

# Update Privacy Law and Practice

## Service 120 — November 2022

### UPDATED MATERIAL IN SERVICE 120 INCLUDES:

#### Commentary

#### Privacy Act 2020

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

- PA13.3 Legal status of Privacy Commissioner under other laws
- PA17.6 Functions conferred under other enactments
- PA17.12 Section 17(1)(g) To examine proposed legislation
- PA17.13 Section 17(1)(h) To monitor use of unique identifiers
- PA17.14 Section 17(1)(i) Inquiries
- PA17.15 Section 17(1)(j) To research into, and to monitor, developments in technology
- PA18.6 “Comparable safeguards to those in this Act”
- PA21.8 Section 21(c) Cultural perspectives
- PA32.11 Codes may be applied to information about deceased persons
- PA36.5 Disallowance of codes by House of Representatives
- PA36.6 Publishing, for international transparency, of copies of and links to certain subordinate legislation
- PA70.2 Changes from the 1993 Act
- PA70.4 Complaint made together with other complaints
- PA72.2 Changes from the 1993 Act
- PA73.2 Changes from the 1993 Act
- PA75.4 Examples of complaint referrals between complaints agencies
- PA77.6 Use of mediation by the Office of the Privacy Commissioner
- PA77.11 Conciliation conferences
- PA77.12 OPC Conciliation Case Conference Preparation Toolkit
- PA79.2 Changes from the 1993 Act
- PA80.2 Changes from the 1993 Act
- PA81.2 Changes from the 1993 Act
- PA82.2 Changes from the 1993 Act
- PA83.2 Changes from the 1993 Act
- PA83.3 Similar provision in s 77
- PA89.2 Changes from the 1993 Act
- PA91.2 Changes from the 1993 Act
- PA91.7 “Best endeavours” to seek a settlement and assurance
- PA94.4 Privacy Commissioner’s duty to use best endeavours to secure settlement

PA124.5 Factor (a) “Whether there is another means under this Act or another Act for dealing with the breach”

PA124.6 Factor (b) “The seriousness of the breach”

PA124.7 Factor (c) “The likelihood of a repeat of the breach”

PA124.8 Factor (d) “The number of people who may be or are affected by the breach”

PA124.9 Factor (e) “Whether the agency has been co-operative in all dealings with the Commissioner”

PA124.10 Factor (f) “The likely costs to the agency of complying with the notice”

PA125.4 Template compliance notice

PA127.3 Example of variation of notice

PA127.4 Example of cancellation of notice

PA129.5 Examples of publishing and withholding details of compliance notice

PA215.4 Privacy Regulations 2020

## **International**

Significant updates have been made to the International tab. All single documents have been deleted and given a summary and link to the document in ITL1 Introduction.

## **Legislation**

### **Education and Training Act 2020**

The Education and Training Act 2020 has been amended by the Data and Statistics Act 2022, 2022 No 39.

### **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 Data and Statistics Act 2022, 2022 No 39.

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

The Local Government Official Information and Meetings Act 1987 has been amended by the Local Government Official Information and Meetings Act 1987, 1987 No 174.

### **Official Information Act 1982**

The Official Information Act 1982 has been amended by the Data and Statistics Act 2022, 2022 No 39.

### **Ombudsmen Act 1975**

The Ombudsmen Act 1975 has been amended by the Electricity Industry Amendment Act 2022, 2022 No 46; the Ombudsmen (Digital Executive Board) Order 2022, SL 2022/229; and the Ombudsmen (Auckland Light Rail Limited) Order 2022, SL 2022/272.

### **Privacy Act 2020**

The Privacy Act 2020 has been amended by the Data and Statistics Act 2022, 2022 No 39.