

Exposure draft of a biometrics code

April 2024

Biometrics are a special type of personal information because they're fundamental to who a person is. There are beneficial uses of biometrics, like verifying who someone is, more high-risk uses, like surveillance, and some intrusive uses, like inferring someone's emotion or detecting their health condition. New Zealand doesn't have specific rules for biometrics so we're proposing to create some in a code of practice under the Privacy Act 2020.

Biometric information holds cultural significance to Māori; it is related to whakapapa and carries the mauri of the person it was taken from. For these reasons we're very keen to hear from Māori.

Everyone can have their say on our draft code until 8 May 2024 by emailing biometrics@privacy.org.nz

Fundamentally, we're asking three key questions:

1. Should agencies have to demonstrate that the pros outweigh the cons of biometrics before using them? (proportionality). Should agencies have to adopt reasonable and relevant safeguards, like asking consent where appropriate, testing the system, monitoring flawed results?
2. Should people be told clearly and obviously when their biometrics is being collected? (transparency). Should they have to use plain English signs and notices, and should they have to publicly say how long they'll keep biometric information?
3. What are some things that biometrics should never be used for? (limitations). Do you agree those things might be detecting health information, assuming emotions, predicting gender, age, or ethnicity?

Once your feedback has been considered, should the biometrics code become part of the law, we'll create guidance so that people feel confident about operating within the rules of the code.