

Documents released by the Office of the Privacy Commissioner
to Joshua Grainger
in response to his 25 September 2012 request under
the Official Information Act 1982

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Document 1:

Draft Privacy Impact Assessment prepared by the Ministry of Justice, titled *Use of Automatic Number Plate Recognition Technology in conjunction with the NZ Police*, dated May 2010

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DRAFT May 2010

Privacy Impact Assessment

Use of Automatic Number Plate Recognition Technology in conjunction with the NZ Police

Note: This version of the privacy impact assessment is a draft only, released to the Office of the Privacy Commissioner for review and comment.

Purpose

1. This document assesses the privacy implications of a proposed pilot between the Police and the Ministry of Justice, which would include fines defaulter vehicle information on the Police's Automatic Number Plate Recognition (ANPR) technology.
2. This document will also be used to consult with NZTA as the custodian agency for vehicle registration plate numbers which will be the primary means for identifying vehicles of interest for the pilot.

Background

3. The Collections unit within the Ministry of Justice is responsible for collecting court imposed fines, reparation and infringements filed in Court by prosecuting agencies. Despite year on year growth in fines collection the total debt book has been growing (3.3% increase in 2008/09) with \$799.2m due as at 31 December 2009. This growth is driven by an increasing number of court imposed fines and reparation and the general growth in the number of infringements filed in Court for collection. This debt is increasingly harder to enforce as it ages.
4. The size of the overall debt book alongside the increase in remittal of outstanding fines by the Judiciary can generate adverse comment from within the community, undermining the credibility of monetary penalties and the fines enforcement system. Reduced collection impacts on local government who rely on revenue to fund community initiatives and central government through reduced revenue. Victims often feel frustrated and re-victimised when they do not receive reparation payments ordered by the Court.
5. Approximately 540,000 people have overdue monetary penalties owing. Of this population, around 300,000 people (around 55% of those with overdue monetary penalties) owe less than \$500. Currently there is little incentive for this group of people to resolve their monetary penalties. Additionally, these amounts rarely justify expensive enforcement action such as vehicle seizure involving Court bailiffs.
6. Collections staff take a number of steps to locate and contact individuals in order to resolve fines and reparation before enforcement action is taken. This involves searching publicly available databases or data matching to identify current phone numbers and addresses and employers. If attempts to resolve fines or reparation are unsuccessful, enforcement action is considered. Cheaper less invasive forms of

enforcement action such as attachment orders are often tried first, while actions such as warrants to seize are used sparingly.

7. Joint operations¹ with Police have been an effective and successful way to locate fines defaulters and resolve fines. Working collaboratively with the Police on joint operations enables Collections to resolve penalties that may otherwise remain unresolved.
8. ANPR systems are essentially a camera linked to a computer with optical character recognition (OCR) software. When a vehicle's number plate is scanned, the OCR software converts the scanned image into alphanumeric characters. These are checked against a database of previously to identify vehicles of interest (VOI). When plate is recognised, the system alerts the operator who can take appropriate action.
9. Police conducted a Privacy Impact Assessment of a proposal to pilot the use of ANPR technology. It was found that the pilot did not raise any issues for Police under the Privacy Act 1993. Police are now piloting ANPR technology within their organisation.
10. The Police have invited Collections to participate in a pilot to trial ANPR technology by integrating non-personal Collections data onto the ANPR device. Police are satisfied that they are permitted to access the vehicle information required for joint operations pursuant to Schedule 5 of the Privacy Act 1993.
11. The use of ANPR technology would enhance the collection of monetary penalties by automatically identifying fines defaulter's vehicles and enabling staff to target vehicles while allowing the law abiding population to continue on their journey with less interruption. This technology will help increase efficiency and performance of staff while conducting joint operations.
12. The benefit for Collections of using the ANPR technology lie in the quick and accurate identification of fines defaulters vehicles. The seizure of vehicle process remains unchanged.
13. The ANPR pilot provides an opportunity for Collections to leverage off existing Police technology. The technology would provide more efficient processes for identifying fines defaulter's vehicles during joint operations which will provide better outcomes and increased fines resolution.
14. This assessment focuses on a pilot programme to operate in the Counties Manukau region. It is proposed that a total of five joint operations between Police and Collections be completed for the purposes of the trial, commencing in June 2010.
15. Prior to the commencement of the trial, a full set of Collection test data will be used by Police to test the operation of the equipment and integrated data. This test will not be used to intercept individuals.

Current Process

16. People who have fines are made aware of the enforcement action available to the Court if their fines remain unresolved. A notice of fine and final notice of fine are statutorily required to be provided to defendants by the Summary Proceedings Act

¹ Joint operations involve Collections working collaboratively with the Police. The primary purpose of these operations is for Police to breath-test drivers with Court bailiffs also present to resolve overdue fines and reparation.

1957². These notices include rights of appeal, methods of payments available and potential enforcement actions that could be taken if fines become overdue including property or vehicle seizure.

17. Unless there is a specific enforcement action taken against an individual it is unlikely that a person would be intercepted in public in order to resolve their fines. There are two ways in which people may be identified whilst in public:
 - A bailiff comes across a known fines defaulter or vehicle owned by a fines defaulter in the public arena;
 - During a joint Police/Collection operation when Police are stopping vehicles.
18. The first method may occur where a bailiff comes across a vehicle where it is known that a warrant to seize has been assigned. This does not happen often unless the vehicle is particularly distinctive. The use of ANPR technology will not change this method of identification.
19. The second method of identification occurs when Collections and Police work together at a local level. These joint initiatives happen on an ongoing basis. Joint initiatives primarily involve working together on roadside stops for related but separate purposes. The Police use these initiatives to breath-test individuals and check for VOI while Collections use these initiatives to resolve overdue fines and reparation.
20. Currently Police will advise Collections of a proposed operation a few days before it occurs. Single or multiple stops are set up at designated areas over a period of time. These stops are led by Police with Collections bailiffs present. All drivers flowing through the stop are required to undergo a breath alcohol test. While officer's breath-test the drivers of the vehicles a bailiff will be in communication with a Court registrar who has access to the Ministry of Justice database (COLLECT) to check each vehicle manually. The bailiff checks every vehicle as it passes through the stop.
21. The bailiff provides the vehicle registration plate number to the registrar to establish the registered ownership ("ownership") of the vehicle.
22. The registrar then checks the Ministry of Justice copy of the Motor Vehicle Register (MVR) for ownership details. The owner's details are then checked against COLLECT to see if the owner has any outstanding fines.
23. If the individual has outstanding fines, the registrar will use their judicial discretion to decide whether enforcement has been commenced or is appropriate. If considered appropriate a warrant to seize is issued and printed. The registrar advises the bailiff of the outcome.
24. If a warrant is issued or already exists it is printed by the registrar at the Court and executed on site by the bailiff. The bailiff will then attempt to resolve the fines or reparation if the owner of the vehicle at the scene. If not resolved, the bailiff will then consider if it is appropriate to seize the vehicle.

² Section 84 of the Summary Proceedings Act 1957 requires that when a person becomes liable for the payment of a fine, a notice of fine be sent to that person. Section 85 of the Summary Proceedings Act requires that a final notice of fine to be sent to the person at least 21 days after imposition if the fine remains unpaid.

25. If this is not possible to resolve the fines and is considered to be appropriate to seize the vehicle, the bailiff will execute the warrant to seize. The bailiff will provide the occupants of a seized vehicle with a phone in order to find alternative transportation.
26. This is currently a manual process where the Police and Collections hold data separately and assess each vehicle as they pass through the roadside stop separately. This manual process is slow and time consuming. During high traffic flow, some vehicles progress through the stop without being checked.
27. This manual process also requires all cars to be checked for outstanding fines. This means that law abiding individuals can be inconvenienced during this process.
28. The ANPR technology would automatically identify vehicles belonging to people with fines in default, creating a more efficient process with fewer issues for the majority of drivers.
29. If a vehicle owned by a fines defaulter is being driven by an unrelated individual, seizure of that vehicle is still considered. The bailiff will consider whether seizure is appropriate, and if it is the person is offered a phone to arrange alternative transport.

Proposal

Overview

30. This initiative proposes a pilot in the Counties Manukau region be explored to examine the effectiveness of the joint use of this technology. The technology will only be used during the pilot by Collections when conducting joint operations with Police.
31. The key objectives of the pilot are to demonstrate the efficiency and effectiveness of ANPR technology to:
 - identify potential vehicles owned by fines defaulters more swiftly;
 - resolve overdue monetary penalties more efficiently;
 - take enforcement action where appropriate.
32. The target group will be people who are the registered owners of vehicles, with a fines balance in default where the fines are enforceable. These vehicles will then be checked against the Ministry of Justice's copy of the MVR³. Only those vehicles that are found to be both on COLLECT and the copy of the MVR and have an overdue fines balance will be included on the ANPR. This is estimated to be approximately 79,000 vehicles out of over 4.1 million vehicles listed on the MVR.
33. This information will be uploaded onto the ANPR device prior to a deployment. It is proposed that the Collections data added to the ANPR technology will be stored for the

³ The Ministry of Justice receives a copy of the MVR five times a week. The data is provided by NZTA overnight and is updated by automated batch processing into COLLECT the following day. Updates of the MVR are received by the Ministry of Justice Tuesday to Saturday and are processed on the day that they are received.

The legislative basis for the Ministry of Justice access to the MVR is explained at paragraph 54.

length of each joint operation, and then deleted once the operation has been completed. Police will therefore only retain any information for the duration of the operation.

34. Joint operations vary between initiatives, but generally run over weekends. These operations often operate on Friday and Saturday for approximately 7 hours starting in the evening and ending in the early morning. If conducted during the day occasionally the duration may be shorter.
35. The new technology will allow the Police and Collections to target specific vehicles and therefore be more effective in identifying and processing vehicles of interest. This technology will have a radar system positioned to identify vehicles as they pass when approaching the planned stop area. Once the vehicle is identified by the technology, all other processes remain unchanged.
36. This pilot will serve as a proof of concept trial. The target group will include all people with a fines balance. By including all fines defaulters' vehicles (as opposed to those with a significant fines balance) this will encourage people with a low fines balance to resolve their fines without actually needing to seize their vehicle.
37. Once the pilot has been completed the Ministry will analyse which group within the existing target population has the best results. This analysis may lead to the refinement of the target population for future use of the technology.
38. The operational protocols of this proposal will be outlined in a Letter of Agreement (LOA) between Police and the Ministry prior to commencement of this initiative

What information will be shared and how will it be used?

39. The operation of a joint pilot of the ANPR technology is designed to test the viability of the technology whilst ensuring privacy concerns are mitigated. To achieve this, the information to be transferred to Police has been minimised. Collections has excluded personal information about fines defaulters from the information contained on the ANPR device to mitigate privacy concerns. The following information will be disclosed to the Police for the duration of the joint operation:
 - Vehicle Registration number (indexing mechanism linked to the fines defaulter)
 - Primary Colour of Vehicle
 - Vehicle Make
 - Vehicle Model
 - Vehicle Year
40. The information is needed to identify the correct vehicle in question. This vehicle information is already accessible by the Police through their access to the MVR, but needs to be sourced from the Ministry of Justice for those vehicles relating to fines defaulters.

41. It is important to note that the use of the information transferred to the ANPR device is for Collections staff, despite it being contained on a Police device.
42. Once the pilot has been completed a review and assessment of the pilot will be prepared. The results of this pilot will determine the viability of the technology and the consideration of any future joint use by Collections.

Pre-operation process

43. Infringements filed in Court by prosecuting agencies must contain the details of the registration number of the vehicle (if any) used in an offence. When an infringement is filed in Court the details are included in the information transmitted. A Registrar will then use the vehicle information to check the MVR to determine whether the vehicle used in the offence is owned by the individual fined. If the individual owns that vehicle, the vehicle details are entered into COLLECT.
44. A less common way of identifying vehicles is through a means assessment. When considering an arrangement to pay, a registrar will go through a person's assets and liabilities including a list of all property owned. If the individual states that they own a vehicle, this information is added to COLLECT.
45. Prior to the operation, search of COLLECT for all fines defaulters who are the registered owners of vehicles will be completed first. Information regarding fines defaulter's vehicles who meet the criteria will be checked against the MVR to verify ownership. Only information that has an exact match on COLLECT and the MVR will be added to the device.
46. Initial date extracts identified an estimated 79,000 vehicles that met the criteria. These vehicles were associated with approximately 71,000 profiles in COLLECT. These numbers will fluctuate depending on the population of fines defaulters and their payment behaviour.
47. Police will limit access to the data transferred to them by Collections by making it available to one officer who will download the information onto the device. Any copies will be deleted after downloading the information. The Police officer operating the device will be able to see any Collections alerts. The information disclosed is limited to vehicle information, with no fine information included (see paragraph 28) therefore lessens the ability of the information to be misused.
48. Information of identified vehicles will be transferred directly from the Ministry of Justice to the Police ANPR device via an encrypted ironkey flashdrive.
49. Each joint operation will require a new set of data to be transferred to Police. This will ensure that data transferred is as current as possible. Each data set will be extracted from COLLECT and checked against the MVR prior to each operation.
50. The information to be added to the ANPR device may have been extracted a day or more before it is used in operation. This is mitigated by an additional check by a registrar of COLLECT and the Ministry of Justice copy of the MVR which must be completed prior to seizure.

Joint operation process

51. The information will be added to the ANPR device along with data from the Police identifying their own vehicles of interest. The device will be set up leading up to the Police stop. The device will read the number plates of approaching vehicles and will create an alert to a computer based at the stop. Alerts between Police and Collections will be distinguishable on the ANPR device.
52. If a Collections alert is activated the bailiff will request that the driver be diverted off the road for further investigation by a bailiff. The bailiff will then contact a registrar who will check COLLECT records and the MVR. The process will continue as outlined above (paragraphs 14 to 18). The decision making process involved with the vehicle seizure process remains unchanged.
53. The vehicles that do not trigger a Collections alert on the ANPR device will proceed through the stop for breath testing by the Police only. This will help vehicles progress through the stop more quickly and efficiently while minimising the manual processes completed by bailiffs.
54. A diagram of the current process and the ANPR process is attached in appendix 1.

What are the privacy risks and how will they be mitigated?

55. The table below summarises each of the privacy risks, and notes the strategy that will be employed to reduce and mitigate that risk. A summary of each of the mitigation strategies follows the table.

| Privacy Risk | Mitigation strategies |
|--|--|
| <p>1</p> <p>Use for other purpose Vehicle information collected for motor vehicle registration purposes will be accessed and used by Collections for enforcing fines and reparation.</p> <p>Police use information provided for unintended purposes.</p> <p><i>Compare IPPs 1, 10, and 11</i></p> | <p>(A) Enforcing use for purpose</p> <p>(B) Legislative authority</p> <p>(G) Audit and evaluate</p> <p>(E) Ensuring only required information is released</p> <p>(K) Deletion of data at conclusion of operation</p> |
| <p>2</p> <p>No consent or authorisation Registered persons do not agree to their vehicle registration details being used for fines enforcement purposes nor are they informed that their vehicle registration will be used for these purposes.</p> <p><i>Compare IPPs 2 and 3</i></p> | <p>(B) Legislative authority</p> |
| <p>3</p> <p>Inaccurate identity verification Personal information contained on the MVR or in COLLECT is not always accurate or is subject to change. This creates the risk that basic identification information added to the ANPR device will contain incorrect information indicating that an applicant may have an outstanding fines balance or the ownership of the vehicle is inaccurate.</p> <p><i>Compare IPP 8</i></p> | <p>(C) Ensuring quality information is used</p> <p>(D) Check accuracy before release to ANPR device</p> <p>(I) Additional checks before enforcement action taken</p> |
| <p>4</p> <p>Enforcing vehicle seizure against wrong individual</p> <p>a) The details of the vehicle may be incorrectly associated with the Court's profile of another person, leading to enforcement action being taken against the wrong person. This could result in a vehicle being wrongly seized.</p> <p>b) A third person may be driving a vehicle who is not the fines defaulter. This may result in a vehicle seizure being actioned against the unrelated individual.</p> <p><i>Compare IPP 8</i></p> | <p>(C) Ensuring quality information is used</p> <p>(D) Check accuracy before transfer to ANPR device</p> <p>(I) Additional checks before enforcement action taken</p> <p>(J) Appeal Process</p> |

| | Privacy Risk | Mitigation strategies |
|---|--|---|
| 5 | <p>Inaccurate or incomplete information disclosed If information is not checked or verified to the source at the time it is used, there is a risk that it may be out-of-date and the wrong decision will be made.</p> <p>There is also a chance that the information contained on the ANPR device could be one or more days old when used.</p> <p><i>Compare IPP 8</i></p> | <p>(E) Keeping information current</p> <p>(J) Appeal process</p> <p>(K) Deletion of data at conclusion of operation</p> |
| 6 | <p>Storage and security of information By releasing vehicle of fines defaulters to Police, information may be inappropriately accessed, lost or modified without authorisation.</p> <p><i>Compare IPP 5</i></p> | <p>(H) Security safeguards</p> <p>(F) Ensuring only required information is released</p> <p>(K) Deletion of data at conclusion of operation</p> |

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56. A description of each mitigation strategy to address the above risks is set out in the table below:

| | Mitigation Strategy | Description |
|---|---|---|
| A | Enforcing use for purpose | <p>A LOA between Police and the Ministry will include protocols to ensure the information transferred to the ANPR is for the use of Ministry of Justice staff only.</p> <p>The Ministry of Justice and Police agree that information will only be on the ANPR device during operations and will be immediately discarded at the conclusion of these events.</p> <p>Police to notify the Ministry of Justice confirming deletion action.</p> |
| B | Legislative authority | <p>Schedule 5 of the Privacy Act 1993 allows the Ministry of Justice access to the MVR for fines enforcement purposes. This allows the Ministry to check vehicle registration for the purpose of enforcing monetary penalties.</p> <p>Information Privacy Principle 11(e)(2) allows non-compliance with the limits on disclosure of personal information for the enforcement of a law imposing a pecuniary penalty. This principle is interpreted to allow the disclosure of information to Police for the purpose of enforcing fines and monetary penalties.</p> |
| C | Ensuring quality information is used | <p>Information will be updated for each joint operation conducted. The data used will be as current as possible.</p> <p>The information shared will be that information extracted from COLLECT and checked against the MVR therefore providing an additional check.</p> |
| D | Check accuracy before transfer to ANPR device | <p>Data will be checked against the MVR at the time that the information is extracted. Only information that is current in both COLLECT and on the MVR will be added to the ANPR device.</p> |
| E | Keeping information current | <p>The Ministry of Justice will update the information transferred to the ANPR device before each joint operation. This will ensure that the information used on the ANPR technology is as current as possible. The information used at joint operations will be refreshed before each operation.</p> <p>Prior to vehicle seizure owner data will be rechecked on MVR.</p> |
| F | Ensuring only required information is released | <p>The information transferred to the device is limited to vehicle information. No personal information will be transferred onto the ANPR device. This will minimise any adverse consequences if data is lost and will reduce the chance of misuse.</p> |

| | Mitigation Strategy | Description |
|---|--|--|
| G | Audit and evaluate | Once the pilot is completed, the results will be audited and an evaluation and review will be prepared. This will set the basis for any further trials with similar initiatives. |
| H | Security Safeguards | <p>Information being transferred to Police will be transmitted in encrypted form. This will minimise the chance that this information would be accessible even if it was lost or misplaced.</p> <p>Police will ensure that information shared will be protected by security safeguards equivalent to those used for law enforcement purposes, to prevent loss, misuse or unauthorised modification of the information provided and/or unauthorised disclosure of the information while in their possession.</p> <p>The LOA between Police and the Ministry will confirm that staff will have no authority to modify any data.</p> |
| I | Additional checks before enforcement action taken | <p>A registrar will review a fines defaulters profile and exercise judicial discretion before enforcement action is taken.</p> <p>Bailiffs will attempt to resolve fines before a warrant to seize is actioned.</p> <p>A bailiff exercises judicial discretion to determine whether it is appropriate to action a warrant to seize or not. If the bailiff determines that seizure of a vehicle is not appropriate, the bailiff will not seize the vehicle.</p> |
| J | Existing Court Processes | <p>Existing Court processes exist to protect people whose vehicles may be seized:</p> <p>(a) Third party claim process. This allows a third party to claim an interest in a seized vehicle.</p> <p>(b) A registrar's decision is able to be reviewed by a District Court Judge. The Judge may confirm, rescind, or vary the registrar's order or decision and the order or decision shall have effect, or cease to have effect.</p> <p>(c) Section 78B of the Summary Proceedings Act 1957 allows for irregularities to be corrected in infringement proceedings. An application may be made to a Judge or registrar for one of a number of actions in order to rectify errors in the proceedings.</p> <p>If the person thinks their personal information has been used incorrectly, they can then complain to the Privacy Commissioner.</p> |
| K | Deletion of data at conclusion of operation | At the conclusion of each joint operation, Police will erase the Collections data from the ANPR device. |

Legislative authority

57. Access by the Ministry of Justice to the MVR is permitted by the Privacy Act 1993. Section 111 of the Privacy Act 1993 allows accessing agencies to obtain law enforcement information. This section states:

An accessing agency may have access to law enforcement information held by a holder agency if such access is authorised by the provisions of Schedule 5 to this Act.

58. Schedule 5 specifies which agencies are allowed access to particular law enforcement records for law enforcement purposes. Schedule 5 permits both the Ministry of Justice and the Police to access the Motor Vehicles Records contained on the MVR.
59. Accessing and checking vehicles against the MVR is authorised by the Privacy Act 1993 for enforcing overdue monetary penalties. Collections will use the Vehicle Registration Plate Number as the identifier to accurately link the vehicle to a Collections fines defaulter. The check against the MVR data is essential to the integrity of the information that is to be transferred to the ANPR device.
60. Further, personal information held by one agency is generally not able to be disclosed to another. This is in accordance with Information Privacy Principle 11. However there are specified exceptions to this principle.

Principle 11 Limits on disclosure of personal information

An agency that holds personal information shall not disclose the information to a person or body or agency unless the agency believes, on reasonable grounds,—

(e) That non-compliance is necessary— ...

(ii) For the enforcement of a law imposing a pecuniary penalty;

61. The Ministry of Justice has reasonable grounds to believe that the disclosure of information to Police in order to utilise the ANPR technology is necessary to test the viability of the technology to:
- significantly improve the effectiveness and efficiency of current methods for detection of fines defaulters during joint operations;
 - enhance the collection of fines and will reduce the chances of fines defaulters evading enforcement;
 - create a more efficient process for all affected parties and will enable law abiding individuals to proceed with less interruption;
62. Although the vehicle registration plate number is not technically a unique identifier (under IPP12), it is acknowledged that this is the mechanism to identify the vehicles relating to fines defaulters.

Post Review and Audit

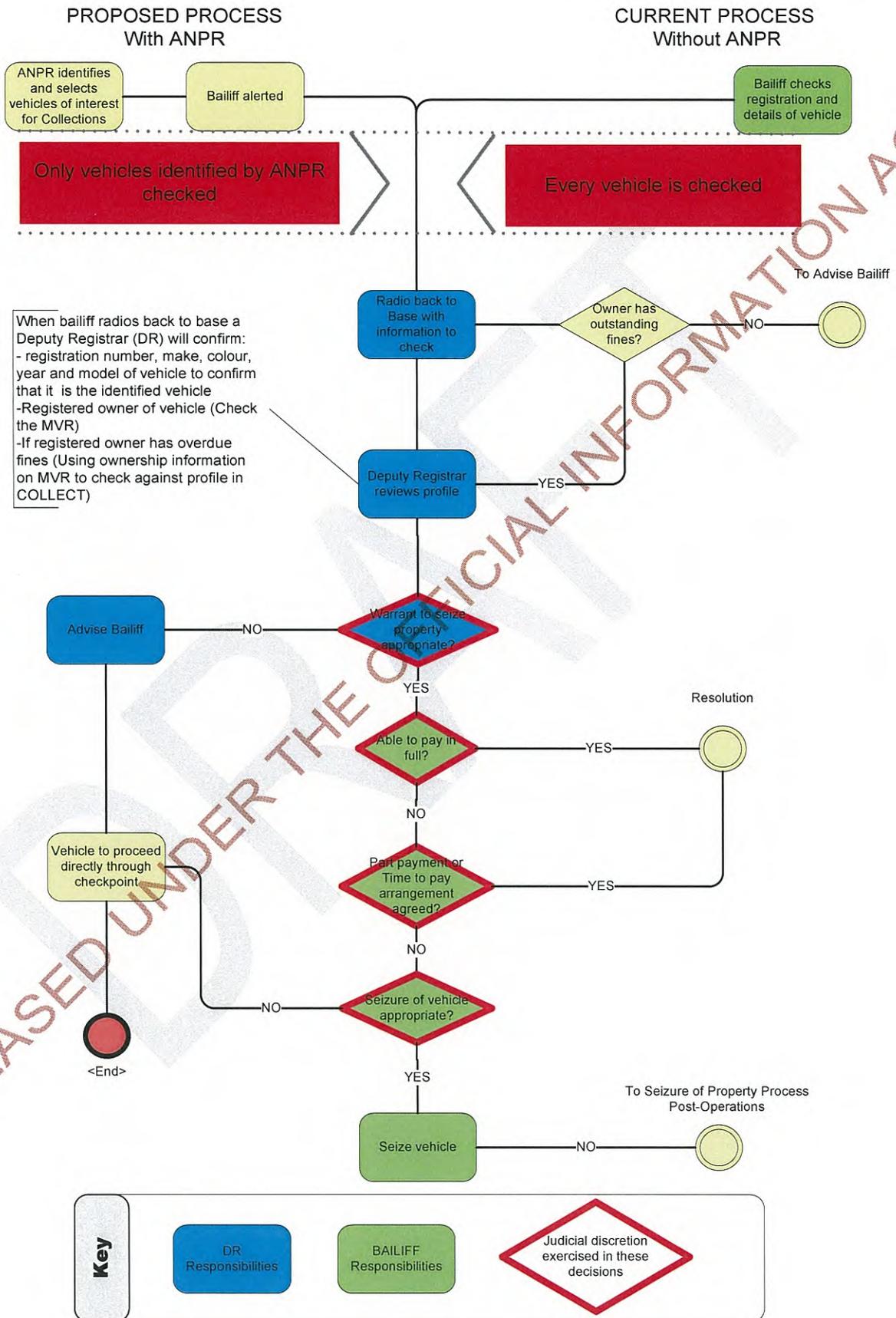
63. It is proposed that following this pilot, a review will be completed by the Ministry of Justice in consultation with the Police.
64. At this stage the Ministry of Justice will evaluate the success of the pilot and consider the viability of any future use of ANPR technology. The Office of the Privacy Commissioner will be provided with a copy of the review document. This will be shared with NZTA and Police for comment.
65. Any future use of ANPR technology will be conducted with the consultation of the Office of the Privacy Commissioner in the appropriate manner.

Consultation

66. Consultation with the Police regarding the pilot has been conducted. Procedures and guidelines will be developed and agreed upon with Police in a LOA. NTZA has been informed and consulted on the proposed pilot.

Future considerations

67. This assessment addresses the pilot to be conducted in the Counties Manukau region commencing in June 2010 for a total of five joint operations.
68. The success of the current pilot will determine whether further use of ANPR technology is favourable. If future use of Police ANPR technology is considered, a separate privacy impact assessment will be prepared at that stage.
69. In the future the Ministry of Justice may consider the value of expanding the vehicle information on the ANPR to include other vehicles owned by fines defaulters. This will be considered in full consultation with relevant parties and the Office of the Privacy Commissioner.
70. This privacy impact assessment should be considered a living document and will be updated as decisions concerning processes are established and implementation is progressed.



Document 2:

Memorandum from Ministry of Justice to Office of the Privacy Commissioner titled *Report on Pilot between NZ Police and the Ministry of Justice using ANPR Technology*, dated May 2010

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MEMORANDUM

| | | |
|----------------|--|---|
| To | | File reference |
| From | | |
| Date | | |
| Subject | REPORT ON PILOT BETWEEN NZ POLICE AND THE MINISTRY OF JUSTICE USING ANPR TECHNOLOGY | Attachments Privacy Impact Assessment – May 2010 |
| For | <input type="checkbox"/> Approval <input type="checkbox"/> Review Comment <input type="checkbox"/> Action <input checked="" type="checkbox"/> Noting | |

Purpose

1. The purpose of this document is to provide the Office of the Privacy Commissioner (OPC) with a report on the outcome of a pilot conducted by the NZ Police and Ministry of Justice using Automatic Number Plate Recognition (ANPR) technology. This report follows on from the Privacy Impact Assessment (attached) prepared in May 2010 regarding this pilot.

Background

2. Collections works collaboratively with the New Zealand Police (the Police) in joint operations for mutual benefit. These joint operations happen from time to time in various regions around the country, and have been happening for many years.
3. The Police invited Collections to participate in a joint pilot using ANPR technology. The ANPR device automates the process of identifying vehicles that is otherwise completed manually. The manual process involves a bailiff relaying number plates by telephone to Collections staff with access to the Collections database (COLLECT) to identify fines defaulters' vehicles. This is a slow, inefficient and labour intensive process. Once a fines defaulter's vehicle is identified, a Police officer will pull the vehicle over where further inquiries take place.
4. The ANPR device creates automatic alerts for vehicles entered into the devices database. ANPR technology creates greater efficiency through accurate identification and effectiveness by only further delaying those motorists that have a reason to be stopped (i.e. those that have triggered an automatic alert).
5. The information transferred to the ANPR device is limited to vehicle information including the registration plate number, colour, make, model and year of the vehicle. It is important to note that the use of ANPR technology does not eliminate the manual checks completed by staff once an alert is acted on. Once a vehicle is identified, checks are carried out in relation to the ownership of the vehicle through the Motor

Vehicle Register and the outstanding fines balance through COLLECT. Once the operation is concluded, all information is deleted off the Police's equipment.

6. Before the commencement of the pilot, a Privacy Impact Assessment (PIA) was prepared and submitted to the Privacy Commissioner. The PIA's purpose was to inform the Privacy Commissioner of the proposed pilot and develop a process that mitigated the privacy concerns of customers and the general public.
7. The contents of the PIA also provided the basis for the written agreement between Police and the Ministry of Justice in terms of the procedures followed and treatment of the data during the pilot.
8. In July 2010 a pilot was conducted between Police and the Ministry of Justice. The pilot was scheduled to run for a total of five operations in the Manukau region which commenced on 7 July 2010.

Results

9. A good working relationship is well established between Manukau Collections and the local Police. The operations in the Manukau region went smoothly. Data transfer tests were completed prior to the start of the pilot and all progressed well during the operations.
10. Four out of the five planned operations were completed on the 7, 22, 23 and 24 July 2010. These were all daytime operations and were carried out in different locations within the Manukau region.
11. Financially the pilot was a success with \$42,898.69 collected during the pilot. This excludes the amount of money recovered after the pilot and the cash raised through the sale of seized property.
12. During the operation the ANPR process identified a total of 273 vehicles to be pulled over, 65 of which were seized (see appendix: table 1). A further 65 vehicles were also released with no action taken. The reasons for no action taken on certain individuals include:
 - 12.1. The vehicle was not stopped,
 - 12.2. The individual had a current payment arrangement or nil fines balance¹, or
 - 12.3. For humanitarian or miscellaneous reasons.
13. One hundred and fourteen individuals paid their fines in full at the checkpoint. The average amount paid by an individual during the stop was \$351.63. The average amount of outstanding fines owed by individuals who had their vehicles seized was \$2,320.80.
14. This pilot is the first time that Collections has captured this level of data from a joint operation; therefore it makes it difficult to compare this operation to previous operations. There also were a number of variables that differed from other operations including the large number of staff that worked during the pilot and the advantage of having mobile EFTPOS facilities available.

¹ This issue is addressed in the following section.

15. In summary the efficiencies gained in using the ANPR technology with Police were significant.

Operational Issues to be resolved

16. During the pilot a few technical issues were identified that need to be resolved if ANPR technology is to be used by Collections in future.
17. There were instances where alerts were triggered for vehicles where the associated fines defaulter had an existing payment arrangement or had no fines owing. The subsequent manual checks by staff confirmed that the individual had no fines outstanding. The individuals were allowed to proceed as soon as it was identified that no fines were actionable. Other than a delay to their journey, no adverse action was taken against these individuals.
18. This issue was a result of an error contained in the code used to extract information from COLLECT. This issue can be resolved by refining or rewriting the code to exclude all of those profiles with existing payment arrangements or no fines outstanding and more rigorous testing prior to an operation.
19. The fifth and final operation did not proceed because of technical difficulties in the pre-operation process. Leading up to the operation it was found that the data from COLLECT was unable to be extracted. The data was extracted for the pilot using a temporary process.
20. Because the pilot only ran for a short period, the financial investment needed to implement a permanent extraction method was not justified. Any future use of ANPR technology would use a permanent and reliable method of data extraction.

Issues raised by OPC

21. It is important to note that the ANPR technology automates the alerts upfront but does not change the manual checks completed by a bailiff once the vehicle is pulled over.
22. The issues identified by OPC are common problems that staff are faced with when conducting their daily duties and during operations whether or not ANPR technology is used.

Enforcement action affects an individual who is not the fines defaulter

23. Once an individual has been pulled over the bailiff makes inquiries into the ownership of the vehicle. If the owner of the vehicle owes fines, but is not present, the vehicle may be seized depending on the circumstances.

Individuals are left in a vulnerable position because of a vehicle seizure

24. At the point in which a bailiff is considering seizing a vehicle she/he is exercising judicial discretion. Part of the assessment when making a decision includes consideration of any other issues that the individual presents with. There were instances during the

pilot, as in other daily duties, where the vehicle was released for humanitarian reasons (such as young children in the car).

25. Staff always ensure that individuals are safe and have appropriate transport before seizure is undertaken. Sometimes transport will be provided in order to get people home safely.

Excessive enforcement action taken against fines defaulters owing small amounts of money

26. This issue stemmed from concern that people with low amounts of fines could face excessive enforcement action (i.e. having their vehicle seized) when pulled over during joint operations. It was suggested that a threshold be imposed (similar to the Collection of Fines at the Airport (CoFaA)² initiative) so that people owing lower valued fines were excluded from these types of operations. For the purposes of the pilot it was decided that all people owing lower valued fines should be included. This enabled Collections to gather data and assess post pilot whether a threshold was warranted.
27. The results of the pilot (see appendix: table 2) show that people with fines of \$500 or less were more likely to resolve their fines after being pulled over. Sixty six percent of people owing \$500 or less resolved their fines on the spot. Payments from this group equated to 50% of the total amount of fines resolved. Twenty eight percent of vehicles were released or had no action against them. Only 5% of the vehicles stopped owing \$500 or less resulted in vehicle seizure.
28. In terms of the overall fines population, 51% of people owe less than \$500 (see appendix: graph 2). Excluding lower value fines from joint operations would greatly reduce the size of the target group and therefore reduce the effectiveness of these operations.
29. The advantage of including of fines defaulters with low value fines in joint operations is that these individuals often do not meet the threshold for expensive and resource intensive enforcement action. This often means that there is little incentive for this group to resolve their fines. Joint operations are one of few opportunities to interact with this group and potentially resolve their fines.
30. The results of the pilot show that including lower value fines means that they are more likely to be resolved and make up the greatest portion of the fines that are resolved during the pilot.
31. Given the results of the pilot and the overall quantity of people with low amounts of fines, it is likely that this group would continue to be included in any future operations.

Next steps

32. Detailed cost benefit analysis will be completed by Collections before committing to any future use of ANPR technology. If it is decided that the benefits are worth continuing, then consultation with the Police will then follow.
33. If it was decided that joint operations using ANPR technology would continue, another PIA would be prepared and submitted to OPC prior to any further use if necessary. The

² Currently the threshold for intercepting a traveller at the border is an outstanding warrant to arrest and court imposed fines of \$5000.00 or more, or a warrant to arrest issued on any amount of reparation is outstanding.

operational issues identified in this report would also be resolved before any further use.

[Withheld under section 9(2)(a) of the Official Information Act 1982]

Policy Analyst
Collections Unit
Ministry of Justice

Appendix 1

Statistics relating to ANPR pilot

Attachments

ANPR Privacy Impact Assessment - dated May 2010

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Appendix 1

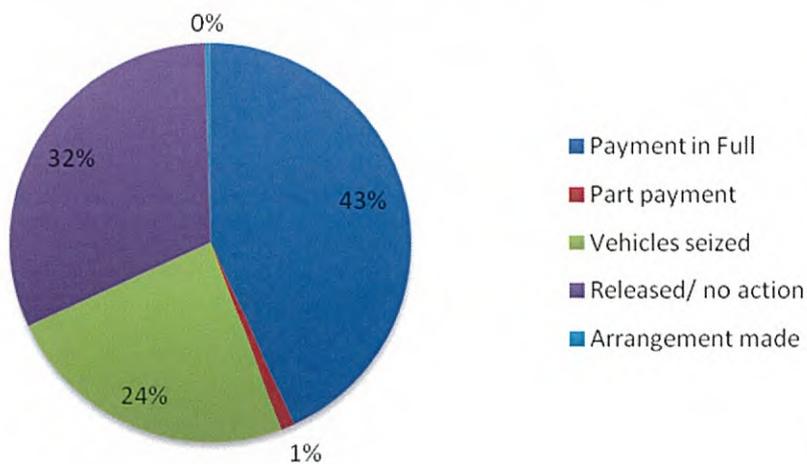
Table 1: Results of pilot by fines values (percentage)

| Value of fines | Total vehicles stopped | Value of cash collected | % of total cash collected | Payment in Full | Part payment | Vehicles seized | Released/ no action | Arrangement made |
|----------------|------------------------|-------------------------|---------------------------|-----------------|--------------|-----------------|---------------------|------------------|
| \$500 or less | 145 | \$ 21,090.69 | 50% | 64% | 1% | 5% | 28% | 1% |
| \$501-\$1000 | 53 | \$ 12,158.00 | 29% | 32% | 2% | 43% | 23% | 0% |
| \$1001-\$1500 | 16 | \$ 3,667.00 | 9% | 19% | 0% | 50% | 31% | 0% |
| \$1501- \$2000 | 10 | \$ - | 0% | 0% | 0% | 70% | 30% | 0% |
| \$2000 or more | 26 | \$ 5,241.00 | 12% | 4% | 0% | 77% | 19% | 0% |

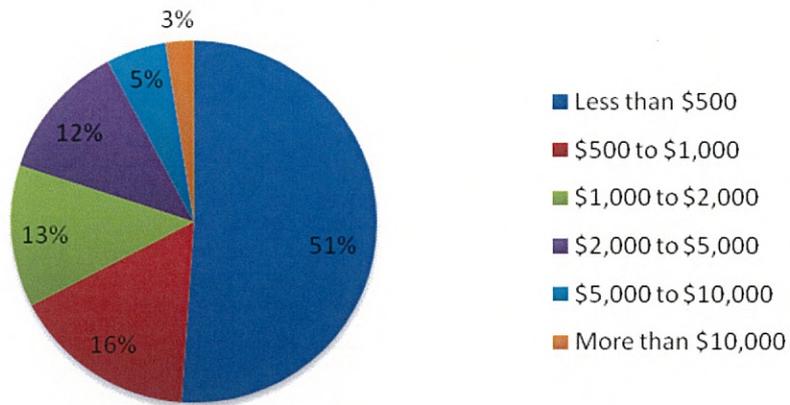
Table 2: Results of pilot by operation

| Date | Amount collected | Total vehicles stopped | Payment in Full | Part payment | Vehicles seized | Released/ no action | Arrangement made |
|--------------|---------------------|------------------------|-----------------|--------------|-----------------|---------------------|------------------|
| 7 July 2010 | \$ 13,946.75 | 67 | 31 | 1 | 16 | 19 | 0 |
| 22 July 2010 | \$ 9,867.00 | 90 | 32 | 1 | 28 | 28 | 1 |
| 23 July 2010 | \$ 9,634.95 | 54 | 27 | 1 | 10 | 16 | 0 |
| 24 July 2010 | \$ 9,449.99 | 62 | 28 | 0 | 11 | 23 | 0 |
| TOTAL | \$ 42,898.69 | 273 | 118 | 3 | 65 | 86 | 1 |

Graph 1: Outcome after ANPR alert



Graph 2: Fines population by value of fines owing as at December 2010



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Document 3:

Email from Ministry of Justice to Office of the Privacy Commissioner (with copy to staff at NZ Police) titled *Privacy Impact Assessment – Joint Pilot ANPR technology*, dated Wednesday 19 May 2010

Attachment:

- Draft Privacy Impact Assessment (PIA) – ANPR technology (Document 1)
-

From: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Sent: Wednesday, 19 May 2010 3:49 p.m.

To: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Cc: [Ministry of Justice, NZ Police, Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Subject: Privacy Impact Assessment - Joint Pilot ANPR technology

Hi [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA],

Attached is the Privacy Impact Assessment completed for a proposed pilot between the Police and the Ministry of Justice using Automatic Number Plate Recognition (ANPR) technology. I understand that [Ministry of Justice - Withheld under section 9(2)(a) of the OIA] has advised you of the progress of this assessment.

This technology will automate the identification of fines defaulters vehicles during joint operations with Police. This will increase the efficiency of identifying fines defaulters vehicles while minimising the impact on law abiding citizens during these operations. The information transferred to Police has been limited to the vehicle information of fines defaulters. Once a vehicle had been identified, the current process for manually checking the Collections database and the Motor Vehicle Register will remain the same.

This pilot proposes five joint operations with the Police commencing 21 June 2010. We would appreciate your feedback or views before then if possible. Ministry staff are happy to meet to discuss any issues if needed.

Feel free to contact me if you have any questions.

Regards,

[Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Document 4:

Email from Office of the Privacy Commissioner to Ministry of Justice titled *RE: Privacy Impact Assessment – Joint Pilot ANPR technology*, dated Tuesday 25 May 2010

From: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Sent: Tuesday, 25 May 2010 1:41 p.m.

To: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Cc: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Subject: RE: Privacy Impact Assessment - Joint Pilot ANPR technology

Hi [Ministry of Justice - Withheld under section 9(2)(a) of the OIA],

Just to confirm that we have received this PIA and will get back to you with comments as soon as possible. If you are working to a tight deadline, please let me know and we will try to accommodate this.

Kind regards

[Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

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Document 5:

Email from Office of the Privacy Commissioner to Ministry of Justice titled *RE: Privacy Impact Assessment – Joint Pilot ANPR technology*, dated Thursday 27 May 2010

From: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Sent: Thursday, 27 May 2010 9:57 a.m.

To: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Cc: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Subject: RE: Privacy Impact Assessment - Joint Pilot ANPR technology

Hi [Ministry of Justice - Withheld under section 9(2)(a) of the OIA],

Thanks for sending through this Privacy Impact Assessment (PIA) for us to consider. We appreciate the careful thought that has gone into this PIA; it is a really comprehensive document.

As this pilot will result in an adverse action against some individuals however, we do have some comments and questions for you to consider as you prepare for your pilot. I suggest that we arrange a meeting to discuss these further.

Identification of Car Occupants

As you acknowledge, it is far more likely that a vehicle will be stopped in public to resolve overdue fines as a result of this specialised enforcement action. This public aspect will need to be managed particularly carefully, as passers-by are likely to make assumptions about why the car has been stopped, and who within the car is the target of interest. Diverting the vehicles of interest away from the direct view of traffic is one way to manage this.

Given that you will be dealing with larger volumes of vehicles of interest, accuracy of identification of the occupants is very important. I acknowledge that you are only pre-loading the details of vehicles that align with COLLECT and MVR and have overdue enforceable fines onto the ANPR device, however identification of the occupants will necessarily be an important factor in the decision to seize the car or not.

A seizure where none of the occupants are the fine defaulter would need strong justification. Are you intending to i.d. all occupants of the car, just the driver, or those of a specific gender according to the registered owner's details? What will happen if the occupants do not have i.d. on them? It may be useful for us to discuss this aspect of the operation, because it involves a balance between identifying individuals appropriately and preventing unjustified harm through seizure of the vehicle they are in (resulting in inconvenience and humiliation).

P/0073/A304577

Fine Threshold

We note that the pilot intends to cover all people with a fines balance (para 36). This is intended to help determine the most appropriate 'seizure' threshold for future joint operations, and also to act as a deterrent so those with a low fines balance to resolve their fines.

Given the potential for harm against occupants of the car who are not the fine defaulter, and issues around identification of the individual, we would ask you to think carefully about this point. You would be putting people in a position where they are losing their transportation over an unpaid fine which either isn't theirs, or very minor in nature. I suggest it is unlikely that you would be considering including very low fines balances in future target groups, so the inclusion of this group in the trial seems unnecessary from a threshold design or deterrent perspective.

Existing matches used to collect fines, e.g. at the airport or planned ones with credit reporters, have carefully thought out thresholds so that people within insignificant overdue fines are not included. We would like to discuss this point further with you.

Thank you for offering to consult with us in the review of this pilot; we would be very happy to work with you to consider your findings and develop a PIA for the future roll-out of joint Collections-Police ANPR operations. Just out of interest, in para 9 you refer to a PIA carried out by the Police on the use of ANPR technology. We would be interested in seeing that if possible, particularly if it gives some indication of the accuracy rate of the technology.

For your information, we have found quite a comprehensive PIA on the use of license plate recognition technology written by the International Association of Chiefs of Police. It gives a good outline of some of the key privacy issues associated with this technology. It can be downloaded at: <http://www.theiacp.org/PublicationsGuides/ResearchCenter/Publications/tabid/299/Default.aspx?v=1&id=1202>

We appreciate that you are intending to carry out these pilots next month, so are happy to meet with you at your earliest convenience to discuss these issues. Please feel free to contact me to arrange a suitable time.

Kind regards

[Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Document 6:

Email from Ministry of Justice to Office of the Privacy Commissioner titled *PIA – Joint Pilot ANPR technology*, dated Tuesday 15 June 2010

From: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Sent: Tuesday, 15 June 2010 11:10 a.m.

To: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Cc: [Ministry of Justice, Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Subject: PIA - Joint Pilot ANPR technology

Hi [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA],

Just a quick update about the ANPR test discussed at our meeting. The test by Police using Collections data through the ANPR device (with no intercepts) is likely to take place on Thursday 17 June 2010.

The Police have indicated that they may be able to get the data resulting from the test to us by Monday 21 June. We will need to do some analysis on the data once received. The pilot is expected to begin on the week of the 21 June, therefore the analysis that we hoped to get to you by the end of this week is not likely to be ready.

Would you still like to meet regarding the other operational questions you had at the end of this week?

Regards,

[Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

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Document 7:

Email from Office of the Privacy Commissioner to Ministry of Justice titled *RE: PIA – Joint Pilot ANPR technology*, dated Tuesday 15 June 2010

From: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Sent: Tuesday, 15 June 2010 12:18 p.m.

To: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Cc: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Subject: RE: PIA - Joint Pilot ANPR technology

Hi [Ministry of Justice - Withheld under section 9(2)(a) of the OIA],

Thanks for the update. Given your timeframes, it is unlikely that we would have anything new to discuss between the non-action trial and the pilot; so we just ask you to note that the concerns we raised in our meeting on 3 June are still current. We particularly hope that, as a result of your non-action trial, you may give further consideration to the use of a fines threshold during your pilot.

We look forward to meeting with you after the pilot.

Kind regards

[Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

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Document 8:

Email from Ministry of Justice to Office of the Privacy Commissioner and NZ Police, titled *ANPR Results*, with attachment titled *ANPR June Test Results version 2 to PCO.xls*, dated Friday 2 July 2010

From: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Sent: Friday, 2 July 2010 3:36 p.m.

To: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Cc: [Ministry of Justice, NZ Police - Withheld under section 9(2)(a) of the OIA]

Subject: ANPR Results

Hi [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

As discussed on Monday, I said I would forward the results of the initial ANPR tests to you. They are attached in the Excel Spreadsheet. Note I have deleted the personal reference numbers but not the number plates.

Key points:

- the Police operated the ANPR technology for about 2 and 3/4 hours
- in that time, there were 2,433 vehicle reads completed by the ANPR technology
- the worksheet "original_Police_Results" gives the details (but see note below)
- there were 71 MoJ hits in that time (though the analysis only considers 69 (see note below))
- the fines balances outstanding range from \$35 to \$6,119.

Note: The analysis is done on 69 rather than 71, due to incorrect manual recording of two of the number plates (that were MoJ hits). The Police manually entered this data separately from written records, and made two mistakes during the translation. This data cannot be regenerated. We have agreed with a more robust process following the use of the ANPR in production, which will eliminate the requirement for manual data entry, but will still remove the data from Police systems as soon as the use of it is finished.

You had raised the issue of a threshold. The number of hits that owe below \$100 (16/69 or nearly one quarter of the total hits) would suggest that any arbitrary threshold would greatly reduce the potential success of this initiative. The relatively small amounts are often resolved on the side of the road (either in cash or by credit card via a call to our offices), and would never likely be sufficient to otherwise justify the issuing of a Warrant to Seize.

I am happy to discuss, but I am away all next week. If you have any questions in my absence, call [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Regards

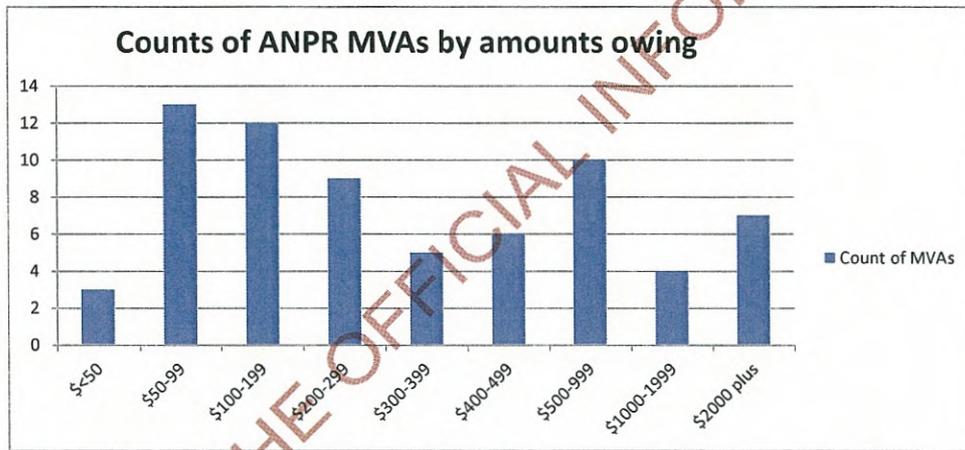
[Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

| COLLECTON_STATUS | NUMBER OF MVR_NO | TOTAL_OWING | AVERAGE OWING |
|-----------------------|------------------|------------------|---------------|
| Breached Arrangements | 2 | \$ 1,390 | 695 |
| Default | 66 | \$ 45,020 | 682 |
| Under Enforcement | 1 | \$ 300 | 300 |
| Grand Total | 69 | \$ 46,710 | 677 |

Lowest Owing Amount \$35
Highest Owing Amount \$6,119

Note: Only 71 MVAs were spotted and two of these were not in the original file sent to Police
Results are current as at the end of april which is when the original hotlist file was created.

| Amount Owing Band | Count of MVAs | Cumulative | Cumulative % |
|-------------------|---------------|------------|--------------|
| \$<50 | 3 | 3 | 4.35% |
| \$50-99 | 13 | 16 | 23.19% |
| \$100-199 | 12 | 28 | 40.58% |
| \$200-299 | 9 | 37 | 53.62% |
| \$300-399 | 5 | 42 | 60.87% |
| \$400-499 | 6 | 48 | 69.57% |
| \$500-999 | 10 | 58 | 84.06% |
| \$1000-1999 | 4 | 62 | 89.86% |
| \$2000 plus | 7 | 69 | 100.00% |
| | <u>69</u> | | |



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| | Data | | |
|-------|-----------------|---------------------|------------------------|
| | Count of MVR_NO | Sum of TOTAL_OWING2 | Average of TOTAL_OWING |
| Total | 69 | 46710.45 | 676.9630435 |

| | Data | | |
|-------------------|-----------------|---------------------|------------------------|
| COLLN_STATUS | Count of MVR_NO | Sum of TOTAL_OWING2 | Average of TOTAL_OWING |
| Breached Arrangem | 2 | 1390 | 695 |
| Default | 66 | 45020.45 | 682.1280303 |
| Under Enforcement | 1 | 300 | 300 |
| Grand Total | 69 | 46710.45 | 676.9630435 |

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| Place | Reg | MVR_NO | PPN | COLLN_STATUS | TOTAL_OWING |
|-----------------|---------------|---------------|-----|-------------------|-------------|
| Mobile/Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 6119 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 4510 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 3920 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 3040 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 2630 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 2244 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 2090 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 1750 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 1470 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 1432 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 1350 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 925 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 875 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Breached Arrangem | 790 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 727 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 648.75 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 640 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 630 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 620 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Breached Arrangem | 600 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 597 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 485 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 472 |
| Mobile/Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 460 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 460 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 410 |
| Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 410 |
| Mobile/Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 380 |
| Mobile/Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 300 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 300 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Under Enforcement | 300 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 300 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 295 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 281 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 255 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 250 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 230 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 230 |
| Mobile/Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 230 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 200 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 200 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 180 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 160 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 160 |
| Mobile/Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 150 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 130 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 130 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 110 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 110 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 110 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 110 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 110 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 100 |
| Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 90 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 90 |
| Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 90 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 90 |
| Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 72 |
| Mobile/Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 70 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | | Default | 70 |

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| | | | | |
|-----------------|---------------|---------------|---------|------|
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | Default | 70 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | Default | 70 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | Default | 70 |
| Mobile & Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | Default | 70 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | Default | 63.7 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | Default | 60 |
| Carpark | [OIA 9(2)(a)] | [OIA 9(2)(a)] | Default | 42 |
| Mobile | [OIA 9(2)(a)] | [OIA 9(2)(a)] | Default | 42 |
| Static | [OIA 9(2)(a)] | [OIA 9(2)(a)] | Default | 35 |

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| | | | | | | |
|---------|---------|---------------------|---------------|-----|--------|----------------------------------|
| | Mobile | East Tamaki | [OIA 9(2)(a)] | MOJ | Fines | |
| 1449hrs | Carpark | Botany | [OIA 9(2)(a)] | MOJ | Fines | 10 mins |
| | Carpark | Botany | [OIA 9(2)(a)] | MOJ | Fines | |
| | Carpark | Botany | [OIA 9(2)(a)] | MOJ | Fines | |
| | Carpark | Botany | [OIA 9(2)(a)] | MOJ | Fines | |
| | Carpark | Botany | [OIA 9(2)(a)] | MOJ | Fines | |
| 1458hrs | Mobile | East Tamaki/Mangere | [OIA 9(2)(a)] | MOJ | Fines | 9 mins |
| | Mobile | East Tamaki/Mangere | [OIA 9(2)(a)] | MOJ | Fines | |
| | Mobile | East Tamaki/Mangere | [OIA 9(2)(a)] | MOJ | Fines | |
| | Mobile | East Tamaki/Mangere | [OIA 9(2)(a)] | MOJ | Fines | |
| | Mobile | East Tamaki/Mangere | [OIA 9(2)(a)] | TRC | Lapsed | |
| | Mobile | East Tamaki/Mangere | [OIA 9(2)(a)] | MOJ | Fines | |
| | Mobile | East Tamaki/Mangere | [OIA 9(2)(a)] | MOJ | Fines | |
| | Mobile | East Tamaki/Mangere | [OIA 9(2)(a)] | MOJ | Fines | |
| 1525hrs | Mobile | East Tamaki/Mangere | [OIA 9(2)(a)] | MOJ | Fines | |
| | Mobile | East Tamaki/Mangere | | TRC | Lapsed | Out 562 vehicle reads 27 mins |

MOJ Count 71

| Totals | |
|-----------------------|------------------|
| Total Deployment time | 2 hrs 45 minutes |
| Total Vehicle reads | 2433 |
| Total vehicle hits | 93 |
| Total VOI's | 97 |
| Police VOI's | 11 |
| TRC | 10 |
| MOJ | 76 |

Actually only 71 and 2 of these weren't in the original dataset. So 69

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Document 9:

Email from Ministry of Justice to Office of the Privacy Commissioner, titled *ANPR post-pilot report to the Office of the Privacy Commissioner*, dated 23 February 2011

Attachments:

- Draft Privacy Impact Assessment (PIA) – ANPR technology (Document 1);
 - Report to the Office of the Privacy Commissioner (Document 2)
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From: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Sent: Wednesday, 23 February 2011 9:16 a.m.

To: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Cc: [Office of the Privacy Commissioner, Ministry of Justice, New Zealand Police - Withheld under section 9(2)(a) of the OIA]

Subject: ANPR post-pilot report to the Office of the Privacy Commissioner

Hi [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Attached is the report prepared regarding the pilot between the Police and the Ministry of Justice using Automatic Number Plate Recognition (ANPR) technology completed in July 2010. This report follows the Privacy Impact Assessment completed on the proposed pilot in May 2010 (also attached).

The report contains the results and findings of the pilot as well as issues identified if future use of the technology is considered.

I am happy to meet and discuss the results or answer any questions.

Regards,

[Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Document 10:

Email from Office of the Privacy Commissioner to Ministry of Justice, dated 4 March 2011

From: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Sent: 4 March 2011

To: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Hi [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Thanks for sending through a very detailed report on the joint pilot using ANPR technology. I really appreciate your specific identification of OPC's previous concerns.

I note that you had an operational issue with the ANPR technology that resulted in non-fine defaulters or those with payment plans being pulled over. It's good that the problem has been identified and you are confident that this will not happen in future operations.

The other main concern we had was the lack of a fines threshold for taking action. This is a question of proportionality - balancing the public interest in collecting fines revenue with the adverse impacts on a person as a result of being pulled over.

I accept that it is important to have an efficient method for collecting fines revenue, and that a high proportion of those with a small amount owing resolved their fines on the spot. Where there is a high level of accuracy in identifying fines defaulters, any harm due to inconvenience and embarrassment is likely to be minimal and acceptable.

However, we have some concerns about cars being seized where the amount in default is relatively small (you noted that 5% of people who had their car seized owed less than \$500).

The public interest in recovering a smaller fine amount does not balance so well against this serious outcome. Section 128 of the Sentencing Act 2002 prescribes which offences can result in a car seizure at sentencing. The offences seem to be relatively serious - reckless driving, aggravated careless use of vehicle causing injury or death, and driving with excess blood alcohol. A fine of less than \$500 does not appear to reach this benchmark.

If you conduct further joint operations, I recommend you seriously consider implementing an appropriate threshold for car seizure. We would like to see some discussion around this point in your PIA, especially if you decide not to implement one. We are happy to meet and discuss this point further if you think it necessary.

Kind regards

[Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

P/0073/A304577

Document 11:

Email from Ministry of Justice to Office of the Privacy Commissioner and NZ Police, titled *RE: ANPR post-pilot report to the Office of the Privacy Commissioner*, with attachments titled *Report to OPC – post pilot.FINAL.doc* and *PIA – ANPR technology version to OPC FINAL.doc*, dated 7 March 2011

From: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Sent: Monday, 7 March 2011 1:33 p.m.

To: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Cc: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Subject: RE: ANPR post-pilot report to the Office of the Privacy Commissioner

Hi [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA],

Thank you for your feedback. I understand your concern regarding the proportionality of punitive action against individuals with seemingly low levels of fines and reparation, however this issue is not directly considered in the Summary Proceedings Act 1957 relating to vehicle seizure.

The power to seize property is contained in section 93 of the Summary Proceedings Act 1957. The seizure provisions do not limit Bailiffs or Registrars actions by way of value or proportionality of offending. I understand that when considering vehicle confiscation under the Sentencing Act, consideration is given to the proportionality of the offence, however, when seizing vehicles in order to recover fines, the original offending (whether it be a Court imposed fine for an reason or traffic infringements) is not considered. The only distinction made is the prioritisation of the collection of reparation, where there is significant public interest and scrutiny.

We currently do not use a threshold for joint operations nor do we see a need to do so during ANPR enabled operations. Given the volumes of people with low fines balances outstanding, it is still considered desirable to include lower value fines. Each decision to seize a vehicle is a one where a bailiff exercises his or her judicial discretion. The well being of and impact on the person and the factors of the each case are considered for each action taken.

A PIA will be prepared and OPC engaged with when future use of ANPR technology is considered. Happy to discuss.

Regards,

[Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Document 12:

Email from Office of the Privacy Commissioner to Ministry of Justice, titled *RE: ANPR post-pilot report to the Office of the Privacy Commissioner*, dated 9 March 2011

From: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Sent: Wednesday, 9 March 2011 11:47 a.m.

To: [Ministry of Justice - Withheld under section 9(2)(a) of the OIA]

Subject: RE: ANPR post-pilot report to the Office of the Privacy Commissioner

Hi [Ministry of Justice - Withheld under section 9(2)(a) of the OIA],

Thanks for your response and for clarifying some issues on the phone yesterday. I better understand the process, particularly that a vehicle seizure is a solution of last resort, and that discretion is exercised both by the Registrar in issuing the warrant, and by the bailiff when actioning it.

We appreciate that proportionality of offending, that is the size of the outstanding fine is not a matter for direct consideration under section 93 of the Summary Proceedings Act 1957. From a natural justice viewpoint, we would still prefer some sort of fines threshold to be employed when the bailiff is making a decision to seize the vehicle or not, but in the alternative you might consider putting some information on your website about what your criteria are for seizing a vehicle, so fine-defaulters are made aware of what risks they run.

Thanks for engaging with us on this issue - we look forward to hearing from you in the future if you decide to take this pilot further.

Kind regards

[Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Document 13:

Email from Office of the Privacy Commissioner to NZ Police, titled *Police use of ANPR*, dated 17 August 2012

From: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]
Sent: Friday, 17 August 2012 16:03
To: [NZ Police - Withheld under section 9(2)(a) of the OIA]
Cc: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]
Subject: Police use of ANPR

Dear [NZ Police - Withheld under section 9(2)(a) of the OIA]

We'd like to come in and have a discussion around Police use of Automatic Number Plate Recognition (ANPR). We've had a little bit of dialogue with [NZ Police - Withheld under section 9(2)(a) of the OIA] around media interest in the use of ANPR, but we'd like to get a better understanding of what is actually going on.

We've been aware of and were consulted on the MoJ/Police trial use of ANPR in order to identify fines defaulters. We do not have any outstanding concerns about that pilot as described in the PIA that we reviewed. However, we've also seen the guidelines for use of ANPR released under the OIA to Alex Harris (http://fyi.org.nz/request/automatic_number_plate_recogniti). We have concerns that some of the scenarios described in these guidelines may not comply with the Privacy Act.

For that reason we'd be keen to sit down with you and relevant colleagues at Police so that we can understand the status of the guidelines, and discuss our concerns with you.

Kind regards,

[Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

P/0073/A304577

Document 14:

Email from Office of the Privacy Commissioner to NZ Police, titled *ANPR: follow-up question about notification*, dated 30 August 2012

From: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]
Sent: Thursday, 30 August 2012 11:47
To: [New Zealand Police - Withheld under section 9(2)(a) of the OIA]
Cc: [New Zealand Police and Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]
Subject: ANPR: follow-up question about notification

Hi [New Zealand Police - Withheld under section 9(2)(a) of the OIA]

I hope I have your email address correct – I thought I had it somewhere but I couldn't find it.

I was talking to our Assistant Commissioner this morning about our discussion yesterday, and she made the point that it was important that any use of ANPR, even as part of a trial, was lawful. If not, the trial should not have been undertaken and certainly should not be continued, and therefore we had a duty to inquire as to whether it was indeed lawful.

We've done a quick scan of our Act on the basis of yesterday's discussion and it would seem the main issues that are not resolved in our minds are compliance with Principle 3, dealing with notification, and Principle 9, dealing with destruction.

What is your legal reasoning for not notifying motorists under Principle 3?

As you know, we are firmly of the view that a number plate is personal information in this context.

Given the way data is being used as part of the trial, it looks like it should be plausible to argue that for vehicles that are not vehicles of interest, that the information will not be used in a form in which the individual concerned is identified (principle 11(4)(f)(i)). This exception deals, I think, with the issue you raised yesterday, that if a number plate is never linked to an individual, it's hard to argue that a person's privacy has been interfered with. I would note that should expectations about the availability of that data for other purposes change, the availability of this exception would also change.

We wonder, however, what grounds under Principle 3 you have used to determine whether collection is lawful for vehicles that are vehicles of interest. We can see that full compliance with all the sub-paras of principle 3(1) would probably not be "reasonable in the circumstances", but it appears there may be some obvious things that should or could have been done. For instance Trevor yesterday noted that in the UK, ANPR vans indicate they are in fact ANPR vans. It would also seem possible to place a sign out indicating that ANPR was being undertaken. But you may not consider these 'reasonable' given the full range of circumstances, and it would be useful to have an explanation of your reasoning.

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I can see that it might be tempting to argue that a police officer could sit in their patrol car and take number plates down and 'call them in' as we discussed yesterday. I think the difference with regard to principle 3 in these circumstances is that a Police officer in that situation could be undertaking many activities, and it would not be 'reasonable' to expect each of those activities to be notified in detail.

It may also be that you are relying on powers that exist in another statute that override the requirements of Principle 3 that we may have overlooked.

Principle 9 creates a positive obligation to destroy information where there is no lawful purpose for its retention

There is also a question in my mind about compliance with Principle 9, requiring that an agency should not keep information for longer than is required for the purposes for which the information may be lawfully used. The current design of the trial does not envisage a purpose for the information retained by the ANPR van. In these circumstances Principle 9 creates a positive obligation to destroy that information. Could you clarify your thinking on the legal basis for its retention?

I look forward to your response to these questions.

Kind regards,

[Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Document 15:

Letter from New Zealand Police to Office of the Privacy Commissioner titled *Police ANPR trial*, dated 21 September 2012 (the response to our email of 30 August 2012).

RELEASED UNDER THE OFFICIAL INFORMATION ACT



21 September 2012

Office of the Privacy Commissioner
P O Box 10094
The Terrace
Wellington 6143

Attn: [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Dear [Office of the Privacy Commissioner - Withheld under section 9(2)(a) of the OIA]

Police ANPR trial

I refer to your email of 30 August 2012 and your queries regarding principles 3 and 9 of the Privacy Act 1993 in respect of Police's use of automatic number plate recognition ("ANPR") technology.

Principle 3

You sought Police's view on which grounds Police rely on to lawfully collect the information in accordance with principle 3 of the Privacy Act 1993. As you will be aware, principle 3 applies where an agency collects personal information directly from the individual concerned. Police does not consider that the licence plate numbers recorded by the ANPR technology are collected directly from individuals, and therefore Police does not consider that principle 3 applies.

It is principle 2 of the Act that creates the requirement for agencies to collect personal information directly from the individual concerned. In the event that number plates are personal information, Police considers there are three listed exceptions that in this instance would permit non-compliance with principle 2.

Firstly, principle 2(2)(a) permits non-compliance if the information is publicly available. Police considers this exception applies as the information collected by the ANPR technology is no more than any individual on a public road could see and record for him or herself. The technology simply records the registration number.

Secondly, principle 2(2)(f) permits non-compliance if the agency believes, on reasonable grounds, that compliance is not reasonably practicable in the circumstances of the particular case. Police considers that it is not practicable to pull over every passing vehicle to ask the driver directly for the vehicle's

New Zealand Police Legal Services

Police National Headquarters, 180 Molesworth St, PO Box 3017, DX SX11149, Wellington 6140, New Zealand
Telephone: 64 4 474 9499 Facsimile: 64 4 498 4447 <http://www.police.govt.nz>

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licence plate number. For the vast majority of drivers, it will be in their interests that Police is using the ANPR technology as it allows Police to focus directly on the vehicles of interest without the need to inconvenience other drivers.

Thirdly, in respect of vehicles that do not have a match with the vehicle of interest register, Police considers that the exception contained in principle 2(2)(g)(i) applies, as the information will not be used in a form in which the individual concerned is identified. (I note your reference to principle 11(4)(f)(i). I suspect you intended to refer to principle 3(4)(f)(i). As noted above, Police does not consider principle 3 applies to the collection of this information.)

However, even though Police does not consider principle 3 applies, I note that Police is certainly not trying to make any secret of its use of ANPR technology. See, for example, Police's media releases dated 30 January 2011, 30 March 2012 and 20 April 2012. I am advised that Police will consider your suggestions about marking the vehicles or placing a sign when making a decision about the ongoing use of ANPR.

Principle 9

You also queried Police's basis for retention of the information. As we discussed, the stand-alone computers used for four of Police's ANPR units do not have capacity to store more than the data collected in one shift. As such, deletion occurs with each shift, and Police considers that this is as soon as is practicable. The ANPR operators are unable to delete the data as it comes through as it is constantly being updated as each vehicle passes.

The unit that has the system known as BOSS (Back Office Software System) has the capability to store information for a longer period as it has a greater storage capacity. As you will recall, at the date of our meeting, that system was holding numbers that did not match the vehicle of interest register for up to two months. I understand that this was the default setting on the system, and Police did not use the data. As new data came in, it took the place of older data. Following our meeting, Police engaged a technician to adjust the software in order to reduce the time for which the data is retained. In an effort to make this ANPR unit consistent with the other four, irrelevant data will now only be stored for a maximum of 48 hours.

I trust the above sufficiently answers your queries. Please contact me if you require further information.

Yours sincerely

[NZ Police - Withheld under section 9(2)(a) of the OIA]