

Deploying facial recognition technology (FRT) in New Zealand

Overview

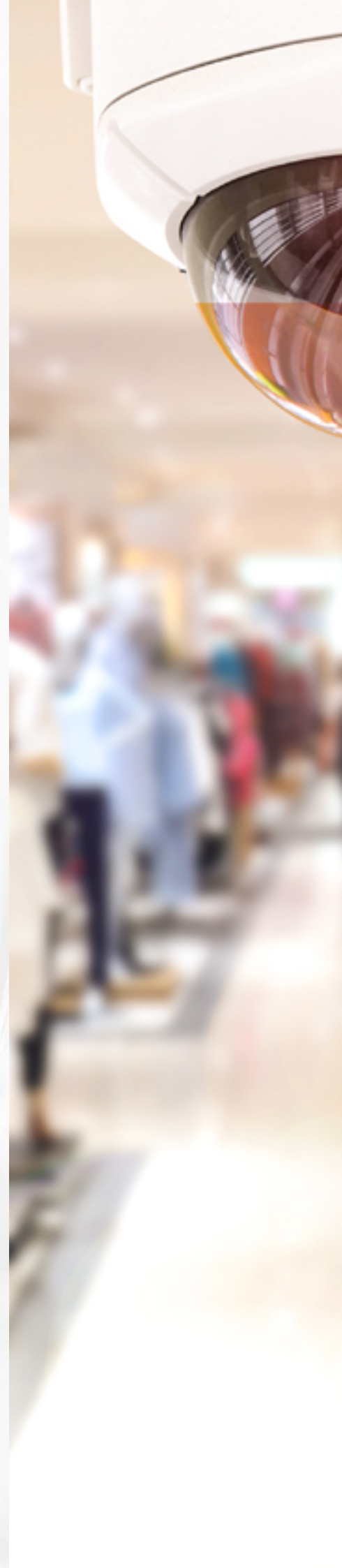
Just like the sci-fi movies of the 70s, 80s and 90s predicted, FRT is becoming more and more ubiquitous. However, as New Zealand businesses explore FRT's potential to deter crime, streamline customer experiences and improve security, questions still loom about how the technology works, and the legal and ethical implications of deploying it in a public setting.

While the Privacy Commissioner's June 2025 report on Foodstuffs North Island's trial of in-store FRT is not a 'green light' for use of FRT by retail businesses generally, it could be seen as an 'amber light': if you are to proceed, do so with caution – and do it properly.

That doesn't mean that a decision to deploy FRT will be straightforward: far from it. The Privacy Commissioner noted in his report that 'FRT is inherently intrusive, and any use of it requires strong justifications and careful system design to ensure all appropriate privacy safeguards are built in'.

Any organisation seeking to deploy FRT operationally, will need to keep privacy concerns front of mind. The Privacy Commissioner expects that such organisations will:

- give careful thought before deploying FRT: identify a clear purpose for using it, make sure it will actually achieve that purpose, and consider whether less intrusive alternatives are available;
- take care when establishing a watchlist;
- provide clear information to customers about the use of FRT and how they can exercise their rights under the Privacy Act;
- ensure human decision-making is in place to check alerts before acting on them, and implement staff training to support this; and
- implement appropriate security safeguards for FRT systems, to limit unnecessary access, and avoid unauthorised access or use of stored information.



How we can help

Dentons can help organisations with all aspects of the deployment of FRT for any purpose, including FRT in-store for security and loss prevention measures.

Our team of technology and privacy experts are on hand to:

- advise you on your compliance with New Zealand privacy law, including the upcoming Biometrics Processing Privacy Code;
- work with you to conduct a privacy impact assessment to consider in depth your case for using FRT, to help you get a full understanding of the privacy and related risks arising from the use of FRT;
- contribute to your design of the operational aspects of the FRT by working with you to create appropriate privacy safeguards to ensure that the benefits of using FRT outweigh the privacy risks;
- advise you on your engagement with FRT vendors, including by helping you with the privacy aspects of your due diligence of their FRT system, and drafting and negotiating your key vendor contracts;
- working with you to develop user-friendly, plain English, customer-facing notifications and explainer documents so that your use of FRT is communicated to your customers transparently;
- design privacy breach management plans which are available to you to deploy in the event of a failing in your FRT system and your operational model; and
- engage with the Privacy Commissioner, where appropriate, to provide assurances that your deployment of your FRT system and your operational model aligns with best practice.

Our experience

Our team is a specialist technology and privacy team, made up of lawyers dedicated to solving legal issues unique to the roll out, use and procurement of new technology. We are proud to have been heavily involved in the development of New Zealand privacy law, and are frequent submitters on and contributors to the development of legislation and regulation governing privacy and technology.

Our experience includes:

- advising a major New Zealand retail bank on the use of biometric technology for fraud prevention purposes;
- advising a local authority on the use of sensors employing edge processing to anonymously analyse pedestrian and vehicle movements;
- advising on the collection and processing of biometric information using VR hardware for use in VR environments;
- advising on the collection of driving information, health information and other personal information in connection with the rollout of safety measures for remote workers.

Global reach

Our global reach enables us to take a world view when it comes to the evolution of privacy and technology law and trends. We collaborate frequently with our colleagues in the UK, EU, US, Australia and elsewhere, enabling us to gain unique insights into best practice to deploying FRT in New Zealand. These insights allow us to advise you on the cutting edge of how FRT is being deployed globally, and what the likely future implications are for the regulatory framework in New Zealand.

Talk to us

Talk to one of our experts about how we can help you roll out FRT or other similar technologies involving the collection of personal information.



Campbell Featherstone

Partner

D +64 4 498 0832

M +64 21 80 9779

campbell.featherstone@dentons.com



Hayley Miller

Partner

D +64 9 915 3366

M +64 21 870 477

hayley.miller@dentons.com



Ashleigh Ooi

Senior Associate

D +64 4 915 0825

M +64 21 046 1896

ashleigh.ooi@dentons.com



Güneş Haksever

Senior Associate

D +64 9 375 1161

M +64 21 080 61422

gunes.haksever@dentons.com

ABOUT DENTONS

Redefining possibilities. Together, everywhere. For more information visit [dentons.co.nz](https://www.dentons.co.nz)

© 2025 Dentons. Dentons is a global legal practice providing client services worldwide through its member firms and affiliates. This publication is not designed to provide legal or other advice and you should not take, or refrain from taking, action based on its content. Please see [dentons.com](https://www.dentons.com) for Legal Notices.