

# Appendix D

## Legislative Background

### LEGISLATIVE INFLUENCES

**1972**

*Preservation of Privacy Bill* - private member's initiative encouraged the introduction of Labour Government's Privacy Commissioner Bill and Wanganui Computer Centre Bill in 1975.

**1974**

*Private Investigators and Security Guards Act 1974* - perhaps the first NZ statute expressly directed to protection of privacy.

**1975**

*Privacy Commissioner Bill* - Government bill did not survive the change of government.

**1976**

*Wanganui Computer Centre Act 1976* - established NZ's first Privacy Commissioner and directly influenced Part XI of the Privacy Act.

**1977**

*Human Rights Commission Act 1977* - the Human Rights Commission's privacy brief was later transferred to the Privacy Commissioner.

**1980**

*OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data* - influenced the Health Amendment Act 1988 and the Privacy Act itself.

*Danks Committee* - recommended repeal of the Official Secrets Act 1951 and proposed key features of an official information regime.

**1981**

*Council of Europe Convention No 108* - influential European counterpart to the OECD Guidelines.

**1982**

*Official Information Act 1982* - the part concerning access to personal information later transferred into the Privacy Act.

**1983**

*Australian Law Reform Commission Privacy Report* - influenced the Australian Privacy Act 1988 and thereby indirectly the Privacy Act.

**1987**

*Official Information Amendment Act 1987* and *Local Government Official Information and Meetings Act 1987* - extended access rights to broader range of public sector agencies.

*Data Privacy: An Options Paper* - report to the Minister of Justice influenced the shape of subsequent privacy legislation.

**1988**

*Information Authority Report on the Subject of Collection and Use of Personal Information* - not generally implemented but influenced the Health Amendment Act 1988.

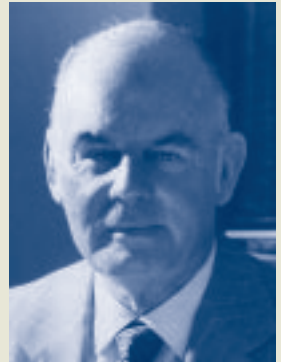
*Privacy Act 1988 (Australia)* - many aspects, particularly the information privacy principles, copied into the Privacy of Information Bill.

*Computer Matching and Privacy Protection Act 1988 (USA)* - influenced the approach to information matching in the Privacy of Information Bill.

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**Sir George Laking:**  
New Zealand's first Wanganui  
Computer Centre Privacy  
Commissioner.

PHOTO: OFFICE OF THE  
OMBUDSMEN



**Sir James Wicks:** Wanganui  
Computer Centre Privacy  
Commissioner from 1978 to  
1983.

PHOTO: OFFICE OF THE PRIVACY  
COMMISSIONER

*Health Amendment Act 1988* - first NZ law to implement the OECD collection limitation principle, also included health sector security safeguards and disclosure controls, repealed with the enactment of the Privacy Act and 1993 health restructuring.

### 1989

*Broadcasting Act 1989* - required programme standards to be consistent with the privacy of the individual and enabled complaints to be taken to the Broadcasting Standards Authority.

### 1990

*Data-matching Program (Assistance and Tax) Act 1990 (Australia)* - directly influenced the approach taken to information matching in the Privacy Act.

*Draft European Community Directive on Data Protection* - rekindled worldwide interest in data protection.

### 1991

*Information Privacy Bill* - private member's initiative which illustrated bipartisan support for privacy law.

*Privacy of Information Bill* - following select committee study led directly to the Privacy Commissioner Act 1991 and Privacy Act 1993.

*Privacy Commissioner Act 1991* - established Privacy Commissioner and information matching, later consolidated into the Privacy Act.

### 1992

*Draft EC Directive on Data Protection* - European Parliament draft highlighted trading partners' need to consider privacy laws.

## LIST OF PRIVACY COMMISSIONERS

### *Wanganui Computer Centre Act 1976*

*Sir George Laking*

17 February 1977 - 31 March 1978 concurrently with appointment as Chief Ombudsman.

*The Honourable Justice McGechan*

1 April 1978 - 28 September 1978 pending appointment of a full-time Commissioner. High Court Judge who was then Deputy Chairman of Wanganui Computer Centre Policy Committee.

*Sir James Wicks*

29 September 1978 - 28 September 1983. Retired Chief Stipendiary Magistrate.

*P L Molineaux*

29 September 1983 - 30 June 1993. Retired District Court Judge and former Director of the NZ Security Intelligence Service.

### *Privacy Commissioner Act 1991*

*B H Slane*

15 April 1992 - 30 June 1993. Barrister and solicitor, former President of the NZ Law Society and Chairman of the Broadcasting Tribunal.

### *Privacy Act 1993*

*B H Slane*

1 July 1993 onwards. First 5 year term commenced under the 1991 Act was continued by section 133 of the Act and followed by a 3 year reappointment.



**Paul Molineaux:** The longest serving, and final, Wanganui Computer Centre Privacy Commissioner. In several of his reports he emphasised the shortcomings of the 1976 legislation under which he was appointed and urged the enactment of a general information privacy statute.

PHOTO: P MOLINEAUX



**Bruce Slane:** Originally appointed under the Privacy Commissioner Act 1991 and the first Privacy Commissioner to serve under the Privacy Act 1993.

PHOTO: OFFICE OF THE PRIVACY COMMISSIONER