harms to children if images of them are inappropriately accessed, shared or subject to a security breach can be very significant. These risks must be considered and mitigated before any decision to install or extend CCTV cameras is taken.

² Privacy Act 2020, s 22, IPP 3.



9. From a privacy perspective, an ECE centre deciding whether and where to install CCTV cameras should consider:

- the privacy interests of the children attending the centre, centre staff, and parents or other adults who visit the centre
- the purpose for which the cameras will be used, and whether that purpose could be achieved in a way that does not involve continuous recording of people at the centre
- where the cameras should be installed, taking account of both the purposes for which they will be used and privacy interests
- how the CCTV footage will be kept secure, how long it will be kept for, how it can be used, who will have access to it and who it might be disclosed to
- how people will be informed that CCTV cameras are in use and the purpose for which they are being used
- how people can access footage of themselves or their children under Information Privacy Principle 6 of the Privacy Act
- how footage may be shared with authorities such as Police or Oranga Tamariki, when necessary and permitted or required by law.

10. From a practical point of view, the centre would also need to consider who will monitor or review the footage, and whether this is an effective use of staff time. It is most likely that the footage would only be reviewed if an incident or allegation is being investigated. The ability to review footage in response to an incident might have some deterrent effect, but would not help with detecting any abuse that might be occurring. In addition, it is unlikely to be either practical or justified from a privacy perspective to retain CCTV footage indefinitely, so it will not be possible to use CCTV footage to investigate allegations of historical abuse.



11. While there are likely to be good reasons to install CCTV cameras in some parts of ECE centres, particularly to help ensure child safety, it is unlikely that the use of CCTV in all areas of these centres will be justified. If a centre does install CCTV cameras:

- It will never be acceptable to film toileting, and bathroom/toilet areas are a zone where people (including children) generally expect privacy. The Early Childhood Council's submission considers that it would not be appropriate to place cameras in toilets, and that this is supported by policies in other jurisdictions. My Office has guidance on [CCTV and school bathrooms](#).
- It is unlikely that there would be a good reason to use CCTV to make audio recordings. Audio recording significantly increases the amount of personal information that is collected. If there is a good reason to record sound, people must be told that this is happening.

12. In addition to considering the Privacy Act, ECE centres should be aware that making a visual recording of a person toileting, showering or undressing without that person's knowledge or consent is a criminal offence, and that in some circumstances it can be an offence to make a covert audio recording of a conversation.³

13. My Office also has other guidance that will be relevant for ECE centres considering the installation of CCTV cameras:

- [children's privacy guidance for the education sector](#)
- [children and young people: photography and filming guidance](#).

³ Crimes Act 1961, ss 216B, 216H.



Submission from the Early Childhood Council

14. I would also like to comment on some points made in the submission from the Early Childhood Council:

- While the Council concludes that there may be a case for regulatory changes to encourage ECE providers to adopt CCTV, this conclusion does not relate to the Privacy Act. Indeed, the Council comments (p 6) that ‘Applying the Privacy Act and Privacy Principles in this context is relatively straightforward and does not pose undue difficulties for ECEs.’

Comment: I consider that the Privacy Act provides a flexible framework which allows CCTV to be used safely and effectively. The Act is not an obstacle to the adoption of CCTV, provided it is implemented appropriately.

- The Council refers to use of CCTV footage in employment investigations, and to situations in which managers or administrators give access to CCTV footage to a third party without a legal reason to do so (pp 3, 9). It states that the consent of the parties to the recording should be obtained before access is granted.

Comment: ECEs should consider their policy on the purposes for which footage will be used and disclosed before installing CCTV. For example, can it be used in relation to an internal employment matter as well as for child safety purposes? With regard to releasing CCTV footage to a third party, Information Privacy Principle 11 of the Privacy Act provides for exceptions that allow personal information to be disclosed without the consent of the individual concerned in some circumstances. For example, it can be disclosed to protect health or safety, or where necessary for the maintenance of the law. Where possible, however, it is still good practice to inform the individual that their information has been disclosed, unless this would prejudice the reason for the disclosure.



- The Council suggests that CCTV and audio recording of sleep areas could be helpful for monitoring these areas, as an alternative to the current requirement for sleep checks to be undertaken by a staff member every 5-10 minutes (pp 5, 9).

Comment: I note that this proposal may require audio recording if being used as a safety check. It should be subject to a privacy impact assessment before proceeding.

Conclusion

15. I support the considered use of CCTV cameras in some areas of ECE centres, but do not support the petitioner's proposal that their use in all parts of these centres should be mandatory. Extending the use of CCTV in this way is unlikely to be effective and would not be a proportionate response, considering the privacy impacts. The current position, as summarised in the submission of the Early Childhood Council, appears to strike an appropriate balance between child safety and privacy.

16. 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

8 June 2026

