

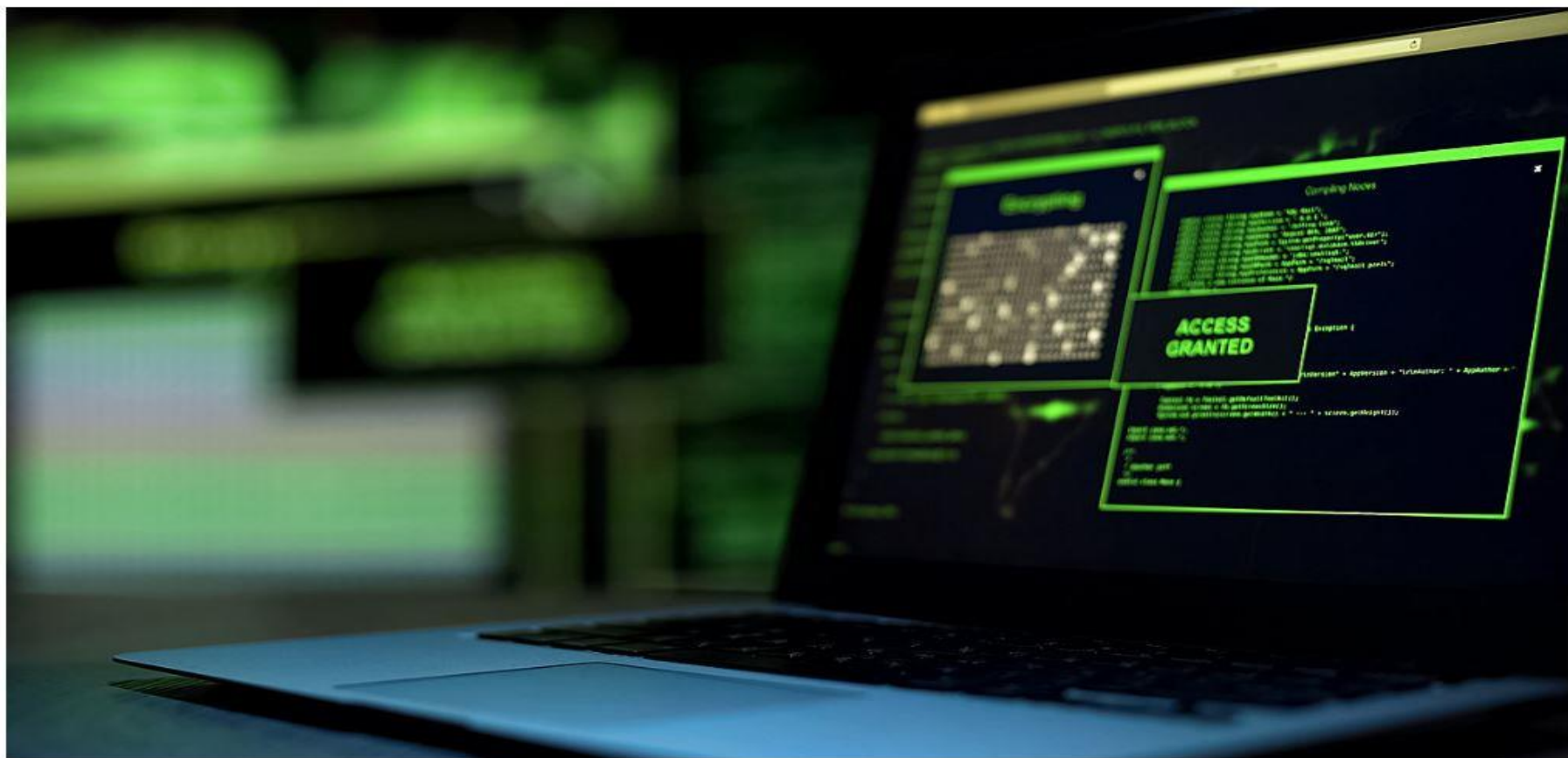
PRIVACY BILL CHANGES:

WHAT'S NEW?

WHAT STAYS THE SAME?

John Edwards

Privacy Commissioner



Passports, licenses of 300 leaked in Ministry for Culture and Heritage data breach

26 Aug 2019

Kai Ping Lew

The Ministry of Culture and Heritage has announced in a press conference that it's responsible for the breach of the personally identifiable information of 300 individuals.

WHERE WE ARE

PRIVACY ACT 1993

Principle 1 - 4: Collection of personal information

Principle 5: Storage and security of personal information

Principle 6: An individual's right to access information

Principle 7: An individual's right to seek correction

Principle 8 - 11: places restriction on how people and organisations can use or disclose personal information.

Principle 12: Governs how "unique identifiers" such as IRD numbers, passport numbers and so forth - can be used



WHERE WE'RE GOING

PRIVACY BILL 2019

New enforcement powers:

1. Mandatory privacy breach notification
2. Compliance notices
3. New criminal offences - \$10,000 fines
4. Binding decisions on access requests
5. Cross-border protections
6. Extraterritoriality



Privacy Bill

Home » Parliamentary Business » Bills and Laws » Bills (proposed laws)

Metadata

This bill repeals and replaces the Privacy Act 1993, as recommended by the Law Commission's 2011 review of the Act. Its key purpose is to promote people's confidence that their personal information is secure and will be treated properly.

Get notifications



MP in charge

Little, Andrew

Progress of the bill

What do the symbols mean?



SERIOUS HARM THRESHOLD

117A Assessment of likelihood of serious harm being caused by privacy breach

When an agency is assessing whether a privacy breach is likely to cause serious harm in order to decide whether the breach is a notifiable privacy breach, the agency must consider the following:

- (a) any action taken by the agency to reduce the risk of harm following the breach:
- (b) whether the personal information is sensitive in nature:
- (c) the nature of the harm that may be caused to affected individuals:
- (d) the person or body that has obtained or may obtain personal information as a result of the breach (if known):
- (e) whether the personal information is protected by a security measure:
- (f) any other relevant matters.

CHANGE IN DRAFTING 1

1993 PRIVACY ACT – ACCESS PROVISIONS:

Principle 6

Access to personal information

- (1) Where an agency holds personal information in such a way that it can readily be retrieved, the individual concerned shall be entitled—
 - (a) to obtain from the agency confirmation of whether or not the agency holds such personal information; and
 - (b) to have access to that information.
- (2) Where, in accordance with subclause (1)(b), an individual is given access to personal information, the individual shall be advised that, under principle 7, the individual may request the correction of that information.
- (3) The application of this principle is subject to the provisions of [Parts 4 and 5](#).

CHANGE IN DRAFTING 2

- **PRIVACY BILL 2019 – ACCESS PROVISIONS:**

Information privacy principle 6
Access to personal information

- (1) An individual is entitled to receive from an agency upon request—
 - (a) confirmation of whether the agency holds any personal information about them; and
 - (b) access to their personal information.
- (2) If an individual concerned is given access to personal information, the individual must be advised that, under **IPP 7**, the individual may request the correction of that information.
- (3) This principle is subject to the provisions of **Part 4**.

- **Modernised language but same underlying meaning**

HELPING NZ PREPARE

- Making presentations like this to groups around the country
- New e-learning module detailing Privacy Bill to be launched
- We are working on a notifiable privacy breach reporting tool



PRIVACY ABC FOR
SCHOOLS_DEV



PRIVACY FOR POLICY-
MAKERS



HEALTH ABC



PRIVACY ABC



INTRODUCTION TO THE
CREDIT REPORTING
PRIVACY CODE (CRPC)



EMPLOYMENT AND
PRIVACY



PRIVACY 101:
INTRODUCTION TO THE
PRIVACY ACT



HEALTH 101:
INTRODUCTION TO THE
HEALTH INFORMATION



A GUIDE TO PRIVACY
IMPACT ASSESSMENTS
(PIAS)



AN A TO Z OF APPROVED
INFORMATION SHARING
AGREEMENTS (AISAS)



Can I record a meeting with my boss or employee?

If you are intending to tape record a conversation with your employer, you should have clear reasons for doing so. Likewise if you are an employer intending to record a conversation with an employee...

Can an employer record workplace phone calls?

Yes. But if an employer records phone calls, they should make sure staff and customers have been advised at some point that the calls are being recorded. That's because the Privacy Act say...

Can I record a meeting with a client?

You can record a meeting with a client or an employee, but you need to be upfront and tell him or her that you would like to do that. Employers should seek legal advice before using covert...

FUTURE FOCUS FOR PRIVACY IN NZ

- Greater penalty powers
- Data portability
- Protection against reidentification
- Narrowing the defences available to agencies
- Justice Minister acknowledges there may need to be future work on privacy reform
- Regulatory convergence



FOR MORE INFO

Check out our website: www.privacy.org.nz

Find us on Twitter, Facebook, LinkedIn and YouTube

Post a question on AskUs

Or give us a call - 0800 803 909