

Update

Privacy Law and Practice

Service 115 — September 2021

UPDATED MATERIAL IN SERVICE 115 INCLUDES:

Commentary

Privacy Act 2020

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

- PA21.8 Section 21(c) Cultural perspectives
- PA22.47 Information privacy principle 4(b): “Personal Affairs”
- PA22.65 Operation of information privacy principle 6
- PA22.73 Information privacy principle 6: Desirability of auditing personal information held by agencies
- PA22.74 The significance and utility of information privacy principle 6
- PA24.6 Privacy Act subject to other New Zealand law
- PA27.6 Section 27(1)(b) and (2)(b): “personal affairs”
- PA31.4 Invocation of s 11(2)
- PA31.5 Section 31(2) and alternative claims
- PA31.6 Application of Part 4 of the Act to information held by public sector agencies under s 31(2)
- PA34.3 Examples of reasons for urgent issue of codes and amendments
- PA41.5 Cases on s 41 urgency
- PA43.5 Section 43(1)(b): where request is believed to be “more closely connected with the functions or activities of another agency”
- PA44.2 Section 44(1): “As soon as reasonably practicable”
- PA44.5 Section 44(2)(a): information cannot be “readily retrieved”
- PA46.6 Relevant time at which the agency must have the good reason for refusing access to personal information
- PA49.3 Section 49(1): “An agency may refuse access”
- PA53.7 Section 53(b)(i) and (ii): “the affairs” of another individual or deceased person
- PA53.10 Section 53(b): Cases on “unwarranted disclosure” of another’s affairs
- PA53.30 “Frivolous or vexatious” under the Official Information Act
- PA53.31 Section 53(h): “the request is frivolous or vexatious”
- PA60.6 Cases on urgent requests
- PA62.3 Obligations under s 62
- PA62.5 Section 62(1)(b): where a request is believed to be “more closely connected with the functions or activities of another agency”
- PA69.11 Section 69(3): “without proper basis”
- PA77.7 Settlements: what is a complaint worth?

PA102.2 Section 102(1) and (2): “any action of the defendant”
PA102.5 Section 102(s)(c): Damages
PA102.6 Section 102(2)(d): order that defendant remedy the interference or redress any loss or damage
PA103.4 Damages intended to be compensatory only
PA103.6 Section 103(1)(c): Damages for loss of a benefit
PA103.11 Section 103(1)(d) damages for breach of information privacy principle 6
PA111.4 Proceedings in the Human Rights Review Tribunal
PA111.6 Tribunal must act according to substantial merits and in equity and good conscience
PA111.18 Hearings on the papers
PA111.29 Tribunal can strike out proceedings
PA111.35 Enforcement of Tribunal decisions
PA111.36 Appeals from Tribunal decisions
PA114.3 “As soon as practicable”
PA173.3 Henry VIII clause considered appropriate by Cabinet and Select Committee