

23 November 2020

Andrew Chen  
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Dear Andrew

**REQUEST FOR INFORMATION – OUR REFERENCE: 01-20-29688**

Thank you for your email request dated 1 October 2020 in which you requested:

*“copies of any briefings, reports, or other papers provided to Ministers about the use of facial recognition technologies, including but not limited to Clearview AI, NEC's NeoFace, and HP's facial recognition/fingerprinting technology, since 19 October 2017.”*

I have considered your request in accordance with the Official Information Act 1982.

In preparing this response, I discussed the request with Ministerial Services within Police to confirm my belief that there was only one document relevant to your Official Information Act request.

Attached is a copy of that document titled “Police use of Clearview AI software” dated 14 May 2020.

Some sections have been redacted pursuant to the following sections:

- *Section 9(2)(a) of the Official Information Act 1982; withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.*
- *Section 9(2)(h) of the Official Information Act 1982; withholding of the information is necessary to maintain legal professional privilege.*

As per my previous correspondence I again apologise for the delay in replying.


If you are not satisfied with the response to your request, you have the right to refer the matter to the Office of the Ombudsman to seek a review and investigation of my decision.

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**Police National Headquarters**

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Telephone: 04 474 9499. Fax: 04 498 7400. [www.police.govt.nz](http://www.police.govt.nz)

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Greg Dalziel', written in a cursive style.

Detective Senior Sergeant Greg Dalziel  
High Tech Crime Group  
Police National Headquarters

<b>INFORMATION REQUEST</b>	
<b>Police use of Clearview AI software</b>	
<b>Deadline: 14 May 2020</b>	<b>Date of Response: 14 May 2020</b>

**Purpose**

1. This briefing provides you with further information about Police's use of Clearview AI software, which utilises facial recognition algorithms.

**Important points to note**

- Police utilised a trial license of Clearview AI software in February and March 2020 while assessing its capability and potential investigative value.
- A total of five Police staff used the tool, and a small number of Police operations were used to test the capability. The capability assessment ended in March 2020 and Police will not be utilising this product.
- Legal, privacy and technical experts met on 14 February [Redacted] Section 9(2)(h)  
Official  
Information Act  
1982
- The Commissioner has directed that Police develop guidelines for the assessment of new and emerging technologies.


**Clearview AI provides advanced open source searching of images of faces**

2. The Clearview AI product uses facial recognition algorithms to match faces against a database of images that they have collected from the open source internet, including from social media sites.
3. Clearview AI does not match target faces to streaming or other live video.
4. The basic use case for Clearview AI is for law enforcement to upload an image of an unidentified person – for example, a still image from CCTV footage of a suspect. The tool would compare the person's face to the Clearview AI image database and return matches. Any matches found would include a link to the source, and this might enable the person to be identified through social media networks.

**Police assessed Clearview AI capability during February and March 2020**

5. Clearview AI has become popular internationally with law enforcement. This application of the software was the subject of international media coverage in late 2019 and early 2020. Following that coverage, Police received an Official Information Act request about Clearview AI, asking if Police used the product. As

a result of the national and international interest in Clearview AI, Police began to investigate what the product was and what capability it offered.

6. In early 2020, Clearview AI offered Police a free trial license for their product.
7. In order to ensure the legality and appropriateness of the tool before accepting that offer, Police legal and privacy experts met with staff from the High Tech Crime Group (HTCG) on 14 February. [Section 9\(2\)\(h\) Official Information Act 1982](#)  

8. Following that meeting, the HTCG proceeded to obtain the trial license from Clearview AI.
9. The trial concluded in March 2020, and Police's evaluation was that Clearview AI did not provide sufficient benefit to consider purchasing the product at this time.

#### **Limited scope trial undertaken by a small team**

10. The primary purpose of Police using the trial license for Clearview was for research and development staff within the HTCG to assess the capability of the tool for any potential investigative value it might provide.
11. This included technical experts reviewing how the product worked to satisfy the group that the algorithm and database worked as expected, including that the images came from open source sites.
12. The HTCG staff largely used images of consenting Police staff for any test searches they conducted. They also undertook searches of small number of wanted persons.
13. To assess the operational value of the tool in a New Zealand context, the HTCG arranged for a senior investigator in Wellington District to utilise the trial license. That staff member undertook further searches by consent, and the use of the product for one operational investigation – a robbery where Police had CCTV images of a suspect. Several still images were uploaded, with negative results. Covert operatives also undertook some searches against targets of serious and organised crime investigations, again with no matches.
14. A total of five Police staff used the Clearview AI trial license.

#### **Police protocol for undertaking assessments of new and emerging technologies**

15. Police have a suite of policy that requires consideration in the uptake of business processes or tools that collect personal information. Risk assessments must be completed for technical and privacy risks and from a financial perspective benefits and costs must be demonstrated. Our policy expects that we will comply with the collection and use provisions of the Privacy

Act and that we will carry out, where appropriate, Privacy Impact Assessments and Security Risk Assessments.

16. Legal, privacy and technical experts met on 14 February [redacted] Section 9(2)(h) Official Information Act 1982 [redacted]
17. Following this event, the Commissioner of Police has commissioned a targeted assurance review to better understand the landscape within which New Zealand Police is engaging with artificial intelligence (AI) and surveillance technologies including our use of ANPR and facial recognition.
18. The review work will commence by 15 May 2020, led by senior staff in PNHQ's Assurance Group. While the bulk of the work will be conducted in-house, it may be appropriate for some aspects to be peer reviewed by specialist external advisers (contracted to Police).
19. The review is expected to be completed by 30 June 2020.

<b>Reviewed by</b>	National Manager: Criminal Investigations, Detective Superintendent Tom Fitzgerald	Withheld under 50(2)(a)
<b>Approved by</b>	Assistant Commissioner: Serious & Organised Crime, Richard Chambers	Withheld under 50(2)(a)