

**New Zealand Website Privacy
Notices: a first look**

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Privacy Commissioner
Te Mana Matapono Matatapu

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INTRODUCTION

In September 2005, the Office of the Privacy Commissioner surveyed websites maintained by New Zealand's largest employers. The survey was a relatively simple counting exercise and no attempt was made to review the content for compliance with the New Zealand Privacy Act 1993. We found that just over half displayed a privacy notice.

THE SURVEY

We reviewed a sample of 100 public and private websites with these aims:

1. Count how many websites had a link from the home page to a privacy notice.
2. Count how many websites had contact facilities, provided online services, or accepted job applications online.
3. Identify if there are differences between public and private sectors.

METHOD

Selection of websites

We visited 50 public and 50 private sector websites chosen from the largest employers listed in the online Kompass¹ database supplemented with public sector agencies from www.govt.nz. A wide cross section of websites included food, sales, transport, central and local government, health, and public sector companies. A complete list of sites visited is in Appendix A.

Website visits

Visits to each website gathered information about

- The presence of a privacy notice.
- The web page the notice linked from.
- The name of the link to the privacy notice.
- Online e-mail links and contact forms.
- Online services.
- Online job application.

FINDINGS

Websites with a privacy notice

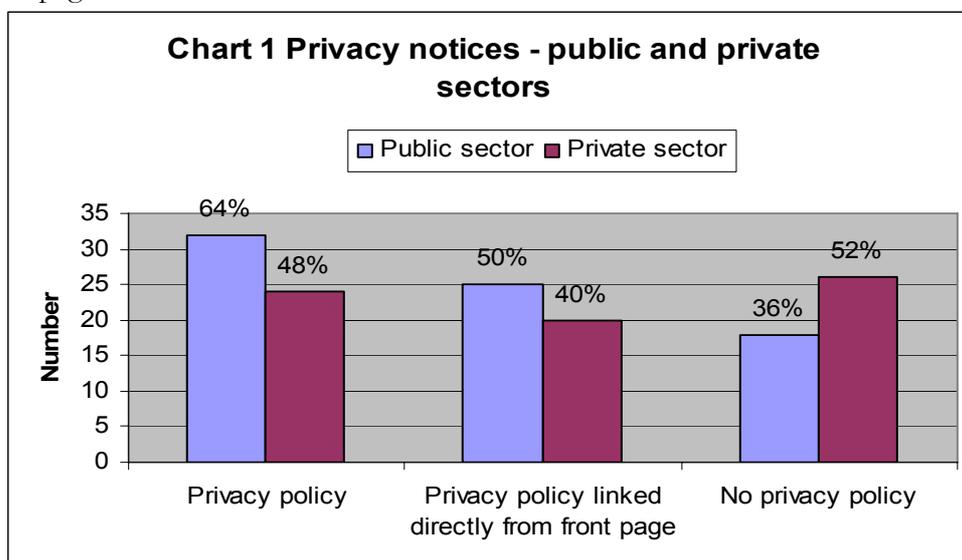
Of the 100 websites surveyed, 56 (56%) had a notice of some type relating to privacy and 45 of those (62%) were found on the home page (Table 1). Public sector websites had notices of some kind in 32 cases (64%) while private sector websites had them in 24 cases (48%).

¹ [Business Profiles of New Zealand's Top 100 Companies](http://www.kompass.co.nz/business-profiles/nz_top_100.php) (http://www.kompass.co.nz/business-profiles/nz_top_100.php)

Table 1 Privacy notice found on website

	50 Public sector	50 Private sector	All
Privacy notice	32 (64%)	24 (48%)	56%
No privacy notice	18 (36%)	26 (52%)	44%
Privacy link on home page	25 (50%)	20 (40%)	45%
Link 2 or more pages deep ²	7 (14%)	4 (8%)	11%

Of those 56 websites with privacy notices of some kind, 25 (50%) of public sector and 20 (40%) of private sector websites had links directly from the home page. We found 4 public sector and 7 private sector sites with notices two or more pages deep (14% and 8% respectively). If there was no privacy notice on the home page, notices were sometimes found on pages where information was collected.



Identifying the links to privacy notices

Of the websites that linked to a privacy notice directly from the front page, 19 (76%) of public sector and 16 (80%) of private sector websites labelled the link clearly (Table 2). A clearly labelled link used the word 'privacy', either on its own, or in combination with other words.

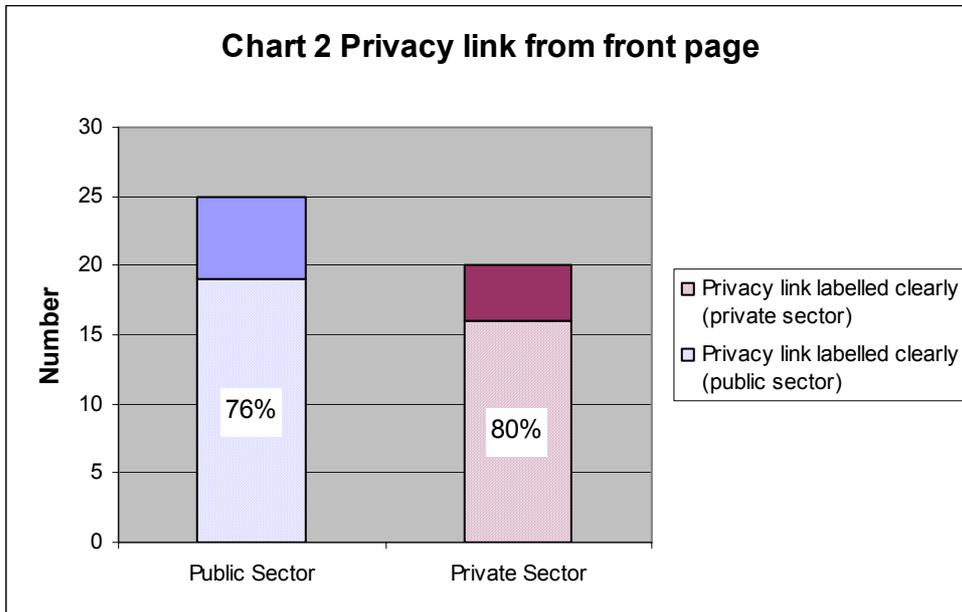
Table 2 Privacy notices found on home page

	Public sector	Private sector	All
	(% of 25)	(% of 20)	
Privacy link on front page ³	19 (76%)	16 (80%)	62%
Non privacy-specific link ⁴	6 (24%)	4 (20%)	18%

² Here, the privacy notice was found by searching the website - figures are for notices we did find. Others may have remained undiscovered.

³ The word 'privacy' must appear in the link e.g. 'privacy' or, 'website privacy policy'

Six (24%) of public and 4 (20%) of private websites had unclear or ambiguous notice labels. Label names included ‘Terms and Conditions’, ‘Terms of Use’, and ‘Legal Notices’.



Online contact facilities

We also searched sites for pages where users could submit online job applications, online services, or make online contact, these representing typical website active information practices. Table 3 displays our findings. We found that any website surveyed might offer one or all of these possibilities.

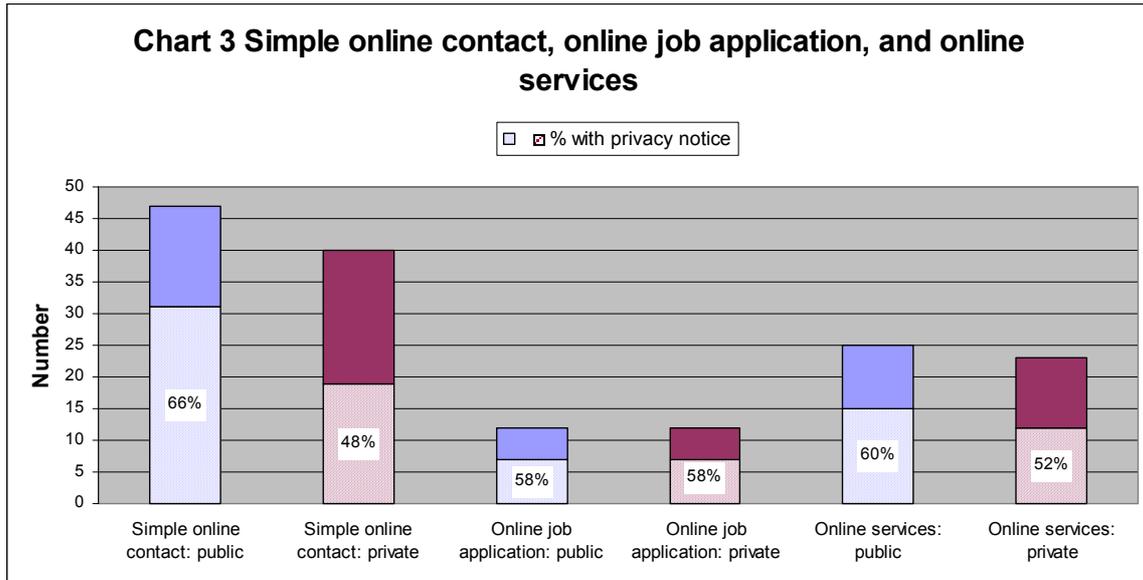
Simple online contact

Most websites (87) in the sample of 100 public and private sector websites provided a means of simple online contact (Table 3). Forty-seven (94%) of public and 40 (80%) of private sector websites provided these means. Of these, 31 (66%) public sector and 19 (48%) private sector websites had a privacy notice - chart 3 shows this comparison.

Table 3 Simple online contact

	50 Private Sector	50 Public Sector	All
Website has simple contact facilities e.g. e-mail address and/or online form (% of 50)	40 (80%)	47 (94%)	88%
Website has simple contact facilities and privacy notice	19 (48% of 40)	31 (66% of 47)	58%

⁴ For example ‘Terms and Conditions’



Online job application

Nearly a quarter (Table 4) of both public and private sector websites (12 in each case – 24%) had means for job applicants to apply online. In each case, 7 had a privacy notice (58%).

Table 4 Job applications accepted online

	50 Private Sector	50 Public Sector	All
Website accepts job applications (% of 50)	12 (24%)	12 (24%)	24%
Online job applications accepted and privacy notice	7 (58% of 12)	7 (58% of 12)	58%

Online services

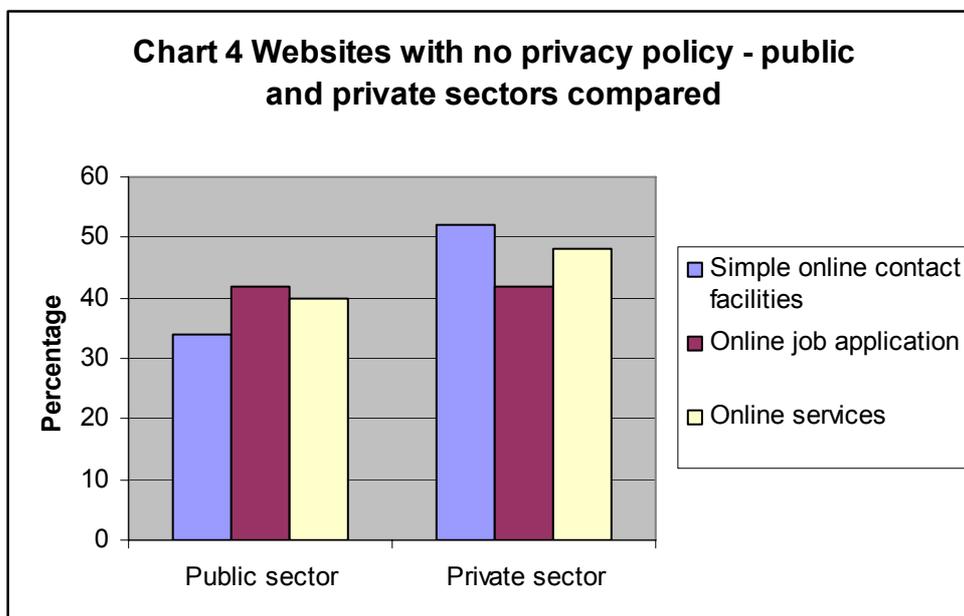
Half of all public sector websites and 46% (23) private sector sites provided services online (Table 5). Of these, 15 (60%) public and 12 (52%) private sector websites had a privacy notice.

Table 5 Online services

	50 Private Sector	50 Public Sector	All
Website has online service(s) (% of 50)	23 (46%)	25 (50%)	48%
Website has online services and privacy notice	12 (52% of 23)	15 (60% of 25)	56%

Websites with no privacy notice – public and private sector websites compared

Chart 4 compares public and private sector websites and the percentage of websites, for each means of online contact, without a privacy notice. Private sector websites were more likely to lack privacy notices when offering online contact and other services (an 18% and 8% difference respectively). For websites that accepted job applications online, the proportion lacking a privacy notice was the same.



DISCUSSION

A greater proportion of public sector websites, compared to the private sector, had a privacy notice. Moreover, more public sector websites placed a link to this on the home page. We also found that significant numbers of websites were collecting what could be considered to be personal information without a website privacy notice. For example, 5 (42%) of both public and private sector websites allowed users to submit online job applications but did not have a privacy notice.

State Services Commission published guidelines that became mandatory for some public sector agencies in January 2006⁵. Guidelines indicate that a clearly labelled link to a privacy statement must be placed on a website home page. At the start of the initial survey, 11 of the 17 websites in our sample that we understand are subject to this requirement met the standard. In March 2006, we re-surveyed and 12 met the standard.⁶ While only some public sector websites are required to have a link to a privacy notice on the front page, we would support this as best practice for all websites⁷. OPC will repeat this survey and hope to see improvements.

⁵ Cabinet minute (03) 41/2B quoted in [New Zealand Government Web Guidelines v2.1– section 1.7 – Application](http://www.e.govt.nz/standards/web-guidelines/web-guidelines-v-2-1/chapter1.html#Toc19025089) (http://www.e.govt.nz/standards/web-guidelines/web-guidelines-v-2-1/chapter1.html#Toc19025089)

⁶ Agencies included in our sample of the public sector are listed in Appendix 1.

⁷ The Cabinet minute also ‘...invited the Speaker of the House to direct the Office of the Clerk and the Parliamentary Service to implement the Guidelines on the same basis as the Public Service, and invited the appropriate Ministers to encourage State Sector agencies (excluding State Owned Enterprises and Offices of Parliament) and local government to implement the Guidelines.’

APPENDIX 1

PUBLIC AND PRIVATE SECTOR WEBSITES SURVEYED

<i>Public sector websites</i>	
Large Government Departments	
Department of Child, Youth & Family	http://www.cyf.govt.nz
Department of Conservation	http://www.doc.govt.nz
Department of Corrections	http://www.corrections.govt.nz
Department of Internal Affairs	http://www.dia.govt.nz
Department of Labour	http://www.dol.govt.nz
Inland Revenue Department	http://www.ird.govt.nz
Land Information New Zealand	http://www.linz.govt.nz
Ministry of Agriculture and Forestry	http://www.maf.govt.nz
Ministry of Education	http://www.minedu.govt.nz
Ministry of Economic Development	http://www.med.govt.nz
Ministry of Health	http://www.moh.govt.nz
Ministry of Justice	http://www.justice.govt.nz
Ministry of Social Development	http://www.msd.govt.nz
New Zealand Customs Service	http://www.customs.govt.nz
New Zealand Defence Force	http://www.nzdf.mil.nz
New Zealand Fire Service	http://www.fire.org.nz
New Zealand Police	http://www.police.govt.nz
Statistics New Zealand	http://www.stats.govt.nz
City Councils	
Auckland	http://www.aucklandcity.govt.nz
Christchurch	http://www.ccc.govt.nz
Manukau	http://www.manukau.govt.nz
North Shore	http://www.northshorecity.govt.nz
Waitakere	http://www.waitakere.govt.nz
Wellington	http://www.wcc.govt.nz
Dunedin	http://www.dcc.govt.nz
Hamilton	http://www.hcc.govt.nz
Hutt City	http://www.huttcity.govt.nz
Tauranga	http://www.tauranga.govt.nz

District Health Boards	
Auckland	http://www.adhb.govt.nz
Canterbury	http://www.cdhb.govt.nz
Waikato	http://www.waikatodhb.govt.nz
Capital and Coast	http://www.ccdhb.org.nz
Counties Manukau	http://www.cmdhb.org.nz
Otago	http://www.otagodhb.govt.nz
Mid-Central	http://www.midcentral.co.nz
Waitemata	http://www.waitematadhb.govt.nz
Tertiary Institutions	
The University of Auckland	http://www.auckland.ac.nz
University of Otago	http://www.otago.ac.nz
University of Waikato	http://www.waikato.ac.nz
Victoria University of Wellington	http://www.vuw.ac.nz
Auckland University of Technology	http://www.aut.ac.nz
University of Canterbury	http://www.canterbury.ac.nz
Companies	
Air New Zealand	http://www.airnewzealand.co.nz/
Accident Compensation Corporation	http://www.acc.co.nz
Genesis Power	http://www.genesisenergy.co.nz
Housing New Zealand	http://www.hnzc.co.nz
Land Transport New Zealand	http://www.ltsa.govt.nz
Meridian Energy	http://www.meridianenergy.co.nz
New Zealand Post	http://www.nzpost.co.nz
Public Trust	http://www.publictrust.co.nz
Quotable Value	http://www.qv.co.nz

<i>Private Sector Websites</i>	
Fonterra Co-Operative Group Ltd	http://www.fonterra.com
Progressive Enterprises Ltd	http://www.progressive.co.nz
Fletcher Building Limited	http://www.fletcherbuilding.co.nz/0_home/
Carter Holt Harvey Limited	http://www.chh.com/WSMApage/
The Warehouse Group Limited	http://www.thewarehouse.co.nz/
ANZ National Bank Limited	http://www.anz.com/nz/default.asp
Spotless Services (NZ) Limited	http://www.spotless.co.nz/
Telecom Corporation of New Zealand	http://www.telecom.co.nz/

Ltd	
McDonald's Restaurants (New Zealand) Ltd	http://www.mcdonalds.co.nz/
Bank of New Zealand Limited	http://www.bnz.co.nz/
Alliance Group Limited	http://www.alliance.co.nz/
Westpac Banking Corporation	http://www.wib.westpac.co.nz/wibnz/Publish.nsf/Content/home
PPCS Ltd	http://www.ppcs.co.nz/
Restaurant Brands New Zealand Limited	http://www.restaurantbrands.co.nz/
Toll NZ Limited	http://www.tollnz.co.nz/
Tyco Fire & Security - New Zealand	http://www.tycoservices.co.nz/
Farmers	http://www.farmers.co.nz/info/Homepage.htm
ASB Bank Limited	http://www.asbbank.co.nz/story501.asp
APN NZ Ltd	http://www.apn.com.au/
AFFCO New Zealand	http://www.affco.co.nz/frames/home.html
Allied Work Force Group Ltd	http://www.labourhire.co.nz/
OCS New Zealand	http://www.ocs.co.nz/
SKYCITY Entertainment Group Limited	http://www.skycitygroup.co.nz/skycity/corporate/index.cfm
Fulton Hogan Ltd	http://www.fh.co.nz/
Nufarm New Zealand	http://www.nufarm.co.nz/
EDS (New Zealand) Limited	http://www.eds.co.nz/
Works Infrastructure Limited	http://www.works.co.nz/
Anzco Foods Limited	http://www.angelbay.co.nz/
CDL Hotels New Zealand Limited	http://www.mckhotels.co.nz/
Fisher & Paykel Appliances Holdings Limited	http://www.fisherpaykel.co.nz/
Postie Plus Group Ltd	BabyCity
Radius Health Group Ltd	http://www.radiushealthgroup.co.nz/
Tyco Services	http://www.tycoservices.co.nz/
IAG New Zealand Ltd	http://www.iag.co.nz/
Guardian Healthcare Group Limited	http://www.guardianhealthcare.co.nz/home/page.aspx
Heinz Wattie's Ltd	http://www.heinz.co.nz/home_noswf.asp
Transfield Services Electrical and Telecommunications	http://www.transfieldservices-et.com/Websites/Clients/Transfield/Transfield.nsf
Opus International Consultants Ltd	http://www.opus.co.nz/
Barfoot & Thompson Ltd	http://www.barfoot.co.nz/
Beca Group Ltd	http://www.becca.com/

Mr Apple New Zealand Ltd	http://www.mrapplenz.biz/index.htm
Sealord Group Limited	http://www.sealord.co.nz/xml/default.asp?country=New%20Zealand&page=regionHome
Southern Cross Healthcare	http://www.southerncross.co.nz/sx_internet/index.cfm
Vero Insurance New Zealand Ltd	http://www.vero.co.nz/dirvz/vero/vero.nsf/Content/Vero_Home E-mail address provided for feedback.
Harcourts Group Ltd	http://www.harcourts.co.nz/
Turners & Growers Ltd	http://www.turnersandgrowers.com/default____3.aspx
Wrightson Limited	http://www.wrightson.co.nz/index.cfm
Owens Global Logistics	http://www.owensglobal.com/
Nurse Maude Association	http://www.nursemaude.org.nz
The Salvation Army	http://www.salvationarmy.org.nz