

Submission by



to the

Office of the Privacy Commissioner

on

Privacy regulation of biometrics in Aotearoa New Zealand: Consultation paper

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AI Forum New Zealand Response to the Privacy regulation of biometrics in Aotearoa New Zealand: Consultation paper

Introduction

1. The Artificial Intelligence Forum of New Zealand (**AI Forum**) thanks the Office of the Privacy Commissioner for the opportunity to respond to the Privacy regulation of biometrics in Aotearoa New Zealand: Consultation paper.

About the AI Forum of New Zealand

2. The AI Forum is a purpose-driven, not-for-profit, non-governmental organisation (NGO) that is funded by members. The association was founded in 2017.
3. The AI Forum brings together New Zealand's community of artificial intelligence technology innovators, end users, investor groups, regulators, researchers, educators, entrepreneurs and interested public to work together to find ways to use AI to help enable a prosperous, inclusive and equitable future for Aotearoa.
4. The Forum advances New Zealand's AI ecosystem through connections, advocacy, growing talent and collaboration. The AI Forum promotes the economic opportunities raised by AI, supporting great applications of AI and emerging New Zealand AI firms, and works to ensure that society can adapt to the rapid and far-reaching changes that AI technology will bring.

Background

5. Biometric data is a critical enabler of many Artificial Intelligence (**AI**) technologies. The benefits of such technologies are pervasive but include improved access to and speed of services.
6. The AI Forum worked with the New Zealand Government to establish an AI Strategy for Aotearoa New Zealand within the Digital ITP. The Digital Technologies ITP was released as a draft for public consultation in February 2022.
7. In September 2022 the Minister of Business, Innovation and Employment (**MBIE**) launched the Digital Strategy for Aotearoa. The Digital Strategy includes commitments in relation to an AI Strategy and confirmed the AI Forum's role as a partner of MBIE in formulating the AI Strategy. The AI Strategy will be organised around six key areas called 'cornerstones' that will form the framework for action and set out the priorities for AI in New Zealand.
8. The AI Forum has published the *Trustworthy AI in Aotearoa AI Principles*,¹ and convened a Working Group on creating guidelines for trustworthy AI. The AI Forum plans to seek industry input and issue practical advice and guidance on how to put these principles into practice.

¹ <https://data.govt.nz/assets/data-ethics/algorithm/Trustworthy-AI-in-Aotearoa-March-2020.pdf>

Overall Responses

Meeting with stakeholders OPC will be organising some meetings with stakeholders. If you would like to meet to discuss biometrics, please get in touch. However, keep in mind that we are a small office, so we may not be able to meet with everyone who has an interest in this issue.

9. The AI Forum would be happy to convene an AI technology industry meeting for the OPC, helping to extend its reach and make the most of its limited resources. We have held similar meetings for other government agencies (e.g. in relation to a consultation held by the Ministry of Foreign Affairs and Trade on a proposed ban on lethal autonomous weapons).

Q1: Do you have any comments on the case for more regulatory action set out above?

10. Building confidence and trust:

In order to build confidence and trust in processes and technologies that use biometric data, so that Aotearoa can maximise their potential benefits, organisations collecting and using biometric data need to be transparent, inclusive and accurate.

11. To that end, we would be happy to convene a technology-focused Working Group to help work through these issues with a view to informing any future Industry Code of Practice or regulation. A targeted outcome of such a Working Group might be to provide potential use cases that inform how any new regulation might achieve its goals without adversely impacting innovation.