



**Fisheries New Zealand**

Tini a Tangaroa

**Prepared for Fisheries New Zealand**

**On-Board Cameras Project  
Privacy Impact Assessment**

19 December 2019



**INFO by Design**

It's about them - putting your customers at the centre  
of how you manage their information

## Approval

The **On-board Cameras Project – Privacy Impact Assessment** was approved by Fisheries New Zealand.

Dan Bolger  
Deputy Director General  
Fisheries New Zealand

Date:

## Version history

Version	Action / updates	Approval date
1.0	PIA completed for Stage 1 implementation	19 December 2019

## Contents

Executive Summary.....	4
Introduction and Purpose .....	6
Project Summary and Objectives.....	6
Scope and methodology .....	6
Legislation and Information Overview.....	7
Legislative authority.....	7
Information flows.....	8
Personal information .....	8
Assessment of Privacy Impacts .....	9
Collection and obtaining information.....	9
Storage, security and retention .....	11
Access and correction .....	12
Accuracy.....	13
Use and disclosure .....	13
Management approach .....	15
Residual privacy risk assessment .....	17
Additional recommendations for on-going management .....	17
Transition to business ownership .....	18
Stakeholder relationships .....	18
Reports and statistical information .....	18
Information sharing – updates to MOUs .....	19
Appendix A: INFO by Design Privacy Impact Assessment approach.....	20
Appendix B: Digital Monitoring Implementation Advisory Group.....	21
Appendix C: Authorising Legislation .....	22
Fisheries Act 1996 .....	22
Fisheries (Electronic Monitoring on Vessels) Regulations 2017 .....	22
Appendix D: Privacy enhancing requirements in the Fisheries (Electronic Monitoring) Circular.....	24
Appendix E: Recommendations for updates to Release of Fisheries Information Guidelines .....	26
Official Information.....	26
Privacy Act.....	26
Recommended updates.....	26
Appendix F: MPI Risk criteria .....	34
Appendix G: Risks, recommendations, and actions.....	36
Appendix H: Template for updating PIA .....	40

## Executive Summary

- i. Fisheries New Zealand, [a business unit](#) of the Ministry for Primary Industries (MPI), is undertaking a project to implement on-board cameras on fishing vessels as part of its electronic monitoring programme. This Privacy Impact Assessment (PIA) examines the privacy impacts of implementing stage one of the project.
- ii. The project is putting in place video monitoring of people's workplaces and is, therefore, an inherent intrusion into privacy. The need to mitigate the negative impacts of video monitoring and actively manage the privacy risks involved are an essential component of successfully delivering on-board cameras.
- iii. The use of on-board cameras is provided for by the Fisheries (Electronic Monitoring on Vessels) Regulations 2017. The primary purpose is to collect reliable and accurate information for fisheries research, management, and enforcement.
- iv. The PIA has been based on the following intended information flows:

<b>Collection</b>	Video footage will be recorded of fishing activities. Cameras will record when triggered by mechanical activity. Data about when sensors are triggered will be collected.
<b>Use (on-board)</b>	Video footage will be viewable in 'real time' to individuals on the vessel via a monitor. The purpose of the monitor is to allow the crew to ensure the camera is working as intended, footage is of acceptable quality, and to let the crew know when the camera is recording.
<b>Transfer</b>	Video footage will be recorded in an encrypted format onto solid state removable drives. These drives are to be couriered to Fisheries NZ.
<b>Storage</b>	Fisheries NZ will hold a secure master copy of the footage. A working copy will be created for the review process. Sections of footage (clips) or images may be copied from the working copy for matters of interest.
<b>Primary use (report validation)</b>	All events (eg hauls) captured on the video footage will be reviewed to identify and validate reporting on the capture of non-fish protected species, including Māui dolphins. This will be cross-checked against the electronic reports submitted by the vessels. A random sample of about 10% of footage will be reviewed to verify catch reports. Annotations made while reviewing the footage will be held in a data store with reporting being generated from this information. The use of this information for validation supports the overall electronic reporting system, which is designed to provide better catch report information for scientific research and to support fisheries management decisions.
<b>Secondary use (compliance)</b>	Annotations will record instances of undesirable operational practices where these are seen in the course of the review activities. This will be used to identify potential maritime and environmental compliance issues for further investigation by MPI compliance and/or other regulators.
<b>Disclosure</b>	Reporting of undesirable operational practices for other government agency investigation and provision of footage or further information if requested by the investigating agency.

	OIA and Privacy Act requests for footage or other information are anticipated.
--	--------------------------------------------------------------------------------

- v. Different treatment of footage (high privacy interest and commercial sensitivity) and data derived from the footage (greater alignment to purpose of collection and public interest, less privacy interest and commercial sensitivity) has been applied to mitigate the privacy impacts of use and sharing of on-board camera information.
- vi. The priority recommendations arising through the conduct of the PIA related to:
  - A. defining purposes, providing stakeholders with clarity on what is being captured, what it is being used for, how long it will be held, and the specific circumstances where it would be shared; and
  - B. establishing clear retention periods and disposal requirements.
- vii. The privacy risk assessment recommended privacy enhancing controls to include in the design of the end-to-end on-board camera solution. Key privacy controls developed for the implementation on 1 November 2019 include:
  - identifying privacy issues throughout the implementation planning phase and fit out;
  - limiting the field of view of cameras, recording timeframes, and identifying the relevant mechanical triggers to start recording, all included in requirements under a Circular issued under the Regulations and the subject of the installation plan agreed with the vessel master;
  - providing signage, monitors, training, and communications materials to ensure people on the vessels are aware of the cameras and what is being recorded;
  - encryption of the device, passwords and logs for users, restrictions on copying footage in the Circular, and a traceable delivery mechanism;
  - updating the *Guidelines for the Release of Fisheries Information* to address how OIAs and Privacy Act requests for information obtained from on-board cameras will be managed;
  - MPI contacts for raising concerns or complaints about the collection and use of on-board camera footage.
- viii. Additionally, the following key controls are included in the operating model and will be embedded into procedures used by Fisheries NZ and associated business within MPI to review and use information collected by on-board cameras, planned for delivery by 15 December 2019:
  - clearly defined rules and steps for annotation and escalation of matters of interest;
  - guidance for authorised disclosure to other government agencies to assist with marine regulatory activities and to investigate offending.
- ix. A table of the privacy risks identified, the recommended controls, and the actions taken is attached as **Appendix G**.
- x. This PIA recommends additional actions for the on-going management of privacy within the on-board camera programme. These relate to: change management programme; incident management planning; considering privacy when evaluating updates to procedures and rules; and areas to address in MOUs for information sharing arrangements with other government agencies.

## Introduction and Purpose

1. Fisheries New Zealand, [a business unit](#) of the Ministry for Primary Industries (MPI), is undertaking a project to implement on-board cameras on fishing vessels as part of its electronic monitoring programme. Fisheries NZ recognises the privacy issues associated with camera monitoring activities and has sought advice on identifying and managing the privacy risks associated with on-board cameras.
2. This Privacy Impact Assessment (PIA) examines the privacy impacts of implementing stage one of the on-board cameras project and assess the impact on privacy from potential future stages, subject to consultation.

## Project Summary and Objectives

3. Fisheries NZ's on-board camera project is a key element in its digital monitoring programme to improve the quality of, and ability to verify, information collected on commercial fishing activity. Collecting and using footage collected from on-board cameras plays a key role in the electronic monitoring of commercial fisheries by enabling Fisheries NZ to validate electronically reported catch information.
4. The initial phase of the project aims to successfully install cameras on up to 28 vessels operating in areas identified as high risk for interaction with Māui dolphins. The target date for introducing operational service is 1 November 2019.
5. The scope of the project is to:
  - Improve the monitoring and verification capabilities, that include the use of cameras to monitor and verify on-board fishing practices and reporting.
  - Design, develop and implement an approved on-board camera monitoring system to support Fisheries regulatory framework, goals and objectives.
  - Deploy to up to 28 vessels operating in areas identified as posing the highest risk of interaction with Māui dolphins.
6. The aim of the project is to develop and deploy robust systems, procedures, rules, and guidance for the collection, use, security, and disclosure of on-board camera footage on a limited number of vessels. The intent would be to apply learnings to any future stages, which are subject to Government approval and public consultation.

## Scope and methodology

7. INFO by Design was engaged to provide privacy advice to the project and conduct the PIA. The scope for the engagement is outlined in the table below:

In Scope	Out of Scope
<ul style="list-style-type: none"> <li>• Review of the current state policies, procedures, requirements, information sharing agreements, and any other relevant documentation.</li> <li>• Interview project members and Fisheries NZ stakeholders.</li> <li>• High-level identification of privacy risks and issues for Fisheries NZ and MPI to consider</li> </ul>	<ul style="list-style-type: none"> <li>• Technical security specifications or requirements for certification and accreditation.</li> <li>• Legal or policy advice on the implementation of on-board cameras.</li> <li>• Negotiating arrangements for information sharing with other government agencies.</li> </ul>

<p>addressing during the design of the end-to-end solution.</p> <ul style="list-style-type: none"> <li>• Recommendations for managing privacy risks.</li> <li>• Input into the development of the Circular, <i>Guidelines for Release of Fisheries Information</i>, and the procedures and guidance to respond to OIA and Privacy Act requests.</li> <li>• Engagement with the Office of the Privacy Commissioner.</li> </ul>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

8. An overview of INFO by Design's PIA process is included as **Appendix A**.
9. An initial risk assessment was undertaken in July 2019. Interviews were conducted with project participants. Project and other relevant documentation were reviewed. The initial risk assessment provided the project with key privacy risks and recommendations for their management. It also provided the project with a set of design principles for integrating good privacy practice into the development of the supporting policies, procedures, and systems.
10. Findings from the risk assessment were presented to the Fisheries Change Programme Board and the Digital Monitoring Implementation Advisory Group (IAG). The IAG comprises representatives from stakeholders with an interest in Fisheries NZ's digital monitoring programme. A table with the IAG membership is included as **Appendix B**.
11. The project adopted the privacy risks identified and developed responses to the recommendations. The project worked collaboratively with INFO by Design on the development of the operating model, policies, supporting procedures, guidelines, training, and communications collateral between July and October.
12. This report was prepared in October 2019 prior to the deployment of the on-board cameras for stage one on 1 November 2019.

## Legislation and Information Overview

### Legislative authority

13. The collection of information from on-board cameras is mandated under the Fisheries (Electronic Monitoring on Vessels) Regulations 2017 (the Regulations) made under sections 297 and 304 of the Fisheries Act 1996 (the Act). The power to require a vessel to install and maintain equipment to observe fishing operates in conjunction with the existing Observer Programme established under Part 12 of the Act primarily to collect reliable and accurate information for fisheries research, fisheries management, and fisheries enforcement.
14. The Regulations give MPI the power to issue a Circular specifying the technical requirements for on-board cameras. Relevant extracts from the Act and Regulations are attached as **Appendix C**. The Circular can be found [here](#).

## Information flows

15. The assessment has been based on the following intended information flows:

<b>Collection</b>	Video footage will be recorded of fishing activities. Cameras will record when triggered by mechanical activity. Data about when sensors are triggered will be collected.
<b>Use (on-board)</b>	Video footage will be viewable in 'real time' to individuals on the vessel via a monitor. The purpose of the monitor is to allow the crew to ensure the camera is working as intended, footage is of acceptable quality, and to let the crew know when the camera is recording.
<b>Transfer</b>	Video footage will be recorded in an encrypted format onto solid state removable drives hard drives. These drives are to be couriered to Fisheries NZ.
<b>Storage</b>	Fisheries NZ will hold a secure master copy of the footage. A working copy will be created for the review process. Sections of footage (clips) or images may be copied from the working copy for matters of interest.
<b>Primary use (report validation)</b>	All events (eg hauls) captured on the video footage will be reviewed to identify and validate reporting on the capture of non-fish protected species, including Māui dolphins. This will be cross-checked against the electronic reports submitted by the vessels. A random sample of about 10% of footage will be reviewed to verify catch reports. Annotations made while reviewing the footage will be held in a data store with reporting being generated from this information. The use of this information for validation supports the overall electronic reporting system, which is designed to provide better catch report information for scientific research and to support fisheries management decisions.
<b>Secondary use (compliance)</b>	Annotations will record instances of undesirable operational practices where these are seen in the course of the review activities. This will be used to identify potential maritime and environmental compliance issues for further investigation by MPI compliance and/or other regulators.
<b>Disclosure</b>	Reporting of undesirable operational practices for other government agency investigation and provision of footage or further information if requested by the investigating agency.  OIA and Privacy Act requests for footage or other information are anticipated.

16. The terms "footage" and "data" will be used throughout this document to differentiate between the record of fishing captured by the on-board cameras (the footage) and information obtained from sensors and annotations from reviewing footage (the data).

## Personal information

17. Personal information is any information about an identifiable, natural person. Information about companies is not personal information but may be confidential information as a result of its commercial sensitivity.

18. The on-board camera system will collect or create personal information about individuals on the boat, and permit holders and vessel operators where these are operated as sole traders. The approach being taken to privacy applies to information that could affect the rights or liabilities of individuals. The recommendation is to apply the controls identified for maintaining privacy to information about companies where this is likely to be commercially sensitive.

## Assessment of Privacy Impacts

19. The project is putting in place video monitoring of people's workplaces and is, therefore, an inherent intrusion into privacy. The need to mitigate the negative impacts of video monitoring and actively manage the privacy risks involved in the collection, use, storage, and disclosure of the information has been recognised as an essential component of successfully delivering the on-board camera component of the electronic monitoring system.
20. The project has designed systems and processes to mitigate the privacy impacts and put in place controls for the on-going management of identified privacy risks. The implementation of stage 1 will provide the opportunity to test the effectiveness of the controls, in order to provide assurance for any broader implementation, which is subject to public consultation and Government approval.
21. The analysis below identifies the impacts on individual privacy arising from the implementation of stage 1 of the on-board cameras project.

### Collection and obtaining information

22. Collection of personal information must be necessary for the purpose it is collected for, collected directly from the individuals concerned, and must be collected by means that are lawful, fair, and not unreasonably intrusive. An agency must also take reasonable steps to ensure individuals are aware of the fact information is being collected, what it will be used for, and who the information will be used by.
23. The on-board cameras are authorised and the uses for the footage are set out in regulations (refer to **Appendix C**). The project's key decisions were in relation to the information that will be captured (both footage and data) and how the information is to be used. These decisions were influenced by the technological design of the solution selected.
24. Obtaining footage has a negative impact on individual privacy, which will only be magnified by any broader implementation of on-board cameras. Legitimate crew concerns around privacy have been reflected in the solutions implemented, in order to limit the extent of the impact. While it is reasonable to intrude into fishers' privacy rights to the extent necessary to carry out the statutory purposes, it does not extrapolate to a right to observe everything, nor to rely solely on the legislative authority as an explanation to participants of how information about them will be managed.
25. The purposes for use have been set out and published in communications material for fishers and is available to the public. This makes it clear the primary purpose is to help verify reports from commercial fishers about what they catch, including any interactions with protected species. The purposes for collecting on-board camera information are to:
- A. gather accurate information about any interactions with protected species, including Māui dolphins, to contribute to the management of protected species and the marine environment by Fisheries NZ and the Department of Conservation;
  - B. verify catch reports by comparing the data recorded from footage with catch reports and other information;

- C. ensure fishing is sustainable by using the information for scientific research, decision-making, and encouraging compliance;
  - D. investigate and take regulatory action in relation to fisheries non-compliance, and support such activities related to maritime, employment and safety rules and suspected criminal or other unlawful activities.
26. These purposes have informed the design of the on-board cameras operating model. Detailed definitions and rules to provide additional instructions to support these purposes are being developed and are discussed below in relation to use and disclosure.
27. Minimising the amount of footage captured mitigates the privacy impact. Footage captured will be dependent on when sensors trigger the cameras to record. The triggers and recording timeframes are set out in Schedule 1 of the Circular. Cameras on trawling vessels will be configured to start recording when the sensors indicate the use of warp winches or net roller and will continue recording for 30 minutes after the sensors stop detecting use. Cameras on set net vessels will be configured to start recording when the sensors indicate the use of the haul gear (e.g. net pullers) and will continue recording for 30 minutes after the sensors stop detecting use. Shorter recording periods were considered, however, the technology in use can only record in half hour increments. A period of 60 minutes for trawling was initially proposed but this was reduced following feedback received from consultation on the draft Circular. Footage will not include sound.
28. Footage of fishing activity taking place outside of the designated area may be collected, as the camera will be triggered by the sensors. This footage is inadvertently collected and not required for the purposes on-board camera footage is collected. Rules in place for reviewing footage will exclude this footage from review. Fishers operating outside of the designated area can manually turn the camera system off to limit the capture of footage not required.
29. It was a recommendation from the privacy risk assessment for additional information to be included in the Circular to set out the parameters of collection and use of on-board camera footage. Ensuring obligations for MPI are articulated in a public document provides a level of certainty for stakeholders and transparency to all parties about how Fisheries NZ and associated business units in MPI will manage and protect the information collected. This has been included in an introduction to the Circular. While it does not have legal standing as part of the Circular, it is a clear statement to the sector about the collection and use of information obtained by on-board cameras. Additional privacy enhancing requirements in the Circular are identified in **Appendix D**.
30. Concerns have been raised about providing privacy for crew on smaller ships and the potential for footage to capture private activities during the recording of fishing activity. This risk is being managed through:
- engaging with vessel masters to understand specific privacy accommodations that may be appropriate to adopt to support the effective use of on-board cameras;
  - consideration of the vessel layout, camera placement and field of view, and providing for areas on the vessel where recording does not occur and including these in the agreed installation plan;
  - limiting the capture of video footage to certain periods relating to fishing activity, not capturing sound, and preventing the cameras from being tilted, panned or zoomed.
31. Individuals filmed can modify their behaviour by having a clear understanding of where the cameras are, the area they capture footage from, and when the cameras will be capturing

footage. This is being supported using signage, training and communication materials, and on-board monitors that show the camera views.

32. The project has recognised the importance of providing certainty to affected people (permit holders, masters, and crew) about how Fisheries NZ and associated business units in MPI will use the information and how the solution will work. A brochure and audio-visual resource on privacy and information security are being produced to support implementation. Fisheries NZ has considered translating these into other languages to provide the information to crew members in their preferred language.

**Risk 1.** If expectations of crew privacy and the use of video footage are not met, then this may result in complaints to the Privacy Commissioner about MPI, legal challenges to the implementation of cameras, erosion of stakeholder goodwill, and create additional barriers to future roll-out.

**Risk 2.** If private activities are inadvertently captured in recorded video footage, this may result in an interference with an individual's privacy, leading to complaints about MPI to the Privacy Commissioner or Human Rights Review Proceedings, which could require MPI to provide financial compensation. It will also create additional sensitive information that, if mismanaged could lead to an erosion of stakeholder goodwill and create additional barriers to future roll-out.

#### **Storage, security and retention**

33. Principle 5 of the Privacy Act requires that an agency that holds personal information shall ensure that the information is protected by security safeguards as are reasonable to protect against loss or unauthorised access, use, modification or disclosure. These security safeguards are required when in transit as well as in storage.

34. Fisheries NZ has selected a solution using strong encryption mechanisms to maintain the integrity of the footage captured by the on-board cameras. Transfer from the vessels to MPI will be tracked using courier services. These are the primary security controls used to protect on-board camera information prior to it arriving at MPI.

35. MPI's standard processes, compliance with the New Zealand Information Security Manual, are being followed in the design implementation, and management of the systems used to store and manage information captured by on-board cameras. These systems are subject to a Certification and Accreditation process overseen by MPI's Chief Information Security Officer. This process confirms MPI has appropriate password and system permissions to restrict access to authorised personnel. Similarly, records of access are created and available for monitoring purposes.

36. Access to footage is largely restricted to select Fisheries New Zealand staff members in the review team. Data derived from footage will be available within MPI's data warehouse, in the same way as catch report data is. Access to data is broader than access to footage. Clips will be stored in restricted folders in Piritahi (MPI's document management system) and these will be available to reviewers and others on a case by case basis in response to a legitimate business need. Access to these clips is limited to staff members with a legitimate business interest in accessing the matters of interest. Access is logged and auditable.

37. Concerns have been raised about the ability of vessel masters and crew to obtain a copy of on-board camera footage. System encryption is used to prevent unauthorised copying from the system – decryption can only be achieved by MPI using decryption keys, which are not present on the on-board devices. Access to footage and location information by permit holders and operators has been considered within the response to OIA requests procedure. Location

- information will likely be withheld to protect trade secrets, unless there is an agreement with the vessel master.
38. The period of up to six weeks for submitting footage to MPI could result in a significant delay between a hard drive being lost in transit to MPI and either MPI or the permit holder and master identifying the loss. This delay could prevent steps being taken to contain the breach (by recovering the lost information) or negatively impact on any investigation into the loss. This increases the exposure for this risk.
39. It should be noted that the risks associated with the loss of footage are amplified by the requirement for each frame of the camera footage to capture the vessel's registration number and the geolocation details. This means the footage itself contains information making it identifiable and containing commercially sensitive information.
- Risk 3.** If the footage is stolen, lost, copied or unauthorised disclosure occurs, then this may lead to harm to an individual, prejudice to fishers' commercial position, would undermine confidence in on-board camera monitoring, and divert MPI management effort into responding to the breach event.
- Risk 4.** If there are delays identifying the loss or theft of hard drive footage in transit to MPI, then this may prevent early action being taken by MPI to investigate and prevent harm arising from the loss, and may undermine confidence in on-board camera monitoring.
40. Principle 9 of the Privacy Act states that an agency that holds personal information shall not keep that information for longer than is required for the purposes for which it may lawfully be used.
41. Privacy risks are exacerbated by longer retention periods and these have a greater privacy impact. Decisions on the retention period needed to consider Public Records Act requirements and lawful use. A longer retention period increases the amount of footage stored, which may contain footage of private activities, increasing the potential consequences of loss, misuse, or unauthorised use or disclosure. It also presents additional storage costs. Reducing how long footage is kept is privacy enhancing. It assists managing risks by reducing the amount of information required for storage and maintenance, which is potentially available for loss, theft, or unauthorised disclosure.
42. The project anticipated a period between three months and two years for the retention period for master copies of footage. Three months was initially considered an appropriate period to allow MPI to review the footage and two years aligns with the limitation period for taking compliance action. A decision has been made to retain footage for up to two years prior to deletion. It is recommended this period be reviewed within six months of operation and based on footage captured, initial experience of storage requirements, and value for compliance purposes.
43. Clips or images containing a "matter of interest" (eg interaction with a protected species) will be kept for seven years in accordance with MPI's Public Records Act obligations. This is a smaller subset of master copy footage.
- Risk 5.** If footage is retained for longer than necessary for its use, then MPI may incur unnecessary storage and management costs, increases the volume of footage available for request under the OIA, and increases the amount of footage that could possibly be lost, misused, or disclosed or re-used without authority.

#### **Access and correction**

44. People have a right, under Principle 6 of the Privacy Act, to ask if an agency holds their personal information and to have access to that information. Principle 7 gives people the right to request correction of that information.

45. Requests for copies of footage by individuals in the footage are anticipated. A procedure to support the existing MPI access and correction request process has been developed. The amount of footage held and the challenges of identifying relevant footage and releasing it was identified as having a potentially significant resourcing impact. The procedure provides the following:

- Providing for when photo identification is required, in order to identify requestors within footage to consider the request under the Privacy Act;
- How to consider urgency and purpose within the context of the request;
- Providing written or oral summaries, or providing an opportunity to view footage;
- Methods to pixelate identifying features and remove information from footage to protect privacy and commercially sensitive information.

46. Access may also be requested by members of the public, including the media, under the Official Information Act 1982 (OIA). The *Guidelines for the Release of Fisheries Information* have been updated to outline MPI's approach to access and OIA requests. The recommended updates to the *Guidelines* are attached as **Appendix E**.

**Risk 6.** If MPI is unable to provide timely access to footage upon request by individuals in the footage, then this will result in complaints about MPI to the Privacy Commissioner or Human Rights Review Proceedings, which could result in MPI having to pay compensation costs, additional administrative and management effort, and erosion of stakeholder goodwill.

### Accuracy

47. Principle 8 of the Privacy Act states that agencies should ensure that personal information is accurate, up to date and relevant before it is used.

48. The project has identified footage quality as an area to actively address. The installation plan will identify fields of view and ensure this is not impeded at the point the cameras are set up. The Regulations and Circular require vessel masters to ensure camera views are not impeded by water, light, dirt, or any temporary structure. The encryption process at the point of collection maintains the integrity of the footage.

49. MPI has not yet formally commenced design of quality assurance processes for data collection obtained from reviewing footage. An escalation procedure for receiving advice or review of incidents to determine appropriate notation is being developed, however, this leaves responsibility for ensuring reviews are done to an effective quality standard to team management. This should be explicitly addressed in existing management activities, like performance agreements and reviews, team meetings, etc.

50. Any later audit reviewing the on-board cameras processes should assess the effectiveness of the input and review controls. The quality assurance processes should be regularly assessed, and improvements made where needed.

**Risk 7.** If Fisheries NZ is unable to be confident in the accuracy of the data, then this will lead to uncertainty in the validation of catch report data, incorrect or ineffective decision-making, and a failure to achieve Fisheries NZ objectives.

### Use and disclosure

51. Principle 10 of the Privacy Act requires that information be used for the same purpose for which it was collected unless an exception applies. Principle 11 of the Privacy Act states that an agency

shall not disclose personal information unless it is believed on reasonable grounds that the disclosure is for one of the purposes connected with the purpose the information was obtained.

52. Clear statements about use and disclosure assist in setting the expectations of individuals recorded by on-board cameras and can mitigate privacy impacts. Permitting secondary or additional uses has a negative impact on individual privacy. The risk of misuse, complaint, or legal challenge increases where the purposes for use are unclear or uncertain. This can include certainty around when information will be shared with other agencies.

53. MPI are developing detailed definitions and rules to incorporate into operational processes. These will cover:

- what footage will be reviewed and at what speed, including at high speed for event reviews, and at live or slow speed, or paused, for verifying catch reports;
- what events will be annotated from the review of footage and rules for any action required, including when clips are required;
- rules for when footage will be accessed and used for fisheries management and compliance, as well as rules for disclosing to other agencies for purposes related to the purpose for collection (eg species verification) and for investigation by other agencies.

54. Annotations will be used to support the data model developed to ensure information collected from on-board cameras supports the use for verifying electronic reporting, recording interactions with protected species, and contributing to fisheries and species management.

55. The detailed definitions and rules are planned for completion in advance of 15 December 2019 (when the initial batches of footage are required to be delivered to MPI). From a privacy perspective, definitions and rules that limit the amount of data collected about individuals and additional use reduces the privacy impact. Controls for preventing unauthorised use must be effective and good practice recommends independent oversight mechanisms be applied where additional uses could lead to regulatory interventions.

56. Use of information collected by on-board cameras for compliance purposes has the greatest likelihood of negative impacts for individuals. This includes fisheries compliance, but also compliance for other regulatory regimes. The operating model developed includes measures to decrease the likelihood of, or challenges based on, misuse or unlawful sharing of on-board camera footage and data.

57. Reviewers will identify undesirable operational practices and will create annotations in the system. Some practices identified will require escalation to Compliance where these identify clear non-compliance. Most matters of interest will be available to Compliance via reports generated from the Data Warehouse and Compliance staff will be able to access clips taken of footage. Access to master copies will be available for some Compliance staff to view where it is not practical to take clips, where additional context is required for Compliance investigations, and to produce evidential copies for use in prosecutions. Compliance can confirm allegations received by requesting targeted footage reviews be undertaken by reviewers.

58. Additional disclosure to other government agencies for the purpose of regulatory compliance has a negative impact on privacy but may be justified to assist with upholding the law. Sharing information with other agencies for regulatory purposes is anticipated, in line with the purpose of the Observer Programme prescribed under Part 12 of the Fisheries Act. Such disclosures could be appropriate where MPI considers they are necessary to support such agencies investigate and take regulatory action in relation to maritime, employment, or health and safety rules, or suspected criminal or other unlawful activities.

59. There are existing MOUs that govern information sharing arrangements with relevant government agencies, like the Department of Conservation and Maritime New Zealand. These set out the type of information held by each agency that would be of interest to the activities of the other. The MOUs do not compel MPI to disclose information, but rather set out the framework to support agency decisions to disclose information on maintenance of the law grounds.

60. The MOUs provide safeguards for providing information to other agencies that operate in conjunction with the Ministry's procedures for responding to requests for information made by other government agencies. Criteria for assisting employees to assess and determine whether it is appropriate and authorised to proactively disclose information collected by on-board cameras to other agencies are being incorporated into the operating model. The recommendation is that initial disclosure, where authorised, be in the form of a written report or notification to the agency, with additional detail (including footage) to be provided where the agency requested and confirmed it is required to further its investigation.

**Risk 8.** If relevant information is not disclosed, or irrelevant information is disclosed to other government agencies, then this may result in complaints about MPI to the Privacy Commissioner or Human Rights Review Proceedings, which could result in MPI having to pay compensation costs, additional administrative and management effort, and erosion of stakeholder goodwill.

61. Another aspect of disclosure to recognise is the public interest in fishing practices, protection of protected species, and the need for transparency and public accountability. MPI is expecting requests for information to be made under the OIA for footage and data. Decisions to release and decisions to withhold create a potential failure to meet stakeholder expectations. Assessing the public interest will always need to be undertaken on a case-by-case basis considering the context of the request. Guidance on factors to consider, aligned with the Ombudsman's guidance, and indications on relative weighting have been developed to assist staff with this assessment. The IAG have been consulted during the development of the guidance.

**Risk 9.** If stakeholder expectations in relation to the public availability of on-board camera information are not met, then MPI may experience additional requests, Ombudsman investigations or other legal challenges, increased resources to manage responses, diverted management effort, and undermining of stakeholder goodwill.

## Management approach

62. The overall approach for managing privacy risks aims to give effect to the High Court judgement<sup>1</sup> recognising "the reasonableness of intrusion into their privacy rights to the extent necessary to carry out the statutory purposes" but noting it "does not require a concession that MPI has carte blanche to observe everything".

63. The project responded to the initial risk assessment findings by adopting the recommended design principles to ensure the intrusion into fishers' privacy is proportional, clear, consistent, and used only in accordance with the social licence afforded to MPI through the legislative mandate. The privacy risks were rated, prioritised, and responses developed by the project.

---

<sup>1</sup> Refer to the RESERVED JUDGMENT OF DOBSON J in the matter of *Commercial Fishers Whanau Inc v Attorney-General* pdf

64. The following table shows the initial level of privacy risk associated with the on-board camera's stage 1 project. See **Appendix F** for the risk criteria descriptions.

<b>Likelihood</b>	Almost Certain		<b>2</b>	<b>1</b>	
	Likely		<b>9</b>	<b>7, 8</b>	
	Possible	<b>6</b>	<b>4</b>	<b>3</b>	<b>5</b>
	Unlikely				
		Minor	Moderate	Major	Severe
<b>Consequence</b>					

<b>1</b>	If expectations of crew privacy and the use of video footage are not met, then this may result in complaints to the Privacy Commissioner about MPI, legal challenges to the implementation of cameras, erosion of stakeholder goodwill, and create additional barriers to future roll-out.
<b>2</b>	If private activities are inadvertently captured in recorded video footage, this may result in an interference with an individual's privacy, leading to complaints about MPI to the Privacy Commissioner or Human Rights Review Proceedings, which could require MPI to provide financial compensation. It will also create additional sensitive information that, if mismanaged could lead to an erosion of stakeholder goodwill and create additional barriers to future roll-out.
<b>3</b>	If the footage is stolen, lost, copied or unauthorised disclosure occurs, then this may lead to harm to an individual, prejudice to fishers' commercial position, would undermine confidence in on-board camera monitoring, and divert MPI management effort into responding to the breach event.
<b>4</b>	If there are delays identifying the loss or theft of hard drive footage in transit to MPI, then this may prevent early action being taken by MPI to investigate and prevent harm arising from the loss, and may undermine confidence in on-board camera monitoring.
<b>5</b>	If footage is retained for longer than necessary for its use, then MPI may incur unnecessary storage and management costs, increases the volume of footage available for request under the OIA, and increases the amount of footage that could possibly be lost, misused, or disclosed or re-used without authority.
<b>6</b>	If MPI is unable to provide timely access to footage upon request by individuals in the footage, then this will result in complaints about MPI to the Privacy Commissioner or Human Rights Review Proceedings, which could result in MPI having to pay compensation costs, additional administrative and management effort, and erosion of stakeholder goodwill.
<b>7</b>	If Fisheries NZ is unable to be confident in the accuracy of the data, then this will lead to uncertainty in the validation of catch report data, incorrect or ineffective decision-making, and a failure to achieve Fisheries NZ objectives.
<b>8</b>	If relevant information is not disclosed, or irrelevant information is disclosed to other government agencies, then this may result in complaints about MPI to the Privacy Commissioner or Human Rights Review Proceedings, which could result in MPI having to pay compensation costs, additional administrative and management effort, and erosion of stakeholder goodwill.
<b>9</b>	If stakeholder expectations in relation to the public availability of on-board camera information are not met, then MPI may experience additional requests, Ombudsman investigations or other legal challenges, increased resources to manage responses, diverted management effort, and undermining of stakeholder goodwill.

65. The privacy risk assessment recommended privacy enhancing controls to include in the design of the end-to-end on-board camera solution. Key privacy controls implemented for the 1 November start include:

- identifying privacy issues throughout the implementation planning phase and fit out;
- limiting the field of view of cameras, recording timeframes, and identifying the relevant mechanical triggers to start recording, all included in the Circular and agreed in the installation plan;
- providing signage, monitors, training, and communications materials to ensure people on the vessels are aware of the cameras and what is being recorded;
- encryption of the device, passwords and logs for users, restrictions on copying footage in the Circular, and a traceable delivery mechanism;
- updating the *Guidelines for the Release of Fisheries Information* to address how OIAs and Privacy Act requests for information obtained from on-board cameras will be managed;
- MPI contacts for raising concerns or complaints about the collection and use of on-board camera footage.

66. Additionally, the following key controls are included in the operating model and will be embedded into procedures used by Fisheries NZ and associated business units in MPI to review and use information collected by on-board cameras, planned for delivery by 15 December 2019:

- clearly defined rules and steps for annotation and escalation of matters of interest;
- guidance for authorised disclosure to other government agencies under MOUs to assist with regulatory compliance action.

67. A table setting out the risks, recommendations for privacy controls, the action taken in response to the recommendations, including where controls have been implemented for stage 1, and additional treatments planned following implementation on 1 November 2019 is attached as **Appendix G**.

### Residual privacy risk assessment

68. The following table shows the expected level of residual privacy risk after the recommended controls are implemented. See paragraph 64 above for the initial ratings and risk descriptions. Refer to **Appendix F** for the risk criteria descriptions.

<b>Likelihood</b>	Almost Certain				
	Likely				
	Possible		<b>1, 4, 8, 9</b>	<b>5, 7</b>	
	Unlikely	<b>6</b>	<b>2</b>	<b>3</b>	
		Minor	Moderate	Major	Severe
<b>Consequence</b>					

### Additional recommendations for on-going management

69. In addition to the controls recorded above, the PIA has identified the following as recommendations for Fisheries NZ and associated business units in MPI to reinforce and continually improve its practices in order to manage its privacy risks in relation to on-board camera footage and data.

### Transition to business ownership

70. The project must ensure responsibility for managing the privacy risks associated with on-board cameras are explicitly transferred into business ownership. Responsibility for the privacy risks will sit with the appropriate Directorate as it is transitioned into the business and ensuring these are actively managed will be a vital component for maintaining the social licence for on-board cameras. This will be an important consideration for any future stages of the on-board camera programme.
71. The change management programme should ensure the privacy communications materials are available and understood by vessel masters and crew as a key part of ensuring individuals understand what information will be collected and how it will be used. The programme should look to gauge the level of privacy concerns (questions, complaints, etc) in order to determine whether this is changing over time. The programme should aim to support a staff member culture that supports desired behaviours in relation to reviewing, accessing and using footage. It is recommended the Fisheries Change Board be responsible for ensuring the privacy impacts are considered as part of the Group's considerations.
72. The project has planned for the continuous improvement of business processes, training, guidance, and communications throughout the initial phases of delivery. This will allow Fisheries NZ to respond to unanticipated issues and to test its assumptions of how the end-to-end on-board camera solution will work. It is important for Fisheries NZ and associated business units in MPI to continue to apply the privacy design principles to any future updates to practice. This PIA report should be maintained to reflect any changes impacting on the management of personal information. A possible template for assessing changes is attached as **Appendix H**.
73. In order to anticipate the upcoming changes to privacy laws, the business owners should develop incident management plans for responding to any privacy breaches. These plans should provide guidance for assessing the potential for a breach to cause significant harm to an individual and thresholds for notifying individuals and the Privacy Commissioner. These plans should incorporate existing MPI procedures for responding to privacy breaches but should consider stakeholders to be involved and methods for notifying individuals.

### Stakeholder relationships

74. The on-board cameras project has benefited from input from the IAG. The IAG should continue to be utilised to obtain stakeholder feedback on the performance of the end-to-end on-board camera solution. This can include as a forum for raising and addressing concerns in relation to privacy as issues arise from the operation of the cameras.

### Reports and statistical information

75. Consideration was given to providing permit holders and vessel masters with a trip summary report containing the information recorded by the review and comments on issues identified, eg footage quality, visibility, etc. This was not progressed for implementation on 1 November but should continue to be developed.
76. Fisheries NZ has identified a need to develop publicly available statistical information from electronic monitoring. The statistical data should provide information on fishing operations and the performance of the electronic monitoring system. An early priority for Fisheries NZ should be to develop a 'report card' for on-board camera footage that is released to promote transparency. Proactive release of statistical information promotes transparency and will assist managing and minimising information requests.

77. Stakeholders should be engaged to assist with defining useful statistical information and reporting to make available.

#### **Information sharing – updates to MOUs**

78. The existing MOUs with other agencies are planned for review and updating. The following are recommended matters to address within all MOUs to best support the responsible sharing of information between agencies:

- Criteria and/or examples of scenarios where sharing information is anticipated under the MOU;
- Procedures for the secure transfer of information, which meet the requirement to ensure all reasonable steps are taken to protect the information according to its sensitivity;
- Assurance to be provided of the safe storage and authorised use of information shared between agencies;
- Procedures for responding to information requests where another agency's information must be considered. This may address transfers or consultation requirements, or establish agency positions in relation to certain information;
- Steps to ensure the accuracy of information shared, including to update copies held by other agencies where it is known to be incorrect, out-of-date, or misleading;
- Agreed procedures for responding to any privacy breaches or complaints related to information shared between agencies.

## Appendix A: INFO by Design Privacy Impact Assessment approach

### Approach - when should a PIA be done?



#### Start

At the project initiation phase. An initial assessment should be completed to identify any obvious privacy risks that will need to be managed through design and development



#### Assess and Manage

During the design and development phases risks should be identified, assessed and managed iteratively. Keep a register of risks, recommendations and decisions throughout the life of the change.



#### Validate

Prior to go live, validate that all key risks identified have been managed appropriately.



#### Monitor

After go live, there should be processes in place to validate that the solution and controls are operating as intended. Ensure there are processes in place to verify that any residual recommendations are addressed.

**An effective PIA is an iterative process that occurs across the life of a project / change.**

## Appendix B: Digital Monitoring Implementation Advisory Group

Terms of Reference for the Digital Monitoring Implementation Advisory Group (November 2018).

### Purpose of the group

- a. To discuss and advise on timely implementation of Digital Monitoring technology by fostering the support of stakeholders.
- b. To advise and support MPI, providing perspectives and insights during the design, development and implementation of Digital Monitoring technology. This group will also serve as a forum for MPI to engage key stakeholders, sharing information, plans and progress on the Digital Monitoring programme.
- c. To utilise the expertise and perspectives of stakeholder figureheads from across a range of key fisheries stakeholders, with a key focus on successful implementation of Digital Monitoring technology.

### Composition of the group

- a. The membership will consist of leaders from the fisheries stakeholders (one person for each organisation represented on the group) and MPI, with an independent chair.
- b. Members may represent industry organisations.
- c. Membership, including the Chair will be appointed by the Deputy Director General, Fisheries New Zealand.

MEMBERSHIP	
Position	Organisation
Independent Chair	Bell Gully
Deputy Director General, Fisheries New Zealand	Ministry of Primary Industries
Director Digital Monitoring, Fisheries New Zealand	Ministry of Primary Industries
Tai Pari/Policy Analyst	Te Ohu Kai Moana
Chief Executive Officer	Deepwater Group Ltd
Chief Executive Officer	Fisheries Inshore New Zealand Ltd
Chief Executive Officer	Paua Industry Council
Chief Executive Officer	Rock Lobster Industry Council
Manager/Coordinator	Speciality and Emerging Fisheries Group
Chief Executive Officer	FishServe
New Zealand Country Director	The Nature Conservancy
Research and Policy Manager	World Wildlife Fund
Strategic Advisor	Forest and Bird
Chief Scientist – Fisheries	NIWA
Manager of Marine Species and Threats	Department of Conservation

## Appendix C: Authorising Legislation

### Fisheries Act 1996

#### Section 297 General regulations

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
  - ...
  - (ca) prescribing requirements or matters relating to the installation and maintenance of equipment (including electronic equipment) to observe fishing or transportation, and to the payment of any associated prescribed fees and charges:

### Fisheries (Electronic Monitoring on Vessels) Regulations 2017

#### Regulation 8 Regulations 9 to 11 apply to permit holders and masters of vessels

The following persons must ensure that the obligations set out in regulations 9 to 11 are complied with:

- (a) the permit holder who holds the permit under which the vessel is fishing; and
- (b) the master of the vessel.

#### Regulation 9 Fishing, transportation, and associated information must be recorded

- (1) The electronic monitoring equipment on a vessel must be used to—
  - (a) record the fishing done from the vessel; and
  - (b) record any fish, aquatic life, or seaweed taken; and
  - (c) record any transportation of fish, aquatic life, or seaweed on the vessel (whether or not it was taken under the permit holder's permit); and
  - (d) detect and record associated information in accordance with any requirements specified in a circular.
- (2) The video recording must enable the chief executive to, with reasonable accuracy and to the extent specified in a circular,—
  - (a) identify—
    - (i) the type of fish, aquatic life, or seaweed taken or transported; and
    - (ii) the types and features of fishing gear used; and
    - (iii) any bycatch mitigation measures adopted or used; and
  - (b) estimate the size and quantity of the fish, aquatic life, or seaweed taken or transported.

#### Regulation 13 Circulars specifying requirements relating to electronic monitoring

- (1) The chief executive may issue, amend, or revoke circulars for 1 or more of the following purposes:
  - (a) specifying, for the purpose of regulation 6(2)(a), technical requirements for electronic monitoring equipment, including requirements for how video recordings and associated information must be stored (for example, on a hard drive or by transmission to a remote data storage facility):
  - (b) specifying, for the purpose of regulation 6(2)(b), requirements for the installation of electronic monitoring equipment, for example, requirements relating to—
    - (i) the location and number of video cameras:

- (ii) the location and number of sensors or other devices:
  - (iii) a video camera's required field of view:
  - (iv) the location and capacity of lights to illuminate the activities being recorded:
  - (c) specifying, for the purpose of regulation 7(b), requirements for providing video recordings and associated information to the chief executive, for example, requirements relating to—
    - (i) the kind of device or computer operating system that must be used:
    - (ii) the computer file format of video recordings or associated information:
    - (iii) specifications for the encryption and security of those computer files:
  - (d) specifying, for the purpose of regulation 9(1)(d),—
    - (i) the associated information that must be recorded (for example, the date, time, and location of fishing or readings from sensors that monitor the fishing gear used):
    - (ii) how and when the associated information must be recorded:
  - (e) specifying, for the purpose of regulation 9(2), the extent to which the matters described in that regulation must be capable of being identified or estimated, for example,—
    - (i) the level of taxonomic or other classification at which fish, aquatic life, or seaweed must be capable of being identified:
    - (ii) the types and features of fishing gear that must be capable of being identified:
    - (iii) the bycatch mitigation measures, including a type or feature of a measure, that must be capable of being identified:
    - (iv) whether the quantity of fish, aquatic life, or seaweed must be capable of being estimated in terms of weight or numbers:
    - (v) whether a matter need not be capable of being identified or estimated at all:
  - (f) specifying, for the purpose of regulation 9(3), requirements relating to—
    - (i) activities on a vessel that may hinder or assist compliance with regulation 9(2), for example,—
      - (A) requirements relating to catch handling practices:
      - (B) requirements specifying areas on a vessel where activities must be carried out or areas that must be kept clear:
      - (C) requirements relating to the use of lights to illuminate activities being recorded:
      - (D) requirements relating to the operation of the electronic monitoring equipment generally:
    - (ii) the performance of electronic monitoring equipment under marine operating conditions:
- ...
- (2) Before issuing, amending, or revoking a circular, the chief executive must consult, to the extent practicable in the circumstances, any persons considered by the chief executive to be representative of the classes of persons likely to be substantially affected by the circular.
  - (3) The chief executive must publish, on an Internet site maintained by or on behalf of the Ministry,—
    - (a) notice of the issue, amendment, or revocation of a circular; and
    - (b) an up-to-date version of the circular.

## Appendix D: Privacy enhancing requirements in the Fisheries (Electronic Monitoring) Circular

The Fisheries (Electronic Monitoring on Vessels) Regulations 2017 create an authority for the Chief Executive of MPI to issue Circulars specifying requirements relating to electronic monitoring. These set out the technical requirements for the operation of on-board cameras.

A Circular has been developed and issued to reinforce the technical requirements for the operating system. The Circular was open for public consultation between 26 September and 13 October 2019. The Circular was issued on 21 October 2019.

In addition to the introduction setting out broadly how the on-board camera footage will be used and managed, the following privacy enhancing requirements were also included in the Circular:

### 7. Operation and maintenance of camera equipment

- (1) The camera equipment must be operated when fishing in the West Coast North Island area and in accordance with the requirements set out in Schedules 1 and 2.  
  
...
- (6) Vessel masters are responsible for ensuring any person on board the vessel is made aware of the location of camera equipment, what the camera equipment is for, and demonstrating the camera field of view.
- (7) All signage and information about on-board cameras must always remain available to people on the vessel and remain visible and legible.

### 11. Storage devices

- (1) All permit holders must provide MPI by email at [onboardcameras@mpi.govt.nz](mailto:onboardcameras@mpi.govt.nz) with the name and contact address of the authorised receiver.
- (2) All storage devices will be provided to the authorised receiver by MPI via a 'track and trace' courier.  
  
...
- (5) No other storage devices, other than those provided by MPI, are permitted to be used.  
  
...
- (7) Storage devices must be returned to MPI in the pre-paid and pre-addressed courier bag supplied by MPI.
- (8) The storage device(s) containing video footage and associated information for all trips that ended in a particular month must be provided to MPI no later than the 15th day of the following month. The storage device is considered to be provided to MPI when it is scanned by the courier service.
- (9) If a storage device is damaged or lost at any time, the permit holder must immediately contact MPI by phone on 0800 008333 and request a replacement.

## **Schedule 1 – Trawl vessels 29m and under in length: how the cameras will operate**

### ***Trigger and length of recording***

All cameras will be configured to start recording when the sensors indicate the use of warp winches or net roller and will continue recording for 30 minutes after the sensors stop detecting use.

Descriptions of the relevant fields of view and indicative lists of information to be collected for each activity are provided.

## **Schedule 2 – Set net vessels 8m and over in length: how the cameras will operate**

### ***Trigger and length of recording***

All cameras will be configured to start recording when the sensors indicate the use of the haul gear (e.g. net pullers) and will continue recording for 30 minutes after the sensors stop detecting use

Descriptions of the relevant fields of view and indicative lists of information to be collected for each activity are provided.

## Appendix E: Recommendations for updates to Release of Fisheries Information Guidelines

### Official Information

The collection of information from on-board cameras – both footage and data – will add to fisheries information held by MPI. The broad definition of “official information” means it will be subject to the Official Information Act 1982. The Act has a presumption that official information will be released to the public on request, unless certain reasons for withholding it apply and these are not outweighed by public interest factors favouring release.

The OIA applies this test on a case-by-case basis to requests. It is not possible, without an explicit legislative direction, for on-board camera information to be excluded from OIA considerations. There are likely to be sound reasons for withholding certain on-board camera information but MPI cannot provide guarantees or apply a blanket policy of withholding the information.

It is, therefore, recommended MPI update its *Guidelines for the Release of Fisheries Information* to address on-board camera collected information and provide an indication of how MPI intends to address and manage requests for this information. This must address how the OIA mechanisms to protect privacy and commercially sensitive information would be applied.

### Privacy Act

Providing access to an individual identified in on-board camera footage to them involves the release of personal information and must be considered under the Privacy Act. Information Privacy Principle 6 provides individuals with a right to access information about themselves. The Privacy Act provides grounds to withhold certain information and mirrors the process requirements in the OIA.

It is recommended the *Guidelines for the Release of Fisheries Information* also reflect how MPI will apply the Privacy Act to requests for information collected by on-board cameras by individuals identified in the footage.

### Recommended updates

A draft section to insert into the *Guidelines* has been developed. The draft was provided to the IAG members for consultation and comments have been incorporated into the section provided below. The IAG members were also provided with guidance material providing the approach MPI would take to responding to some request scenarios. These provided an indicative approach, including the considerations relevant in each scenario and the likely decisions and method of release. These will be used by MPI staff members involved in processing requests for on-board camera collected information to inform decision-making.

The additional guidance also set out factors to consider when assessing whether there are public interest reasons in favour of releasing information subject to withholding grounds.

The final draft section is included below. This will be incorporated into the Guidelines and will be published on the Fisheries New Zealand website.

## Guidelines for the Release of Fisheries Information

Recommended updates for the on-board cameras generated information, eg video footage, sensor data, and data collected from footage review.

---

### Introduction

This section covers information collected by on-board cameras installed on vessels capturing fishing activity under the Fisheries (Electronic Monitoring on Vessels) Regulations 2017, and any information derived from the information captured by the on-board cameras. This information includes video footage, images, data and annotations collected from the review of video footage, meta-data, and associated referrals or event reports. These are held by MPI on several databases.

This information is not required to be made publicly available under the Fisheries Act and any release or withholding decisions must be made under the OIA and/or Privacy Act.

---

### Information available to permit holders/vessel operators/ vessel masters

Permit holders and vessel operators can request access to information about their fishing activities. Each request will be assessed against our obligations under the Official Information Act (and Privacy Act if relevant). These obligations include: determining whether any relevant withholding grounds apply and the public interest in making the information available.

Footage or data will be released to permit holders or vessel operators where there is agreement from the vessel master. Evidence of the agreement will be required prior to release.

Information collected by on-board cameras is likely to be withheld in circumstances where:

- It contains information on individuals, in order to protect the privacy of those individuals [section 9(2)(a)];
- There is an incident or event being investigated, in order to avoid prejudice to the maintenance of the law [section 6(c)];
- The information would disclose a trade secret or prejudice the commercial position of the person it is about [section 9(2)(b)];
- There are reasons to believe disclosure would prejudice the supply of on-board camera footage [section 9(2)(ba)].

Footage is more likely to contain information to be withheld above. Requests for data are more likely to be made available when requested. Written summaries describing what is observed in footage may also be released where footage is withheld.

Positional or location data may be included in footage with specific detail, however, information to permit holders will only be released to one decimal place unless specific authorisation by the vessel master is provided.

---

---

Requests about other operators will be considered as requests from the public (see below).

---

**Information available to an individual**

Individuals can request access to the information held about themselves. The footage captured by the on-board cameras will include images of people on the vessel. Annotations may also record information about the behaviour or activity of an individual. This information can be requested by the individuals who are recorded in the footage or identified in the annotations.

Each request must be assessed against our obligations under the Privacy Act. These obligations include considering: whether the information is readily retrievable; whether the person requesting is identifiable in the images; the context for the request; and whether other individuals are identified.

Information is likely to be withheld or the request declined in relation to:

- Location data and metadata, in order to protect a trade secret;
- Distinctive coastal features, in order to protect a trade secret;
- The identity of other individuals, to maintain their privacy (note: this is likely to be by pixelating identifying features of the person or vessel in footage or images);
- Requests for large volumes of video footage or requests requiring MPI to review large volumes of video footage, on the basis it is not readily retrievable; and
- Footage subject to investigation, where this would prejudice the maintenance of the law.

MPI will prefer providing written summaries, annotation data, or reports to copies of video footage. Access to video footage may be provided by allowing an individual to view footage at an MPI office.

---

**Information available to the public on request**

On-board camera footage is generally considered to be commercially sensitive and important for the validation of report catch data. The release of sensitive footage may reduce the degree of co-operation required for the effective operation of the electronic monitoring system and, as a result, undermine MPI's ability to validate fishing data and regulate fishing activities.

Each request for information must be assessed against our obligations under the OIA. These obligations include considering: the request on its merits, the public interest in making the information available, and whether the information may already be in the public domain. Each request must be assessed individually to determine whether any of the information requested should be released or withheld according to the grounds in the OIA.

Information collected by on-board cameras are likely to be withheld in circumstances where:

---

- 
- It contains information on individuals, in order to protect the privacy of those individuals [section 9(2)(a)];
  - There is an incident or event being investigated, in order to avoid prejudice to the maintenance of the law [section 6(c)];
  - The information would disclose a trade secret or prejudice the commercial position of the person it is about [section 9(2)(b)];
  - There are reasons to believe disclosure would prejudice the supply of on-board camera footage [section 9(2)(ba)].

MPI will consider the following factors when considering whether the public interest favours release of requested information:

- Promoting transparency: the extent to which release would promote transparency about the fisheries management regulatory systems and the use of natural resources;
- Promoting access to justice: the extent to which the information contributes to a person's ability to pursue their legal rights and remedies;
- Promoting accountability: the extent to which release would demonstrate accountability of MPI and officials for undertaking their functions, including the monitoring and enforcement of the fishing quota and compliance with fishing practices;
- Keeping the public informed of risks and dangers to, or efforts to promote, the environment: the extent to which the release provides the public with information on the impact of fishing activities on native, threatened, or endangered marine life and marine environments.

MPI anticipates these factors to be relevant to requests for on-board camera related information. Other public interest factors may be identified when assessing each request on its merits.

MPI reviews footage and generates data about fishing activities. This data provides a summary of the footage. Access to this summary information will be provided.

Release of statistical information about fishing activities will be released in a form that does not identify individuals or vessels (see below for further detail). Where statistical information is released to respond to a more particular information request, the statistical response must have considered the public interest factors in favour of releasing the additional information and determined these do not outweigh the grounds for withholding.

---

**Information available for statistics and research purposes**

MPI will make data from the electronic monitoring data available for statistical analysis and research purposes. This will include data derived from the information captured by on-board cameras.

---

Statistical information is only available in a form where the vessel and individuals are not identifiable. The following statistical methods are used to ensure the information is not identifiable:

- location data is truncated to 1 degree of accuracy;
- date and time data are truncated to month and year;
- no individual vessel, person, organisation identifying information, nor attribute is released (including vessel key or perorg key); and
- no month and 1 degree strata has less than 3 vessels or persons, or organisations present.

Where identifiable information is provided for research purposes, including to external parties, MPI will ensure researchers agree to maintain the confidentiality of the information and will not publish findings or information in a way that identifies individuals or vessels.

MPI will consider requests to access footage for research purposes only where footage is necessary to undertake the research and the researcher has obtained ethics approval for the research and methodology.

---

**Contacts for assistance**

Any external requests or queries for footage, statistical data, or information should be directed to the OIA & Privacy Requests team: [uia@mpi.govt.nz](mailto:uia@mpi.govt.nz) or [privacyrequests@mpi.govt.nz](mailto:privacyrequests@mpi.govt.nz).

---

**Charges**

As specified in the research contract or in accordance with OIA guidelines. Further charging information are specified in the Ministry of Justice charging guidelines.

---

## Factors to consider when considering the public interest

MPI will consider the following factors when considering whether the public interest favours release of requested information:

- **Promoting transparency:** the extent to which release would promote transparency about the fisheries management regulatory systems and the use of natural resources;
- **Promoting access to justice:** the extent to which the information contributes to a person's ability to pursue their legal rights and remedies;
- **Promoting accountability:** the extent to which release would demonstrate accountability of MPI and officials for undertaking their functions, including the monitoring and enforcement of the fishing quota and compliance with fishing practices;
- **Keeping the public informed:** risks and dangers to, or efforts to promote, the environment: the extent to which the release provides the public with information on the impact of fishing activities on native, threatened, or endangered marine life and marine environments.

MPI anticipates these factors to be relevant to requests for on-board camera related information. Other public interest factors may be identified when assessing each request on its merits.

### *The public interest in relation to 'wrongdoing' by regulated parties*

Requests for information about suspected 'wrongdoing' of a private individual or entity, eg fishers or vessels, are likely. This information is held by an agency because its function is to inquire into the suspected wrongdoing, or to regulate the activities of those individuals or entities. In this case, the public interest is less about revealing the suspected wrongdoing, and more about demonstrating the agency is properly discharging its regulatory function, or inquiring into the suspected wrongdoing, and taking appropriate steps in response.

This approach will be applied to requests for information relating to non-compliance with fishing regulatory requirements, fishing practice standards, and other unlawful behaviour. The public interest is in the ability to hold MPI to account for properly discharging its regulatory functions. There will be little weight put on the interest of the public in holding the permit holder or fisher to account for 'wrongdoing'.

### *Irrelevant factors when considering the public interest*

The following considerations are not relevant in assessing whether there is a need to withhold the information or in conducting the public interest test.

- **Potential embarrassment:** to the Government or MPI;
- **The information is technical or complex:** an explanation, statement of assumptions, or direction to a specialist should be provided;
- **The information is out of context, misunderstood or misinterpreted:** release additional contextual or explanatory information alongside the information requested;
- **Release will result in confusion or unnecessary debate:** release additional contextual or explanatory information alongside the information requested.

### *Weighting the public interest factors*

MPI will provide significant weight to the privacy interests of individuals identified in on-board camera footage and to maintaining the industry's commercially valuable information. The public interest factors will be weighted and assessed against these withholding interests. Where the public factors are identified as outweighing the withholding interests, then the information must be released.

In determining the weight to apply to the public interest factors, MPI will take the aspects contributing to lesser or greater weight provided in the table below into account:

Factor	Lower weight	Greater weight
<b>Transparency</b>	<ul style="list-style-type: none"> <li>Relates to the actions of regulated parties</li> <li>Relates to the exercise of privately held rights or entitlements</li> <li>Provides information about system security or the operation on certain vessels</li> <li>Does not or contributes peripherally to the effectiveness of the fishing management system</li> <li>Little or no valuable contribution to analysis or assessments</li> <li>Historic or irrelevant information</li> <li>Limited or low level of interest or debate about the issue by the public or community</li> </ul>	<ul style="list-style-type: none"> <li>Relates to the actions of the regulator</li> <li>Relates to the conduct and operation of MPI functions</li> <li>Provides information on the administration of MPI and the on-board camera system, eg policies, procedures, etc.</li> <li>Contributes to debate on the effectiveness of the fishing management system</li> <li>Enables analysis (including scientific) from members of the public and sector and environmental stakeholders</li> <li>Current and relevant information – ‘live’ issue</li> <li>Broad interest from the public or community – high level of public engagement over the issue</li> </ul>
<b>Access to justice</b>	<ul style="list-style-type: none"> <li>Information is wanted to inform a claim but is potentially irrelevant or does not contribute to the exercise of a person’s rights.</li> </ul>	<ul style="list-style-type: none"> <li>Information is required to progress a claim or allow a person to exercise their rights</li> <li>Is from a person the subject of regulatory intervention and the request contributes to natural justice requirements</li> </ul>
<b>Accountability</b>	<ul style="list-style-type: none"> <li>Relates to the actions of regulated parties</li> <li>In context of current or on-going compliance action</li> <li>Not a matter that is relevant to assurance or public confidence</li> </ul>	<ul style="list-style-type: none"> <li>Relates to the actions or inactions of the regulator</li> <li>Demonstrates regulator’s decisions to address non-compliance or regulatory interventions</li> <li>Provide assurance to the public on the effective oversight of fisheries</li> <li>Contributes to an assessment of the appropriateness and effectiveness of the regulatory system as a whole</li> </ul>
<b>Risks and dangers to the environment</b>	<ul style="list-style-type: none"> <li>Broad, unspecified, or indirect threat or risks</li> <li>Relates solely to lawful and permitted activities</li> </ul>	<ul style="list-style-type: none"> <li>Directly relates to the impact on threatened or endangered marine life and environments</li> <li>If disclosure would allow affected stakeholders to take steps to mitigate or prevent risks occurring</li> <li>Contributes to understanding of the affected ecosystem, including the analysis of indirect effects</li> </ul>

The aspects contributing to the weighting for the public interest factors should be considered in terms of a continuum. A person undertaking the assessment should identify the types of aspects that apply in the request and determine where on a low to high scale to weight the public interest. The aspects are not intended to be add together to create a score, but are to be used as a guide to the kinds of aspects that would result in a lower weighting and those kinds of aspects that would result in a higher weighting being applied to the public interest. These are then used in the balancing exercise in order to determine if the public interest outweighs the interests protected by the withholding grounds.

Where possible, an approach to release should balance the interests protected by the withholding grounds with the public interest factors above.

## Appendix F: MPI Risk criteria

**Table 1: CONSEQUENCE CATEGORIES CRITERIA AND SCORES**

	Crown/Maori Relationship	Economic and/or Trade	MPI Financial	Environmental	MPI Delivery	Human Health	Health and Safety	MPI Reputation	Trust and confidence in NZ regulatory system
<b>Severe 4</b>	Major and widespread impact on relationship between Crown and Maori	Economic and/or trade impacts exceed \$billion	Permanent financial loss greater than \$5m	Severe and permanent environmental impacts to an ecologically important indigenous host population of environmental type	Very serious and significant long term impacts on the delivery of MPI objectives or ministerial priorities	Organism or disease kills or seriously disables many people	Death/Fatality	Minister and stakeholders lose confidence in MPI with major repercussions. Trading partners lose confidence in MPI	Major trading partners lost trust and confidence in our regulatory systems
<b>Major 3</b>	Major and localised, or moderate and widespread impact on relationship between Crown and Maori	Economic and/or trade impacts are in the order of \$hundreds of millions	Ongoing significant financial loss of between \$1m and \$5m	Major and permanent environmental impacts on an indigenous host population, or environmental type affected	Significant medium term impacts on and disruption to the achievement of MPI objectives, ministerial priorities, or MPI operational services	Organism or disease kills or causes significant morbidity	Severe injury, severe occupational illness i.e. Hospital admission	Serious public and media coverage. Protracted negotiation and discussion needed to address escalating issues. Some interest from Ministers	Several trading partners lose trust and confidence in our regulatory systems
<b>Moderate 2</b>	Moderate and localised, or minor and widespread impact on relationship between Crown and Maori	Economic and/or trade impacts are in the order of \$millions	Moderate losses between \$500k and \$1m	Some moderate and permanent environmental impacts limited to a part of the total indigenous host population, or environmental type affected	Moderate short term impacts on the delivery of MPI objectives, ministerial priorities, or MPI operational services	Impacts on human health are moderate and widespread	Moderate injury, moderate occupational illness i.e. GP treatment	Significant adverse public and media attention. Domestic stakeholder confidence in MPI reduced	One major trading partner loses trust and confidence in our regulatory systems
<b>Minor 1</b>	Minor and localised impact on relationship between Crown and Maori	Economic and/or trade impacts are in the order of \$hundreds of thousands	Small losses up to \$500k	Some moderate environmental impacts but temporary and limited to a few indigenous species or more modified ecological areas	Minimal short term impacts on delivery of MPI objectives, ministerial priorities, or MPI operational services	Impacts on human health are minor and widespread, or moderate and localised	Minor injury, occupational illness i.e. first aid treatment	Minor adverse public and media attention	Small number of minor trading partners lose trust and confidence in our regulatory systems



**Table 2: LIKELIHOOD CRITERIA AND SCORES**

Likelihood	Score	Criteria
Almost Certain	4	<ul style="list-style-type: none"><li>• No controls to prevent this happening</li><li>• Without additional controls the event is expected to occur within the next 4 years</li><li>• Has happened within the previous 4 year</li></ul>
Likely	3	<ul style="list-style-type: none"><li>• Controls known to be weak or no recent assurance on state of controls</li><li>• Without additional controls, some certainty that event will occur within the next 4 years</li><li>• Has happened within previous 4 years</li></ul>
Possible	2	<ul style="list-style-type: none"><li>• Reliance on a small number of key controls or limited assurance over controls</li><li>• Has happened in other agencies or countries previously</li><li>• Changing environment may make MPI controls ineffective</li></ul>
Unlikely	1	<ul style="list-style-type: none"><li>• Effective controls in place and recently tested</li><li>• Has not occurred previously with these controls in place</li><li>• Event could occur despite these controls for example as a result of natural disasters less than 5%</li></ul>

## Appendix G: Risks, recommendations, and actions

Risk	Recommended control or action	Action taken or planned
<p>1. If expectations of crew privacy and the use of video footage are not met, then this may result in complaints to the Privacy Commissioner about MPI, legal challenges to the implementation of cameras, erosion of stakeholder goodwill, and create additional barriers to future roll-out.</p>	<ul style="list-style-type: none"> <li>a. Seek input on privacy concerns as part of the technical assessments of vessels.</li> <li>b. Ensure signage is required to alert people on the vessel of the cameras.</li> <li>c. Design camera placement to focus on fishing activities. Ensure field of view provides for areas on the vessel are unable to be filmed for example ablutions, sleeping quarters, etc.</li> <li>d. Provide access to camera view on-board.</li> <li>e. Communicate on-board camera activities to fishers and crew – provide in language and medium most appropriate to ensure understanding.</li> </ul>	<ul style="list-style-type: none"> <li>a. Initial questionnaire seeks information on any specific privacy concerns relating to the vessel. Assessment procedures require identification of privacy concerns. Implementation plans should identify field of view and allow for areas to undertake privacy activities.</li> <li>b. Signage has been designed and provided.</li> <li>c. As per a above – included in implementation plans.</li> <li>d. Monitors provided with 'real time' feed of camera recording and view.</li> <li>e. Privacy brochure and audio-visual resource designed to support implementation. Requirement in Circular for vessel master to ensure any person on board the vessel is made aware of the location of camera equipment, what the camera equipment is for, and demonstrating the camera field of view. Consideration given to translating into preferred languages for vessel masters and crew.</li> </ul>
<p>2. If private activities are inadvertently captured in recorded video footage, this may result in an interference with an individual's privacy, leading to complaints about MPI to the Privacy Commissioner or Human Rights Review Proceedings, which could require MPI to provide financial compensation. It will also create additional sensitive information that, if mismanaged could lead to an erosion of stakeholder goodwill and create additional barriers to future roll-out.</p>	<ul style="list-style-type: none"> <li>f. Update circular to include principles related to areas to exclude from footage, where practically feasible.</li> <li>g. Provide information and training to crew about on-board cameras, including the times it is intended it will be recording.</li> <li>h. If possible, provide a clear notice for crew when the camera is recorded, eg a red recording light.</li> <li>i. Ensure quality assurance procedures include assessment of screenshots taken to assess whether private activities have been inadvertently captured.</li> <li>j. Provide a communications channel to fishers to notify MPI of sensitive private activities potentially captured.</li> <li>k. Provide a complaints mechanism through the MPI Privacy Officer.</li> </ul>	<ul style="list-style-type: none"> <li>f. The Circular sets out what activity must be captured by the cameras.</li> <li>g. Privacy brochure and audio-visual resource designed to support implementation. Requirement in Circular for vessel master ensure any person on board the vessel is made aware of the location of camera equipment, what the camera equipment is for, and demonstrating the camera field of view. Consideration given to translating into preferred languages for vessel masters and crew.</li> <li>h. Model of cameras does not have a recording indicator. Signs must be visible. Address understanding of trigger events for recording in communications and training.</li> <li>i. Not in scope for project delivery. Maintaining quality standards responsibility of the data management team. Recommended for inclusion in continuous improvement cycle. Pixilation will be applied where required to clips extracted from footage (as per approach to release under OIA). Audit process for review and verification of EM data will inform training of reviewers.</li> <li>j. Fishers have been provided with a communications channel to request new drives and notify MPI of technical issues. This will also be used to notify MPI of sensitive private activities potentially captured.</li> <li>k. The existing complaints mechanism to the MPI Privacy Officer adopted.</li> </ul>
<p>3. If the footage is stolen, lost, copied or unauthorised disclosure occurs, then this may lead to harm to an individual, prejudice to fishers' commercial position, would undermine confidence in on-board camera monitoring, and divert MPI management effort into responding to the breach event.</p>	<ul style="list-style-type: none"> <li>l. Hard drive encryption.</li> <li>m. Rules updated to prevent unauthorised copying.</li> <li>n. MPI accountabilities for security of on-board camera information.</li> <li>o. Establish access permissions and ensure access and permissions are maintained.</li> <li>p. System to monitor access and use. Only allow extraction/copying with second approver process.</li> <li>q. Disclosure guidelines and criteria.</li> <li>r. MPI staff member confidentiality agreements.</li> <li>s. Store in existing MPI systems, where possible.</li> </ul>	<ul style="list-style-type: none"> <li>l. All footage is recorded onto the data devices on the vessels in an encrypted manner consistent with NZISM (AES 256).</li> <li>m. Encryption methods used to prevent footage being copied.</li> <li>n. MPI accountabilities for security of on-board camera information has been designed and built into the appropriate process, procedures and system operating model.</li> <li>o. On boat the device is set to a highly restricted "Skipper Mode" that allows no access to data, settings or the system file structure. A technician password can be used by technicians to access the system for maintenance reasons. The system can still only be accessed from within the wheelhouse, providing both physical and technical protections. Internal systems will use permissions (based on SSO) via Active Directory Groups managed in accordance with MPI policies and standards.</li> <li>p. The data storage system for footage will have access logging enabled. This will allow MPI to investigate who has accessed all video files for the two years that they are</li> </ul>

Risk	Recommended control or action	Action taken or planned
		<p>held, in the unlikely event footage appears to have been misused or in the public. Clips from footage master copy will be created directly by reviewers following detailed procedures. Review team management responsible for monitoring adherence to procedures.</p> <p>q. <i>Guidelines for the Release of Fisheries Information</i> updated for information collected from on-board cameras (see Appendix E). Specific guidance on the approach to apply to requests, including the pixilation of identifiers developed. Identification check included in response to Privacy Act request procedures.</p> <p>r. Confidentiality provisions included in employment agreements.</p> <p>s. Information is being stored within existing and approved MPI storage facilities. Footage will be held in an MPI tenanted AOG object store provided by Datacom on IaaS b. Clips in an AOG Electronic Content Management Solution called Cohesion that is provided by Interger and hosted on AOG IaaS by either Datacom or Rivera. MPI hold all its records and documents on the same platform. All platforms are certified and Accredited up to a "Restricted" level. Access to these systems follow MPI's standards for user access control through Active Directory Groups that have been created specifically for this purpose. Annotation data hosted in MPI's Electronic Data Warehouse and BI hub are also access controlled to approved users.</p>
<p>4. If there are delays identifying the loss or theft of hard drive footage in transit to MPI, then this may prevent early action being taken by MPI to investigate and prevent harm arising from the loss, and may undermine confidence in on-board camera monitoring.</p>	<p>t. Update electronic reporting system to capture declaration and date footage sent to MPI.</p> <p>u. Communication channel established for fishers to contact MPI in case of loss, interference, theft, etc.</p> <p>v. Pre-addressed track and trace courier packages provided to fishers.</p>	<p>t. Courier system being used on to track and record when device packages are sent. This is both outward and inward packages.</p> <p>u. The Circular sets out how to contact MPI in the event of a range of incidents. The operating manual, the privacy brochure and MPI website outlines the email and telephone contact details for Fishers for all situations.</p> <p>v. Courier packages will be provided with devices. Disk drive management is recorded in the Data Device Management System, including the track and trace number of packages distributed with devices.</p>
<p>5. If footage is retained for longer than necessary for its use, then MPI may incur unnecessary storage and management costs, increases the volume of footage available for request under the OIA, and increases the amount of footage that could possibly be lost, misused, or disclosed or re-used without authority.</p>	<p>w. Determine retention period for footage, data, trip summary information, and system metadata.</p> <p>x. Utilise storage systems that can delete information.</p> <p>y. Implement disposal actions.</p> <p>z. Reporting requirements in relation to disposal.</p> <p>aa. Assurance process for hard drive erasure.</p>	<p>w. Master copies of footage to be kept for up to two years and destroyed/deleted at the end of the retention period. Any clip or screen shot containing footage of a matter of interest will be held for at least seven years. Matters of interest contain any potential breaches of fisheries regulations, protected species interactions, or other events as defined in the operating model. Working copies of footage will be manually deleted after three months or following review if this is undertaken after three months.</p> <p>The data device will contain information to record trip data (trip ids, trip start date\time, trip end date\time, possibly duration via GPS data). This will be stored as annotated data.</p> <p>Data generated from the review of footage will be held as a public record and available for as long as it is needed for research purposes.</p> <p>x. Storage systems in use can delete information. This function has been tested as part of pre-implementation checks.</p> <p>y. Working copies of footage will be deleted after 3 months as long as they have been reviewed. This will be the responsibility of the review team to manually delete working copies. Master copies will also be automatically deleted after 2 years if they have not been deleted prior.</p>

Risk	Recommended control or action	Action taken or planned
		z. Working copy deletion will be recorded by the system logging, which will hold this information for up to 2 years. Disposal protocols to be developed in conjunction with MPI records management staff. aa. Workflow for data device management includes a step to cleanse devices after footage is uploaded to storage. Verification of the condition of a drive is undertaken immediately prior to being release, which provides a mandatory verification step to ensure the drives are empty before sending.
6. If MPI is unable to provide timely access to footage upon request by individuals in the footage, then this will result in complaints about MPI to the Privacy Commissioner or Human Rights Review Proceedings, which could result in MPI having to pay compensation costs, additional administrative and management effort, and erosion of stakeholder goodwill.	bb. Design the procedure for responding to access requests. Allow for reasonable access and efficient processing. Identify relevant withholding grounds and articulate how the public interest test is to be applied.	bb. Existing MPI procedures for responding to requests to be used. Workflows for identifying, reviewing, and collating footage for responses agreed. <i>Guidelines for Release of Fisheries Information</i> updated. Additional guidance and scenarios developed, including factors for assessing the public interest test, and consulted with stakeholders.
7. If Fisheries NZ is unable to be confident in the accuracy of the data, then this will lead to uncertainty in the validation of catch report data, incorrect or ineffective decision-making, and a failure to achieve Fisheries NZ objectives.	cc. Design assurance processes (quality and audit) for footage review and data collation. dd. Test by comparing to observer records. ee. Incorporate Compliance insights to the sampling model applied to catch validation estimate reviews.	cc. Audit procedures and requirements have not been included in the delivery of stage 1 of the project. This will be reviewed for any future stages and after further consultation, prior to decisions regarding the outsourcing of EM Review and analysis processing. Stage 1 will have a team leader responsible for ensuring the quality of reviews, providing oversight, and expertise to the reviewers. Escalation process developed for assessing challenging issues have been developed, and will be reviewed as part of a continuous improvement cycle dd. Comparing the results of catch composition assessments between review and electronic reports is included in the review procedures. Assessing the accuracy of the assessment model is planned as part of the continuous improvement of the on-board camera solution. This will involve comparison with observer records. ee. Random sampling will be used for selecting the sample catch events to review for verifying catch composition. Current plans are for at least 10% of fishing events to be reviewed, which will include at least one trip from each vessel. Sample methodology will be adjusted to reflect trends and insights from reviews.
8. If relevant information is not disclosed, or irrelevant information is disclosed to other government agencies, then this may result in in complaints about MPI to the Privacy Commissioner or Human Rights Review Proceedings, which could result in MPI having to pay compensation costs, additional administrative and management effort, and erosion of stakeholder goodwill.	ff. Update MOUs with other agencies to outline examples where on-board camera obtained information would be disclosed, e.g. reflect relevant 'undesirable operational practices'. gg. Update information guidelines for release of information.	ff. MOUs are under review and being updated, but this is out of scope of the project delivery. Rules identifying incidents or behaviour where reports will be made to other regulatory agencies are being developed. These will provide requirements for ensuring disclosure only occurs on authorised grounds and under the terms of each MOU. Supporting procedures to implement these are planned for completion by 15 December 2019. gg. <i>Guidelines for the Release of Fisheries Information</i> updated for information collected from on-board cameras (see Appendix E). Addressing disclosure to other agencies is out of scope for the guidelines. Defined rules for triggering a referral are being developed.
9. If stakeholder expectations in relation to the public availability of on-board camera information are not met, then MPI may experience additional requests,	hh. Establish a baseline position that video footage will not be released under the OIA unless there is a significant public interest that outweighs established grounds to withhold. ii. Define statistical or aggregate information to release.	hh. <i>Guidelines for the Release of Fisheries Information</i> updated for information collected from on-board cameras (see Appendix E). Additional guidelines for assessing the public interest provide for significant weighting to maintaining the

Risk	Recommended control or action	Action taken or planned
<p>Ombudsman investigations or other legal challenges, increased resources to manage responses, diverted management effort, and undermining of stakeholder goodwill.</p>	<ul style="list-style-type: none"> <li>jj. Arrange for regular publication of figures.</li> <li>kk. Provide fishers with trip summary information.</li> <li>ll. Identify applicable withholding grounds and criteria for assessing the public interest requirement of the OIA.</li> <li>mm. Update disclosure guidelines.</li> <li>nn. Dispose of footage at end of retention period.</li> </ul>	<p>privacy interests of individuals identified in on-board camera footage and to maintaining the industry's commercially valuable information.</p> <ul style="list-style-type: none"> <li>ii. This recommendation has been adopted by the [David's team] to advance. It is not in scope for project delivery but will be addressed as part of assessing the effectiveness of on-board cameras and its continuous improvement cycle. Consultation with stakeholders is recommended and planned.</li> <li>jj. As per 9ii above.</li> <li>kk. Is out of scope for project delivery but has been identified as a planned oversight to assess and refine as part of the on-board cameras' proof of concept and continuous improvement cycle.</li> <li>ll. Additional guidance on the approach to assessing public interest requirements have been developed and consulted on with IAG members.</li> <li>mm. <i>Guidelines for the Release of Fisheries Information</i> updated for information collected from on-board cameras (see Appendix E).</li> <li>nn.</li> </ul>

## Appendix H: Template for updating PIA

### On-board Cameras Project - Stage 1

#### Privacy Impact Assessment – appendix/update

#### Assessment of changes to operation of on-board cameras following project completion

Any proposed or planned change to how the electronic monitoring programme collects, uses, shares, stores, or disposes of personal information collected by or from on-board cameras should consider the impact on privacy.

Complete the table below to assess the privacy impacts of any change and support decision-making. This may be appended to the Privacy Impact Assessment <link> prepared for the Stage 1 implementation.

<b>Date</b>	<Enter date this assessment completed>
<b>From</b>	<Enter name and position of person completing this assessment>

<b>Proposal</b>	<Summarise the proposed change and reason for the change>	
<b>Effect on personal info</b>	<Describe how the proposal changes how personal information is used, et al>	
<b>Does the proposal impact on the risks identified in the PIA?</b>	Yes / No	
<if yes, describe how the risk is impacted. Consider how it increases/reduces the likelihood occurring and how it increases/reduces the consequences if it does occur>		
<b>Does the proposal modify a key privacy control identified in the PIA?</b>	Yes / No	
<if yes, describe how the control is modified or is going to change. Describe the reason for changing it and its intended outcome>		
<b>What is the anticipated impact on privacy of this proposal?</b>		
<Record the impacts on privacy practices as a result of the change. Impacts can be positive (less footage obtained, better access to info) as well as negative (collection of additional information, new sharing, new uses). Attempt to qualify the level of impact – eg minor, significant>		
<ul style="list-style-type: none"> <li>&lt;Example: reduce the recording time following the trigger event from 60 minutes to 45 minutes for set net fishing. This will have a moderate positive impact on privacy by reducing the amount of footage obtained.&gt;</li> <li>&lt;Example: new information sharing arrangements with NZ Police to allow greater direct access to footage is likely to have a significant negative impact on privacy by increasing third party access, raising the risk of unauthorised access and use, and direct access reduces MPI oversight.&gt;</li> </ul>		
<b>How will negative impacts on privacy be prevented or mitigated?</b>		
The following actions have been or will be taken to reduce the negative impacts:		
<ul style="list-style-type: none"> <li></li> </ul>		

<b>Date considered</b>	<Enter date >
<b>Comments</b>	<record any additional comments raised by the decision-maker>
<b>Decision</b>	<record the decision>