

# Update Privacy Law and Practice

## Service 122 — May 2023

### UPDATED MATERIAL IN SERVICE 122 INCLUDES:

#### Commentary

#### Privacy Act 2020

The following sections under the Privacy Act 2020 commentary have been updated:

- PA13.3 Legal status of Privacy Commissioner under other laws
- PA21.7 Section 21(b) International obligations accepted by New Zealand
- PA21.8 Section 21(c) Cultural perspectives
- PA32.11 Codes may be applied to information about deceased persons
- PA73.4 Ombudsman investigation of preliminary assessment process undertaken under Health and Disability Act
- PA74.18 Ombudsman investigation of discretionary discontinuance process undertaken under the Health and Disability Act
- PA113.4 Assessment process
- PA113.5 Consideration (a): post-breach action to reduce risk
- PA113.7 Consideration (b): sensitivity of personal information: international approaches
- PA113.8 Consideration (c): nature of harm that may be caused
- PA113.9 Consideration (d): recipient or possible recipient
- PA114.5 European Union guidance on when an agency becomes “aware” of a breach
- PA115.4 Obligation to notify
- PA115.5 Timing, sequencing and permitted delay
- PA115.6 Public notice
- PA116.5 Section 116(4) and (5): Delayed notification
- PA117.3 Standard contents of notification
- PA121.3 Contracts with agencies holding information for safe keeping or processing
- PA192.2 Changes from the 1993 Act
- PA193.2 Changes from the 1993 Act
- PA193.3 Privacy Commissioner’s approach to use of power
- PA193.5 Section 193(1)(a): “Country” may include part of a country
- PA193.6 Section 193(1)(a): “Law providing comparable safeguards to those in this Act”
- PA193.7 Section 193(1)(b): “Contravention of the basic principles of national application” in the OECD Guidelines
- PA193.8 “Transfer” of information

PA213.4 European precedents for schemes binding participants to data protection requirements

The Codes of Practice tab, International tab and Law Enforcement tab have also been updated.