

# Update Privacy Law and Practice

## Service 117 — February 2022

### UPDATED MATERIAL IN SERVICE 117 INCLUDES:

#### **Commentary**

#### **Privacy Act 2020**

Changes have been made to the commentary on the Privacy Act 2020 in the following sections:

- PA13.10 Considerations for appointment
- PA17.12 Section 17(1)(g) To examine proposed legislation
- PA17.13 Section 17(1)(h) To monitor use of unique identifiers
- PA13.5 Office holders
- PA13.7 Offices and staff
- PA13.8 Privacy Commissioner policies
- PA13.9 Complaints about services provided by OPC
- PA21.8 Section 21(c) Cultural perspectives
- PA33.3 Section 33(2): “Body representing the interests of any class or classes of agency, industry, profession, or calling (a group)”
- PA33.5 Section 33(3): “Do everything reasonably possible to advise all persons affected by the proposed code”
- PA35.3 Online availability of codes of practice
- PA47.1 Summary
- PA70.4 Complaint made together with other complaints
- PA71.3 Terms used in s 71
- PA71.4 Inchoate reform
- PA72.4 Communications with persons with disabilities
- PA74.10 Section 74(1)(h): insufficient personal interest
- PA81.6 Timeliness
- PA95.4 Section 95(1) “Nothing in section 85, 91, 93, 94, or subpart 3”
- PA95.5 Section 95(1): “In relation to an action of an intelligence and security agency”
- PA95.6 National security exceptions in the Privacy Act
- PA112.8 Breaches involving unavailability of personal information
- PA113.4 Assessment process
- PA113.5 Consideration (a): post-breach action to reduce risk
- PA193.12 Section 193(2)(c): Considerations for Commissioner: International guidelines
- PA193.13 Section 193(3) Exception where required by an enactment or international instrument
- PA201.6 Government Chief Privacy Officer

PA201.9 Overseas agencies “carrying on business in New Zealand” required to appoint privacy officers

PA206.5 Section 206(2): Disclosure of matters that “ought to be disclosed for . . . giving effect to” the Act: Naming policy

PA214.7 No provision to prescribe an international organisation for purposes of IPP 12

### **Related provisions**

Crimes Act 1961 provisions, under section Penal Provisions, have been updated to reflect the latest amendments.

### **International**

Substantial updates have been made to the International tab introduction, with new documents also being added.

### **Legislation**

#### **Adult Adoption Information Act 1985**

The Adult Adoption Information Act 1985 has been amended by the Secondary Legislation Act 2021 No 7.

#### **Health and Disability Commissioner (Code of Health and Disability Services Consumers’ Rights) Regulations 1996**

The Health and Disability Commissioner (Code of Health and Disability Services Consumers’ Rights) Regulations 1996 has been amended by the End of Life Choice Act 2019 No 67.

#### **Health Practitioners Competence Assurance Act 2003**

The Health Practitioners Competence Assurance Act 2003 has been amended by the Secondary Legislation Act 2021 No 7.

#### **Local Government Official Information and Meetings Act 1987**

The Local Government Official Information and Meetings Act 1987 has been amended by the Water Services Act 2021 No 36; the Health (Drinking Water) Amendment Act 2007 No 92; and the Secondary Legislation Act 2021 No 7.

#### **Official Information Act 1982**

The Official Information Act 1982 has been amended by the Secondary Legislation Act 2021 No 7.

#### **Ombudsmen Act 1975**

The Ombudsmen Act 1975 has been amended by the Secondary Legislation Act 2021 No 7 and the Water Services Act 2021 No 36.

#### **Privacy Act 2020**

The Privacy Act 2020 has been amended by the Legislation Act (Amendments to Legislation) Regulations 2021 LI 2021/247 and the Secondary Legislation Act 2021 No 7.