

Preface

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The report has four parts:

- Introductory material;
- Part by Part analysis;
- Summary of recommendations;
- Appendices.

The *Introduction* sets the Privacy Act and this review into context. It discusses the international, technological and economic environment, legislative evolution, and the conduct of the review. It also introduces themes that are developed further in the report.

The *Part by Part analysis* covers the entire Act from section 1 to its Eighth Schedule. The material is presented in 12 chapters corresponding to the 12 Parts of the Act and a thirteenth devoted to the schedules. Each chapter begins with introductory material and then works systematically through the relevant sections and provides recommendations. As individual sections of the Act interact with each other, I have extensively cross referenced.

The *Summary of Recommendations* follows. The recommendations are derived from the analysis and collected in one series.

The *Appendices* elaborate upon and list some of the material referred to in the report. Lists are included of those who made submissions, overseas legislation, public registers and corresponding provisions in the official information statutes.

SOURCES OF INFORMATION

The Privacy Act consists of 133 sections, 8 schedules and 100 pages. I discuss each section of the Act regardless of whether amendment is desirable. Not surprisingly this has led to a relatively long report. To contain the length I have avoided reprinting extracts from the Act. To obtain a full appreciation of the issues and recommendations it is necessary to refer to a copy of the Privacy Act.

The submissions referred to in the report, and others not referred to, are available in four volumes from my office. I have highlighted quotations from submissions whether or not they support the recommendations that I make. Some have been condensed or edited. There is a variety of genuinely held views on many of the issues tackled in the report and the quotations are intended to illustrate that. I do not necessarily endorse the sentiments expressed.

The footnotes include references to my earlier reports to the Minister of Justice, reports by official bodies, overseas privacy laws, case notes, Tribunal decisions and text books. Two of the most frequently cited texts are:

- Dr Paul Roth, *Privacy Law and Practice*, Butterworths, 1995-1998, cited as *Privacy Law and Practice*; and
- Ian Eagles, Michael Taggart and Grant Liddell, *Freedom of Information in New Zealand*, Oxford University Press, 1992, cited as *Freedom of Information in New Zealand*. *Privacy Law and Practice* is a comprehensive loose-leaf work on the Act. It contains the complete text of the key international instruments referred to at various places in this report. *Freedom of Information in New Zealand* is the leading text on the official informa-

tion legislation although it does not take account of developments since December 1991 such as the enactment of the Privacy Act.

TERMINOLOGY

Any reference to “the Act” or a section is, unless the context suggests otherwise, a reference to the Privacy Act 1993 or a section in the Act. Similarly, “principle” is to be taken to be an “information privacy principle” or, if the context suggests, a “public register privacy principle”.

Other abbreviations include:

- “Convention No 108” - the Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, 28 January 1981;
- “case note” - a case note released by the Office of the Privacy Commissioner;
- “discussion paper” - one of the 12 discussion papers released by the Office of the Privacy Commissioner, June to September 1997;
- “EU” - European Union;
- “EU Directive on Data Protection” - the EU Directive on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of such Data, 24 October 1995;
- “OECD” - the Organisation for Economic Cooperation and Development;
- “OECD Guidelines” - the OECD Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data, 23 September 1980;
- “Recommendation R(91)10” - Council of Europe Recommendations on Communication to Third Parties of Personal Data held by Public Bodies, 9 September 1991.
- “Tribunal” - the Complaints Review Tribunal.

The report was mostly finalised in July 1998 so does not generally include reference to developments between that date and the time of publication. For example, during that time advice was received concerning the enactment of the UK Data Protection Bill, referred to in the report, and moves towards bringing magazines within the Press Council scheme.

The tabs shown on the right hand side of the pages of the report give section references (upper tab) and page references (lower tab).