

Update Privacy Law and Practice

Service 118 — May 2022

UPDATED MATERIAL IN SERVICE 118 INCLUDES:

Commentary

Privacy Act 2020

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

- PA7.16 “News entity”
- PA11.4 Section 11(1): Processing information on another’s behalf
- PA13.1 Summary
- PA13.3 Legal status of Privacy Commissioner under other laws
- PA22.6 The significance of “purpose” in information privacy principle 1
- PA22.9 Cases on information privacy principle 1
- PA22.30 Cases on information privacy principle 3
- PA22.46 Information privacy principle 4(b): unfair and unreasonably intrusive means
- PA22.57 The significance of privacy policies and training
- PA22.59 Inappropriate employee browsing
- PA22.60 Overlap with and relation to other information privacy principles
- PA22.95 Cases on information privacy principle 8
- PA22.130 Information privacy principle 11(1): the meaning and scope of “disclose”
- PA21.3 Origins of section’s content and “have regard to”, “consider” and “take account” formulations
- PA21.8 Section 21(c) Cultural perspectives
- PA32.1 Summary
- PA32.19 Extension of code-making power by other enactments
- PA32.20 Certain codes issued under other statutes treated for certain purposes as if they were codes of practice issued under the Privacy Act
- PA48.6 No provision for multiple extensions
- PA49.7 Section 49(1)(a)(i): “would be likely”
- PA53.10 Section 53(b): Cases on “unwarranted disclosure” of another’s affairs
- PA53.12 The applicability of s 53(c): maintenance of the law “by any public agency”
- PA53.31 Section 53(h): “the request is frivolous or vexatious”
- PA69.10 Section 69(2)(b)(iii): “Significant humiliation, loss of dignity, or injury to feelings”
- PA70.5 Transitional provisions
- PA76.4 “Overseas privacy enforcement authority”

PA76.6 Safeguards
 PA79.3 Transitional provisions
 PA107.3: Proposed new s 107(4)
 PA103.5A Section 103(1)(b): damages for expenses reasonably incurred
 PA103.6 Section 103(1)(c): Damages for loss of a benefit
 PA103.7 Section 103(1)(d): Damages for humiliation, loss of dignity and injury to feelings
 PA103.11 Section 103(1)(d) damages for breach of information privacy principle 6
 PA110.3 Costs decisions under the Privacy Act: particular issues
 PA111.2 Section 111(2): applicability of Human Rights Act provisions to the Privacy Act
 PA112.4 “Notifiable privacy breach”: Elements of para (a)
 PA112.5 “Notifiable privacy breach”: Exclusions in para (b) of individual’s domestic or privately held information and in transitional provisions
 PA113.6 Consideration (b): sensitivity of personal information
 PA113.8 Consideration (c): nature of harm that may be caused
 PA114.7 Freedom of expression under New Zealand Bill of Rights Act
 PA139.5 Transitional provisions
 PA145.5 Orders made on the recommendation of the “relevant Minister”
 PA168.3 Assessment of Pt 7 Subpt 2 in relation to the New Zealand Bill of Rights Act 1990
 PA169.4 Assessment of Pt 7 Subpt 3 in relation to the New Zealand Bill of Rights Act 1990
 PA178.4 Transitional provisions
 PA184.3 Privacy Commissioner’s programme of periodic reviews
 PA184.4 Review reports under 1993 Act
 PA184.5 Review reports under 2020 Act
 PA193.15 Transfer prohibition and the New Zealand Bill of Rights Act 1990
 PA201.1 Summary
 PA207.3 International guidance on cross-border enforcement cooperation
 PA212.7 “Without reasonable excuse”

Law Enforcement

Substantial changes have been made to the Law Enforcement guidecard

Legislation

Education and Training Act 2020

The Education and Training Act 2020 has been amended by the Secondary Legislation Act 2021, 2021 No 7; and the the Education and Training Amendment Act 2021, 2021 No 58.

Education (Ministry of Social Development Authorised to Use National Student Numbers) Regulations 2012

The Education (Ministry of Social Development Authorised to Use National Student Numbers) Regulations 2012 has been amended by the Education and Training Act 2020, 2020 No 38.

Education (Statistics New Zealand Authorised to Use National Student Numbers) Regulations 2008

The Education (Statistics New Zealand Authorised to Use National Student Numbers) Regulations 2008 has been amended by the Education and Training Act 2020, 2020 No 38.

Education (Surrender, Retention, and Search) Rules 2013

The Education (Surrender, Retention, and Search) Rules 2013 has been amended by the Education and Training Act 2020, 2020 No 38.

Health Act 1956

The Health Act 1956 has been amended by the Privacy Act 2020, 2020 No 31; and the Health (Fluoridation of Drinking Water) Amendment Act 2021, 2021 No 44.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 has been amended by the Te Kāhui o Matariki Public Holiday Act 2022, 2022 No 14.

Official Information Act 1982

The Official Information Act 1982 has been amended by the Te Kāhui o Matariki Public Holiday Act 2022, 2022 No 14.

Ombudsmen Act 1975

The Ombudsmen Act 1975 has been amended by the Ombudsmen (Executive Board for the Elimination of Family Violence and Sexual Violence) Order 2022, SL 2022/43.

Privacy Act 2020

The Privacy Act 2020 has been amended by the Te Kāhui o Matariki Public Holiday Act 2022, 2022 No 14.

