

Update

Privacy Law and Practice

Service 109 — February 2020

UPDATED MATERIAL IN SERVICE 109 INCLUDES:

Privacy Act 1993

The **Privacy Act 1993** has been updated with amendments made by the following:

- Intelligence and Security Act 2017, effective 28 September 2017.
- Privacy (Information Sharing Agreement between Department of Internal Affairs and Registrar-General) Order 2019, effective 24 October 2019.
- Privacy (Information Sharing Agreement between Registrar-General and New Zealand Police) Order 2019, effective 12 December 2019.
- Kāinga Ora — Homes and Communities Act 2019, effective 1 October 2019.

The **Official Information Act 1982** has been updated with amendments made by the following:

- Kāinga Ora — Homes and Communities Act 2019, effective 1 October 2019.
- Statutes Amendment Act 2019, effective 24 October 2019.
- State-Owned Enterprises Amendment Act 2012, effective 20 December 2019.

The **Ombudsman Act 1975** has been updated with amendments made by the following:

- Climate Change Response (Zero Carbon) Amendment Act 2019, effective 14 November 2019.
- Kāinga Ora — Homes and Communities Act 2019, effective 1 October 2019.
- Local Government Act 2002 Amendment Act 2019, effective 22 October 2019.
- New Zealand Infrastructure Commission Te Waihangā Act 2019, effective 26 September 2019.
- State-Owned Enterprises Amendment Act 2012, effective 20 December 2019.
- Statutes Amendment Act 2019, effective 24 October 2019.

Additions have been made to the commentary on the Privacy Act 1993 including:

Short title and commencement

- *Armfield v Naughton* [2014] NZHRRT 48, (2014) 9 HRNZ 808, see [PVA1.1].
- *Holmes v Housing New Zealand Corporation* [2014] NZHRRT 54, see [PVA1.1].
- *Naidu v Royal Australasian College of Surgeons* [2018] NZHRRT 23, see [PVA1.1].

Part 1 — Preliminary provisions

- *Case Note 292270* [2019] NZPrivCmr 6, see [PVA2.12(b)].
- *Case Note 254872* [2019] NZPrivCmr 7, see [PVA3.3].
- *Case Note 254872* [2019] NZPrivCmr 7, see [PVA4.4].
- Senior Courts (Access to Court Documents) Rules 2017 (LI2017/193), the District Court (Access to Court Documents) Rules 2017 (LI2017/186) and the Criminal Procedure Rules 2012 (SR2012/415), see [PVA2.2(b)].

Part 3 — Privacy Commissioner

- The members of the Asia Pacific Privacy Authorities Forum (APPA), see [PVA13.5].
- The list of reports by the Privacy Commissioner to the Minister of Justice, and a selection of submissions filed by the Office of the Privacy Commissioner to other bodies, see [PVA13.11].
- *Harder v Proceedings Commissioner* [2000] NZCA 129, [2000] 3 NZLR 80, see [PVA14.3].
- *H v Chief Executive Department of Work and Income* Decision No 40/2000, CRT 10/00, see [PVA14.3].
- *Boyle v Manurewa RSA Inc* Decision No 16/03, HRRT 29/02, see [PVA14.3].
- *Taylor v Chief Executive, Department of Corrections* [2018] NZHRRT 35, see [PVA14.3].
- *O'Neill v Health and Disability Commissioner* Decision No 2/03, HRRT 2/02, see [PVA14.4].
- *Steele v Department of Work & Income* Decision No 12/02, HRRT 04/02.
- *Cable v NZ Insolvency and Trustee Service* Decision No 10/99, CRT 30/98.

Part 4 — Good reasons for refusing access to personal information

- *Dotcom v Crown Law Office* [2018] NZHRRT 7, (2018) 11 HRNZ 420, see [PVA27.3].
- *Attorney-General v Dotcom* [2018] NZHC 2564, [2019] 2 NZLR 277, see [PVA27.3], [PVA29.29].
- *Case Note 292270* [2019] NZPrivCmr 6, see [PVA29.10], [PVA30.5].

Part 5 — Procedural provisions relating to access to and correction of personal information

- *Case Note 7844* [1997] NZPrivCmr 8, see [PVA35.8].
- *Case Note 204595* [2009] NZPrivCmr 14, see [PVA35.8].
- *Case Note 294559* [2019] NZPrivCmr 4, see [PVA35.8].
- *Director of Human Rights Proceedings v Schubach* [2015] NZHRRT 4, see [PVA35.8].
- *Case Note 204595* [2009] NZPrivCmr 14, see [PVA35.8].
- *Dotcom v Crown Law Office* [2018] NZHRRT 7, see [PVA39.4].
- *Attorney-General v Dotcom* [2018] NZHC 2564, [2019] 2 NZLR 277, see [PVA39.4].

Part 6 — Codes of practice and exemptions from information privacy principles

- Civil Defence National Emergencies (Information Sharing) Code 2013, see [PVA46.6].
- New South Wales Privacy and Personal Information Protection Act 1998, see [PVA46.6].
- Data Protection Act 1998, see [PVA46.6].
- Health Information Privacy Code 1993 (Temporary), see [PVA52.3].
- Christchurch Earthquake (Information Sharing) Code 2011 (Temporary), see [PVA52.3].
- Civil Defence National Emergencies (Information Sharing) Code 2013, see [PVA54.5].

Part 7 — Public register personal information

- Credit Reporting Privacy Code 2004, see [PVA59.6].

Part 8 — Complaints

- *Geary v New Zealand Psychologists Board* [2012] NZHC 384, [2012] 2 NZLR 414, see [PVA85.3].

- *Poysden v Lower Hutt Memorial RSA Inc* [2002] NZHRRT 14, see [PVA85.3].
 - *Hamilton v The Deanery 2000 Ltd* [2003] NZHRRT 28, see [PVA85.3].
 - *Geary v New Zealand Psychologists Board* [2011] NZHRRT 19, see [PVA85.3].
 - *Te Wini v Askelund* [2015] NZHRRT 21, see [PVA85.3].
 - *Deeming v Whangarei District Council* [2015] NZHRRT 55, see [PVA85.3].
 - *Sansom v Department of Internal Affairs* [2016] NZHRRT 17, see [PVA85.3].
 - *Taylor v Chief Executive, Department of Corrections* [2018] NZHRRT 35, see [PVA85.3].
 - *Attorney-General v Dotcom* [2018] NZHC 2564, see [PVA85.5], [PVA85.6].
 - *Taunoa v Attorney-General* [2007] NZSC 70, [2008] 1 NZLR 429, see [PVA85.5].
 - *Dotcom v Crown Law Office* [2018] NZHRRT 7, see [PVA85.9], [PVA89.3(r)].
 - *Television New Zealand Ltd v Green* [2009] NZAR 69, see [PVA89.3].
 - *Proceedings Commissioner v Stowell* [1997] NZAR 109, see [PVA89.3].
 - *Proceedings Commissioner v Air New Zealand* (1998) 7 NZAR 462, see [PVA89.3].
 - *SC v Auckland District Health Board* [2011] NZHRRT 9, see [PVA89.3(p)], [PVA89.3(r)].
 - *E F v Toon* [2005] NZHRRT 26, see [PVA89.3(q)].
 - *O'Neill v Chief Commissioner, Human Rights Commission* [2006] NZHRRT 26, see [PVA89.3(q)].
 - *O'Neill v Peirse* [2006] NZHRRT 40, see [PVA89.3(q)].
 - *Dotcom v Crown Law Office (Application for Compliance Orders)* [2018] NZHRRT 29, see [PVA89.3(r)].
 - *Siemer v Solicitor-General* [2013] NZSC 68, [2013] 3 NZLR 441, see [PVA89.3(r)].
 - *Psychologists Board v Geary* [2013] NZHC 1039, [2013] NZAR 845, see [PVA89.3(r)].
 - *Dotcom v Crown Law Office (Inherent Powers)* [2018] NZHRRT 36, see [PVA89.3(r)].
 - *Mafart v Television New Zealand Ltd* [2006] NZSC 33, [2006] 3 NZLR 18, see [PVA89.3(r)].
 - *Department of Social Welfare v Stewart* [1990] 1 NZLR 697, see [PVA89.3(r)].
 - *Browne v Minister of Immigration* [1990] NZAR 67 (HC), see [PVA89.3(r)].
- Part 9 — Proceedings of Commissioner*
- *Case Note 2049* [1996] NZPrivCmr 7, see [PVA91.5].
 - *Case Note 292270* [2019] NZPrivCmr6, see [PVA91.5].
 - *Jeffries v Privacy Commissioner* [2010] NZSC 99, [2011] 1 NZLR 45, see [PVA94.3].
- Part 12 — Miscellaneous provisions*
- *Knight v Commissioner of Inland Revenue* [1991] 2 NZLR 30 (CA), see [PVA116.4].
 - *Proceedings Commissioner v Howell* [1993] 2 ERNZ 130, see [PVA126.3].
 - *Proceedings Commissioner v Pryor* [1993] 1 ERNZ 358, see [PVA126.3].
 - *Proceedings Commissioner v NZ Van Lines Ltd* [1993] 2 ERNZ 112, see [PVA126.3].
 - *Case Note 89291* [2006] NZPrivCmr 17, see [PVA126.3].
 - *Case Note 254872* [2019] NZPrivCmr 7, see [PVA126.3].
 - *E F v Toon* [2003] NZHRRT 15, see [PVA126.3].
 - *Williams v Pacific Plastic Recyclers Ltd* [2004] NZHRRT 47, see [PVA126.3].

- *Steele v Department of Work and Income* [2002] NZHRRT 12, see [PVA126.3].
- *Cable v NZ Insolvency and Trustee Service* [1999] NZCRT 10, see [PVA126.4].

Current developments

A Table of Concordance between Privacy Act and Privacy Bill (as reported from the Justice Committee on 13 March 2019) has been added, see Table of Concordance: Privacy Act 1993 and Privacy Bill.