



Credit Reporting Privacy Code 2004

*Incorporating
Amendments No 2, No 3, No 4, No 5, No 7, No 8,
9, No 10, No 11 and No 12.*

Privacy Commissioner
Te Mana Matapono Matatapu

NEW ZEALAND

*This version of the code applies from 28 September 2017
and incorporates the changes made by Amendments No 2,
No 3, No 4, No 5, No 7, No 8, No 9, No 10, No 11 and No 12.*

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This version of the code includes various notes which are set out in italics. This material is not part of the code but is included to assist users of the code. Reference must always be made to the rules or clauses themselves.

Part 1: Preliminary

1. Title

This code of practice is the Credit Reporting Privacy Code 2004.

2. Commencement

(1) Subject to subclause (2), this code will come into force on 1 April 2006.

(2) Clauses 7 and 8 will come into force on 1 April 2005.

Note: Clause 7 concerns charging for access and correction, and clause 8 concerns internal complaints procedures.

Note: Provisions affected by Amendments No 2, No 3, No 4, No 5, No 7, No 8, No 9, No 10, No 11 and No 12 had commencement dates given in these amendments. These amendments commenced as follows:

- *Amendment No 2 – 1 April 2006*
- *Amendment No 3 – 22 February 2010*
- *Amendment No 4 – 1 October 2011 and 1 April 2012*
- *Amendment No 5 – 1 December 2011 and 1 April 2012*
- *Amendment No 7 – 29 March 2013, 1 April 2013 and 30 June 2013*
- *Amendment No 8 – 30 June 2013*
- *Amendment No 9 – 1 September 2014*
- *Amendment No 10 – 5 November 2015*
- *Amendment No 11 – 28 September 2017.*
- *Amendment No 12 (temporary) – 28 September 2017*

3. Review

The Commissioner must review the [operation of amendments No 4 and No 5 as soon as practicable after 1 April 2015].

Note: Clause 3 was amended by Amendment No 5.

4. Application and effect of code

(1) This code applies to credit reporters.

(2) This code:

- (a) applies or modifies the application of the information privacy principles and prescribes how the principles are to be applied or complied with;
- (b) modifies the application of public register privacy principle 2;
- (c) imposes controls in relation to the comparison of personal information with other personal information for the purpose of producing or verifying information about an identifiable individual;
- (d) in relation to charges under section 35 of the Act, prescribes circumstances where no charge may be imposed; and

- (e) prescribes procedures for dealing with complaints alleging a breach of the code.

5. Interpretation

Note: A word or expression used in the code has the same meaning as in the Privacy Act (see s.34 Interpretation Act 1999). Words and expressions defined in the Privacy Act and used in this code are listed in Appendix 1.

In this code:

[access agreement means a written agreement between an intelligence and security agency and a credit reporter providing access to credit information to enable the intelligence and security agency to perform security clearance assessments]

Note: This definition was inserted by Amendment No 11.

access log means a record of every access made to credit information held by a credit reporter, other than access that is automatically generated by the credit reporter itself

Note: Access logs must include the details set out in rule 5(5).

Act means the Privacy Act 1993

[confirmed credit non-compliance action information means credit non-compliance action information that has been confirmed by a subscriber in accordance with clause 3A of Schedule 3]

Note: This definition was inserted by Amendment No 5. Credit non-compliance action is also defined.

[credit means a contract, arrangement or understanding to provide property or services before payment or money on loan]

Note: This definition was substituted by Amendment No 5.

[credit account information means the credit information listed in paragraph (da) of the definition of credit information]

Note: This definition was inserted by Amendment No 4.

[credit default means either a debtor credit default or a guarantor credit default]

Note: This definition was inserted by Amendment No 5.

[credit default information means the credit information listed in paragraph (e) of the definition of credit information]

Note: This definition was inserted by Amendment No 2.

credit information means the following types of personal information:

- (a) the following identification information:
 - (i) full name;

- (ii) any alias or previous name;
 - (iii) sex;
 - (iv) date of birth;
 - (v) address; and
 - (vi) any previous address;
- (b) the following supplementary identification information:
- (i) occupation;
 - (ii) any previous occupation;
 - (iii) employer; [...]
 - (iv) any previous employer; [and
 - (v) in relation to a driver licence:
 - (A) driver licence number; and
 - (B) driver licence card number;]

Note: Paragraphs (b)(iii) and (b)(iv) were amended and paragraph (b)(v) was inserted by Amendment No 4.

Note: For special limits on disclosure of "supplementary identification information" see rule 11(3).

Note: For special controls relating to driver licence numbers see Schedule 5.

- (c) information relating to identification documents reported lost or stolen or otherwise compromised;
- (d) the following information reported by a credit provider about an application for credit by an individual:
- (i) type of credit sought;
 - (ii) amount sought;
 - (iii) capacity of the individual (such as applicant, joint applicant or guarantor);
 - (iv) date of the application;
 - (v) details of the credit provider; and
 - (vi) credit provider's client reference number;
- [(da) The following information reported by a credit provider about a credit account held by an individual:
- (i) type of credit account;
 - (ii) amount of credit extended;
 - (iii) capacity of individual (such as account holder, joint account holder or guarantor);
 - (iv) status of account as open or closed and:
 - (A) date account was opened; and
 - (B) if account closed, date account was closed;
 - (v) details of the credit provider;
 - (vi) credit provider's client reference number; [and
 - (vii) repayment history information in relation to the account]]

Note: Paragraphs (da)(i)-(vi) were inserted by Amendment No 4 and paragraph (da)(vii) was inserted by Amendment No 5.

- [(e) the following information relating to a credit default:
- (i) capacity of the individual concerned as either debtor or guarantor;

- (ii) details of the default including dates of default and of notice to individual concerned, type of credit, amount in default and the total amount owing;
- (iii) status of the default including details of any referral to a debt collector and any payment, part payment, scheme of arrangement or write-off subsequent to the default;
- (iv) details of the final settlement of an amount of default; and
- (v) details of the subscriber that reported the default and any subscriber reference number;]

Note: Paragraph (e) was substituted by Amendment No 5.

Note: For further requirements in relation to the reporting of credit default information, see the definitions of debtor credit default and guarantor credit default.

- (f) serious credit infringement information;
- [(fa) credit non-compliance action information (including confirmed credit non-compliance action information);]

Note: Paragraph (fa) was inserted by Amendment No 5. Credit non-compliance action is also defined.

- (g) information relating to summary instalment orders or judgments for monies owed that have been entered against an individual;
- (h) the following insolvency information:
 - (i) adjudications, discharges, suspensions of discharges and annulments of bankruptcy;
 - (ii) entry to, and termination and discharge from, the no asset procedure;
- (i) information sourced from a specified public register;
- (j) an access log;
- (k) a credit score;
- (l) a correction statement or notice of disputed debt attached to credit information in accordance with rule 7;
- (m) administrative information incidental to credit reporting activities

[credit non-compliance action means an action done by an individual:

- (a) that a reasonable person would consider indicates an intention, on the part of the individual, no longer to comply with the individual's obligations in relation to credit; and
- (b) where a subscriber has, after taking such steps as are reasonable in the circumstances, been unable to contact the individual about the action]

Note: This definition was inserted by Amendment No 5.

credit provider means an agency that carries on a business involving the provision of credit to an individual

credit report means credit information about an individual that is disclosed by a credit reporter

Note: A credit report will not necessarily contain all of the credit information held by the credit reporter about an individual.

credit reporter means an agency that carries on a business of reporting to other agencies, for payment, information relevant to the assessment of the creditworthiness of individuals

credit score means a statistically based rating of the credit default risk of an individual that is produced by a credit reporter

debt collector means an agency that carries on a business of collecting debt

[debtor credit default refers to a payment (including a payment that is wholly or partly a payment of interest) that the individual is overdue in making in relation to credit that has been provided by a credit provider to the individual if:

- (a) the individual is at least 30 days overdue in making the payment;
- (b) the credit provider has notified the individual of the overdue payment and requested that the individual pay the amount of the overdue payment;
- (c) in addition to notifying the individual, the credit provider has taken other steps to recover the amount of the overdue payment from the individual;
- (d) the credit provider is not prevented by or under any law from bringing proceedings against the individual to recover the overdue payment; and
- (e) the overdue payment is equal to or more than \$100]

Note: This definition was inserted by Amendment No 5. For transitional provisions relating to the temporary ongoing reporting of small defaults for between \$50 and \$100, see clauses 5.1-5.6 of Schedule 8.

[direct marketing has the meaning given in section 9(2) of the Privacy Act 1993]

Note: This definition was inserted by Amendment No 4.

[driver licence means a New Zealand driver licence]

Note: This definition was inserted by Amendment No 4.

[driver licence card number means the card number displayed on a driver licence to indicate the version of that licence]

Note: This definition was inserted by Amendment No 4.

[driver licence number means the unique identifier displayed on a driver licence to distinguish the licence and the licence holder from other driver licences and licence holders]

Note: This definition was inserted by Amendment No 4.

[electricity retailer means an agency that falls within the definition set out in section 2(1) of the Electricity Act 1992 and that is a member of the Electricity and Gas Complaints Commission]

Note: This definition was inserted by Amendment No 5.

[externally regulated credit provider means:

- (a) a registered credit provider;
- (b) an electricity retailer;
- (c) a gas retailer; or
- (d) a telecommunications service provider]

Note: This definition was inserted by Amendment No 5.

[gas retailer means an agency that falls within the definition set out in section 2(1) of the Gas Act 1992 and that is a member of the Electricity and Gas Complaints Commission]

Note: This definition was inserted by Amendment No 5.

[guarantor credit default refers to a payment that the individual is overdue in making as a guarantor under a guarantee given against any default by the debtor in repaying any or all of the debt deferred under credit provided by a credit provider to the debtor if:

- (a) the credit provider has notified the individual of the debtor's default that gave rise to the individual's obligation to make the overdue payment and requested that the individual pay the amount of the overdue payment;
- (b) at least 30 days have passed since the day on which the individual was notified;
- (c) in addition to notifying the individual, the credit provider has taken other steps to recover the amount of the overdue payment from the individual;
- (d) the credit provider is not prevented by or under any law from bringing proceedings against the individual to recover the overdue payment; and
- (e) the overdue payment is equal to or more than \$100]

Note: This definition was inserted by Amendment No 5. For transitional provisions relating to the temporary ongoing reporting of small defaults for between \$50 and \$100, see clauses 5.1-5.6 of Schedule 8.

identification information means the credit information listed in paragraph (a) of the definition of credit information

[independent person, for the purposes of [clause 9 and Schedule 6], means a person who is not an employee, director, or owner of the credit reporter]

Note: This definition was inserted by Amendment No 4 and amended by Amendment No 5.

[maximum reporting period] means, in relation to credit information of the types specified in column 1 of Schedule 1, the corresponding period set out in column 2 of Schedule 1]

Note: This definition was inserted by Amendment No 4.

previous enquiry record means that part of the access log relevant to the assessment of creditworthiness that is displayed in a credit report

prospective employer, in relation to an individual, means a person who has offered to employ or appoint that individual, or who has entered into negotiations to employ or appoint that individual

[prospective insurer], in relation to an individual, means a person who has offered, or has entered into negotiations for, insurance in respect of a credit related transaction relating to that individual]

Note: This definition was substituted by Amendment No 5.

prospective landlord, in relation to an individual, means a person who has offered to grant a tenancy of premises to that individual, or who has entered into negotiations to grant a tenancy to that individual

[registered credit provider] means a credit provider that is registered under Part 2 of the Financial Service Providers (Registration and Dispute Resolution) Act 2008]

Note: This definition was inserted by Amendment No 4.

[registered insurer] means an insurer that is registered under Part 2 of the Financial Service Providers (Registration and Dispute Resolution) Act 2008]

Note: This definition was inserted by Amendment No 5.

[repayment history information] means, in relation to a credit account for which there are periodic payments:

- (a) whether or not in any given month a periodic payment is due and payable;
- (b) where a periodic payment is due and payable in that month, whether or not the individual concerned has made that payment; and
- (c) any other information required to identify or classify the payment]

Note: This definition was inserted by Amendment No 5.

rule means a rule set out in clause 6

[security clearance assessment] has the same meaning as in section 220 of the Intelligence and Security Act 2017]

Note: This definition was inserted by Amendment No 11.

[serious credit infringement] means an action done by an individual:

- (a) that involves fraudulently obtaining credit, or attempting fraudulently to obtain credit; or
- (b) that involves fraudulently evading the individual's obligations in relation to credit, or attempting fraudulently to evade those obligations]

Note: This definition was substituted by Amendment No 5.

specified public register means a public register maintained pursuant to a public register provision listed in Schedule 2

subscriber means an agency that has entered into a subscriber agreement with a credit reporter

subscriber agreement means a written agreement providing a subscriber with access to credit information held by the credit reporter

Note: For subscriber agreement requirements see rules 5(2), 8(3) and 11(2) and Schedule 3.

Summary of Rights means the summary of rights set out in Schedule 4 [...]

Note: The words "or a document to the same effect" were omitted by Amendment No 4.

supplementary identification information means the credit information listed in paragraph (b) of the definition of credit information

[telecommunications service provider] means a provider of a "telecommunications service", as defined in section 5 of the Telecommunications Act 2001, that is a member of the Telecommunications Dispute Resolution Service]

Note: This definition was inserted by Amendment No 5.

*Note: Some additional terms are used in Schedules 7 and 8, including, in Schedule 7, **initial request, release request, cancellation request** and **pre-existing credit accounts** and, in Schedule 8, **commencement** and **small defaults**. These terms are defined in the schedules.*

Part 2: Credit Reporting Privacy Rules

6. Credit reporting privacy rules

The credit reporting privacy rules are as follows:

Rule 1 Purpose of Collection of Credit Information

- (1) Personal information must not be collected by a credit reporter unless:
 - (a) the information is collected for a lawful purpose connected with a function or activity of the credit reporter; and
 - (b) the collection of the information is necessary for that purpose.
- (2) A credit reporter must not collect personal information for the purpose of credit reporting unless it is credit information.

Note: An action is not in breach of this rule if it is authorised or required by or under law - Privacy Act, s.7(4).

Note: This rule applies only to the collection of information after the commencement of this rule.

Rule 2

Source of Credit Information

- (1) Where a credit reporter collects credit information, it must collect the information directly from the individual concerned.
- (2) It is not necessary for a credit reporter to comply with subrule (1) if the credit reporter believes, on reasonable grounds:
 - (a) that the information is publicly available information;
 - (b) that the individual concerned authorises collection of the information from another source;
 - (c) that non-compliance is necessary:
 - (i) to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences;
 - (ii) for the enforcement of a law imposing a pecuniary penalty;
 - (iii) for the protection of the public revenue; or
 - (iv) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation);
 - (d) that the information:
 - (i) will not be used in a form in which the individual concerned is identified; or
 - (ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; [...]

Note: The word "or" was omitted by Amendment No 2.

- [(e) that:
 - (i) the collection is from a debt collector that is enforcing a debt owed by the individual concerned; and
 - (ii) the information is identification information, supplementary identification information, credit default information[, serious credit infringement information or credit non-compliance action information (including confirmed credit non-compliance action information)]; or]]

Note: Paragraph (e) was omitted, and a new paragraph (e) inserted by Amendment No 2. Paragraph (e) was amended by Amendment No 5.

- [(f) that the collection of the information is in accordance with an authority granted under section 54 of the Act.]

Note: Paragraph (f) was inserted by Amendment No 2.

Note: An action is not in breach of this rule if it is authorised or required by or under law - Privacy Act, s.7(4).

Note: This rule applies only to the collection of information after the commencement of this rule.

Rule 3
Collection of Credit Information from Individual

- (1) Where a credit reporter collects credit information directly from the individual concerned, the credit reporter must take such steps (if any) as are, in the circumstances, reasonable to ensure that the individual concerned is aware of:
 - (a) the fact that the information is being collected;
 - (b) the purposes for which the information is being collected;
 - (c) the intended recipients of the information;
 - (d) the name and address of:
 - (i) the agency that is collecting the information; and
 - (ii) the agency that will hold the information;
 - (e) whether or not the supply of the information is voluntary or mandatory and if mandatory the particular law (if any) under which it is required;
 - (f) the consequences (if any) for that individual if all or any part of the requested information is not provided; and
 - (g) the rights of access to, and correction of, credit information held by the credit reporter provided by rules 6 and 7.
- (2) A credit reporter must conspicuously display on the credit reporter's website a statement that sets out the purposes for which it collects credit information and the purposes for which the information will be used and disclosed.
- (3) The steps referred to in subrule (1) must be taken before the information is collected or, if that is not practicable, as soon as practicable after it is collected.
- (4) A credit reporter is not required to take the steps referred to in subrule (1) in relation to the collection of credit information from an individual if the credit reporter has taken those steps in relation to the collection, from that individual, of the same information or information of the same kind, on a recent previous occasion.
- (5) It is not necessary for a credit reporter to comply with subrule (1) if the credit reporter believes, on reasonable grounds:
 - (a) that non-compliance would not prejudice the interests of the individual concerned;
 - (b) that non-compliance is necessary:
 - (i) to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences;
 - (ii) for the enforcement of a law imposing a pecuniary penalty;
 - (iii) for the protection of the public revenue; or

- (iv) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation);
- (c) that compliance would prejudice the purposes of collection;
- (d) that compliance is not reasonably practicable in the circumstances of the particular case; or
- (e) that the information:
 - (i) will not be used in a form in which the individual concerned is identified; or
 - (ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

Note: An action is not in breach of this rule if it is authorised or required by or under law - Privacy Act, s.7(4).

Note: This rule applies only to the collection of information after the commencement of this rule.

Rule 4
Manner of Collection of Credit Information

Credit information must not be collected by a credit reporter:

- (a) by unlawful means; or
- (b) by means that, in the circumstances of the case:
 - (i) are unfair; or
 - (ii) intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Note: An action is not in breach of this rule if it is authorised or required by or under law - Privacy Act, s.7(4).

Note: This rule applies only to the collection of information after the commencement of this rule.

Rule 5
Storage and Security of Credit Information

- (1) A credit reporter that holds credit information must ensure:
 - (a) that the information is protected, by such security safeguards as it is reasonable in the circumstances to take, against:
 - (i) loss;
 - (ii) access, use, modification, or disclosure, except with the authority of the credit reporter concerned; and
 - (iii) other misuse, including misuse by anyone with authorised access; and
 - (b) that if it is necessary for the information to be given to a person in connection with the provision of a service to the credit reporter, everything reasonably within the power of the credit reporter is done to prevent unauthorised use or unauthorised disclosure of the information.
- (2) Without limiting subrule (1), a credit reporter must take the following measures to safeguard the credit information it holds against unauthorised access or misuse:
 - (a) develop written policies and procedures to be followed by its employees, agents and contractors;
 - (b) impose access authentication controls such as the use of passwords, credential tokens or other mechanisms;
 - (c) provide information and training to ensure compliance with the policies, procedures and controls;
 - (d) ensure that a subscriber agreement that complies with Schedule 3 is in place before disclosing information under rule 11(2);
 - (e) monitor usage and regularly check compliance with the agreement, policies, procedures and controls and the requirements of this code;
 - (f) identify and investigate possible breaches of the agreement, policies, procedures and controls;
 - (g) take prompt and effective action in respect of any breaches that are identified;
 - (h) systematically review the effectiveness of the policies, procedures and controls and promptly remedy any deficiencies; and
 - (i) maintain an access log.
- (3) Subrules (1) and (2) apply to credit information held by a credit reporter that was obtained before or after the commencement of this rule.
- (4) The access authentication controls required by subrule (2)(b) must include, in respect of accesses made after the commencement of this rule, a means of identifying both the subscriber and the specific user.

- (5) The access log required by subrule (2)(i) must include a record of the time, date, subscriber purpose in relation to each access and must identify, or provide a means to identify, the specific user.

Note: An action is not in breach of this rule if it is authorised or required by or under law – Privacy Act, s.7(4).

Rule 6
Access to Credit Information

- (1) Where a credit reporter holds credit information in such a way that it can readily be retrieved, the individual concerned is entitled:
- (a) to obtain from the credit reporter confirmation of whether or not the credit reporter holds such information; and
 - (b) to have access to that information.
- (2) Where, in accordance with subrule (1)(b), an individual is given access to credit information, the individual must be advised that, under rule 7, the individual may request the correction of that information.

- [(2A) Where, in accordance with subrule (1)(b), an individual is given access to a credit score, the individual must be provided with a statement outlining:
- (a) the general methodology used to create the score, including the types of information used; and
 - (b) the range within which that score is placed.]

Note: Rule 6(2A) was inserted by Amendment No 4.

- [(3) Where a credit reporter notifies an individual of its decision on a request, the credit reporter must:
- (a) if refusing that request, advise the individual of the complaints procedure available under clause 8; and
 - (b) provide the individual with a copy of the Summary of Rights.]

Note: Rule 6(3) was substituted by Amendment No 4.

- [(3A) Wherever a credit reporter displays information on its website describing charges made for access, the information must be in accordance with the explicit limit imposed by clause 7(2)(b).]

Note: Rule 6(3A) was inserted by Amendment No 9.

- (4) A copy of the Summary of Rights need not be given pursuant to subrule (3)(b) if the credit reporter has either:
- (a) made the summary available to the individual on a recent previous occasion; or
 - (b) [notified the individual that the summary is available on the credit reporter's website and offered to make a copy available on request.]

Note: Rule 6(4)(b) was substituted by Amendment No 4.

- (5) The application of this rule is subject to:
- (a) Part 4 of the Act (which sets out reasons for refusing access to personal information);
 - (b) Part 5 of the Act (which sets out procedural provisions relating to access to personal information); and
 - (c) clause 7 (which concerns charges).
- (6) This rule applies to credit information held by a credit reporter that was obtained before or after the commencement of this rule.

Note: This rule is subject to provisions in enactments which authorise or require personal information to be made available or Acts which prohibit, restrict, or regulate the availability of personal information – Privacy Act, s.7(1) and (2). Under s.7(3) it is also subject to certain regulations which prohibit, restrict or regulate the availability of personal information.

Rule 7
Correction of Credit Information

- (1) Where a credit reporter holds credit information, the individual concerned is entitled:
 - (a) to request correction of the information; and
 - (b) to request that there be attached to the information a statement of the correction sought but not made.
- (2) A credit reporter that holds credit information must, if so requested by the individual concerned or on its own initiative, take such steps (if any) to correct that information as are, in the circumstances, reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading.
- (3) Where a credit reporter receives a request for correction under subrule (1)(a) the credit reporter must:
 - (a) pending the taking of a decision on the request, either suppress the disputed information or clearly identify the information as disputed and being checked for accuracy; and
 - (b) provide the individual with a copy of the Summary of Rights.

Note: The words "subject to subrule (4)" were omitted from subrule (3)(b) by Amendment No 4.

- (4) A copy of the Summary of Rights need not be given pursuant to subrule (3)(b) if the credit reporter has either:
 - (a) made the summary available to the individual on a recent previous occasion; or
 - (b) [notified the individual that the summary is available on the credit reporter's website and offered to make a copy available on request.]

Note: Rule 7(4)(b) was substituted by Amendment No 4.

- (5) Where a credit reporter that holds credit information is not willing to correct the information in accordance with a request by the individual concerned, the credit reporter must:
 - (a) advise the individual of the individual's entitlement under subrule (1)(b); and
 - (b) if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the information, in such a manner that it will always be read with the information, any statement provided by the individual of the correction sought.

- (6) Where a credit reporter has taken steps under subrules (2) or (5), the credit reporter must, if reasonably practicable, inform each person or body or agency to whom the credit information has been disclosed of those steps.
- (7) Where a credit reporter receives a request made pursuant to subrule (1), the credit reporter must:
 - (a) inform the individual concerned of the action taken as a result of the request;
 - (b) provide the individual with a copy of any corrected information; and
 - (c) if it refuses the request, advise the individual of the complaints procedure available under clause 8.
- (8) The application of this rule is subject to Part 5 of the Act (which sets out procedural provisions relating to the correction of personal information) and clause 7 (which concerns charges).
- (9) This rule applies to credit information held by a credit reporter that was obtained before or after the commencement of this rule.

Note: An action is not in breach of this rule if it is authorised or required by or under law - Privacy Act, s.7(4).

Rule 8
Accuracy, etc, of Credit Information

- (1) A credit reporter that holds credit information must not use or disclose that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used or disclosed, the information is accurate, up to date, complete, relevant, and not misleading.
- (2) A credit reporter must, when undertaking a comparison of personal information with other personal information for the purpose of producing or verifying information about an identifiable individual, take such measures as are reasonably practicable to avoid the incorrect matching of the information.
- (3) Without limiting subrule (1), a credit reporter must:
 - (a) ensure that a subscriber agreement that complies with Schedule 3 is in place before disclosing information under rule 11(2);
 - (b) establish and maintain controls to ensure that, as far as reasonably practicable, only information that is accurate, up to date, complete, relevant, and not misleading is used or disclosed;

[(ba) in relation to a driver licence number, take the additional steps set out in Schedule 5 before using that information;]

Note: Paragraph (ba) was inserted by Amendment No 4.

Note: For corresponding requirements on subscribers to provide the credit reporter with the driver licence card number and to take reasonable steps to establish the identity of the individual, see Schedules 3 and 5.

- (c) monitor information quality and conduct regular checks on compliance with the agreements and controls;
 - (d) identify and investigate possible breaches of the agreements and controls;
 - (e) take prompt and effective action in respect of any breaches that are identified; and
 - (f) systematically review the effectiveness of the agreements and controls and promptly remedy any deficiencies.
- (4) Subrule (1) applies to credit information held by a credit reporter that was obtained before or after the commencement of this rule.

Note: An action is not in breach of this rule if it is authorised or required by or under law - Privacy Act, s.7(4).

Rule 9
Retention of Credit Information

- (1) A credit reporter that holds credit information must not keep that information for longer than is required for the purposes for which the information may lawfully be used.
- (2) [Where a credit reporter holds credit information of a type specified in column 1 of Schedule 1, that credit reporter must not keep that information for longer than 12 months after the expiration of the maximum reporting period.]

Note: Rule 9(2) was substituted by Amendment No 4.

Note: For the definition of maximum reporting period see clause 5.

- (3) [Revoked]

Note: Rule 9(3) was revoked by Amendment No 4.

- (4) This rule applies to credit information held by a credit reporter that was obtained before or after the commencement of this rule.

Note: An action is not in breach of this rule if it is authorised or required by or under law - Privacy Act, s.7(4).

Rule 10
Limits on Use of Credit Information

(1) A credit reporter that holds credit information that was obtained in connection with one purpose must not use the information for any other purpose unless the credit reporter believes, on reasonable grounds:

(a) that the source of the information is a publicly available publication [and that, in the circumstances of the case, it would not be unfair or unreasonable to use the information];

Note: Rule 10(1)(a) was amended by Amendment No 10.

(b) that the use of the information for that other purpose is authorised by the individual concerned;

(c) that non-compliance is necessary:

- (i) to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences;
- (ii) for the enforcement of a law imposing a pecuniary penalty;
- (iii) for the protection of the public revenue; or
- (iv) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation);

(d) that the use of the information for that other purpose is necessary to prevent or lessen a serious [...] threat to:

- (i) public health or public safety; or
- (ii) the life or health of the individual concerned or another individual;

Note: the words "and imminent" were omitted from rule 10(1)(d) by Amendment No 8. The Privacy Act definition of "serious threat" is reprinted in Appendix 1.

(e) that the purpose for which the information is used is directly related to the purpose in connection with which the information was obtained;

(f) that the information:

- (i) is used in a form in which the individual concerned is not identified; or
- (ii) is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or

(g) that the use of the information is in accordance with an authority granted under section 54 of the Act.

[(1A) A credit reporter may use information obtained pursuant to section 78F of the Births, Deaths, Marriages, and Relationships Registration Act 1996 for the purpose of suppressing credit information about deceased individuals.]

Note: Rule 10(1A) was inserted by Amendment No 4.

[(1B) [Subject to subrule (1C), a credit reporter] that holds credit information must not use the information for any purpose related to direct marketing, including the facilitating of direct marketing by a subscriber.]

Note: Rule 10(1B) was inserted by Amendment No 4 and further amended by Amendment No 5.

[(1C) Notwithstanding subrule (1B), a credit reporter that holds credit information may use the information to remove names from a direct marketing list supplied by a subscriber if:

- (a) the subscriber is an externally regulated credit provider;
- (b) the list:
 - (i) is warranted by, or on behalf of, the subscriber to have been compiled in compliance with the Act;
 - (ii) omits the names of any individuals who have been registered with the New Zealand Marketing Association indicating that they do not wish to receive unsolicited marketing; and
 - (iii) is to be used only for direct marketing related to the provision of credit by the subscriber;

Note: The NZ Marketing Association operates a list warranty service that provides one means of meeting the requirements of (i). In relation to (ii), the NZ Marketing Association's Name Suppression Service is available to both members and non-members.

- (c) the removal of names is based upon criteria agreed in advance between the credit reporter and the subscriber with the purpose of excluding individuals who represent an adverse credit risk and would be ineligible to receive the direct marketing; and
- (d) the credit reporter has a process in place to ensure that:
 - (i) the requirements of subrule (1C)(b)(i) and (ii) are met;
 - (ii) information derived from the list is not retained or used by the credit reporter for the purpose of credit reporting; and
 - (iii) the list, after the removal of names, is:
 - (A) used only for the purpose of the direct marketing permitted under subrule (1C)(b)(iii); and
 - (B) not disclosed directly to the subscriber.]

Note: Rule 10(1C) was inserted by Amendment No 5.

Note: "Pre-screening" is commonly used to describe the process in subrule (1C).

(2) Subrule (1) does not apply to credit information held by a credit reporter that was obtained before 1 July 1993.

[(3) A credit reporter must not, in creating a credit score, use:

- (a) credit information that is derived from an enquiry made by a credit provider pursuant to rule 11(2)(b)(i)(B); [...]

[(aa) credit information that is derived from an enquiry made by a credit provider pursuant to rule 11(2)(b)(i)(C) or a prospective insurer pursuant to rule 11(2)(b)(iv)(B); or]

(b) the fact that an individual made a request for suppression, or had their credit information suppressed, pursuant to Schedule 7.]

Note: Rule 10(3) was inserted by Amendment No 5. The word "or" was omitted from paragraph (a), and paragraph (aa) was inserted, by Amendment No 7.

Note: An action is not in breach of this rule if it is authorised or required by or under law - Privacy Act, s.7(4).

Rule 11
Limits on Disclosure of Credit Information

(1) A credit reporter that holds credit information must not disclose the information unless the credit reporter believes, on reasonable grounds:

(a) that the information consists solely of information sourced from a publicly available publication [and that, in the circumstances of the case, it would not be unfair or unreasonable to disclose the information];

Note: Rule 11(1)(a) was amended by Amendment No 10.

(b) that the disclosure is to the individual concerned;

(c) that the disclosure of the information is necessary to prevent or lessen a serious [...] threat to:

- (i) public health or public safety; or
- (ii) the life or health of the individual concerned or another individual;

Note: the words "and imminent" were omitted from rule 11(1)(c) by Amendment No 8. The Privacy Act definition of "serious threat" is reprinted in Appendix 1.

[(ca) that the disclosure of the information is necessary to enable an intelligence and security agency to perform any of its functions other than the performance of security clearance assessments;]

Note: Security clearance assessments are dealt with under rule 11(1)(cb) using an access agreement.

[(cb) that the disclosure is in accordance with an access agreement;]

Note: Rules 11(1)(ca) and (cb) were inserted by Amendment No 11 and rule 11(1)(cb) was substituted by Amendment No 12 (temporary).

Note: See Intelligence and Security Act 2017, ss 10-16, for the functions of intelligence and security agencies.

Note: Intelligence and Security Act, section 122(3) provides that the Director-General of an intelligence and security agency may certify that he or she believes on reasonable grounds that the disclosure is necessary, for the purpose of enabling an agency to decide whether to disclose the information.

(d) that the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern;

(e) that the disclosure of the information is in accordance with an authority granted under section 54 of the Act; or

(f) that the disclosure is permitted by subrule (2).

(2) A credit reporter that holds credit information may disclose the information in accordance with a subscriber agreement that complies with Schedule 3 if the credit reporter believes, on reasonable grounds:

- (a) that the disclosure of the information is to a debt collector for the purpose of enforcement of a debt owed by the individual concerned;
- (b) that the disclosure is authorised by the individual concerned and is made to:
 - (i) [[a credit provider, or that credit provider's agent, for the purpose of:
 - (A) making a credit decision affecting that individual (and for directly related purposes including debt collection); [...]
 - (B) providing that individual with a quotation of the cost of credit;] [or]
 - (C) verifying the identity of that individual in accordance with the requirements of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009;]

Note: Subparagraph (b)(i) was substituted by Amendment No 5. Subparagraph (b)(i)(C) was inserted by Amendment No 7. For limits on the use of information derived from an enquiry made pursuant to subparagraphs (b)(i)(B) or (b)(i)(C), see rule 10(3).

- (ii) a prospective landlord, or that prospective landlord's agent, for the purpose of assessing the creditworthiness of that individual as a prospective tenant or as a guarantor of a tenancy;
- (iii) a prospective employer, or that prospective employer's agent, for the purpose of a pre-employment check of that individual for a position involving significant financial risk;
- [(iv) a prospective insurer, or that prospective insurer's agent, for the purpose of:
 - (A) making a decision on the underwriting or continuation of insurance in respect of a credit related transaction relating to that individual; or
 - (B) verifying the identity of that individual in accordance with the requirements of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009;]

Note: Subparagraph (b)(iv) was substituted by Amendment No 7.

- (c) that disclosure is necessary:
 - (i) to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences;
 - (ii) to enable an insurer to investigate a case of suspected insurance fraud;
 - (iii) for the enforcement of a law imposing a pecuniary penalty;
 - (iv) for the protection of the public revenue; or
 - (v) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
- (d) that the information:
 - (i) is to be used in a form in which the individual concerned is not identified; or
 - (ii) is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

[(2A) A credit reporter that holds credit information of a type specified in column 1 of Schedule 1 must not disclose that information for the purposes of credit reporting pursuant to subrules [(1)(ca), (cb),] (2)(a), (b) and (c) beyond the maximum reporting period.]

Note: Rule 11(2A) was inserted by Amendment No 4, and further amended by Amendment No 11.

(3) [A credit reporter must not disclose:

(a) supplementary identification information except by confirming identical information supplied by a subscriber [or by an intelligence and security agency in accordance with an access agreement;]

Note: Paragraph (a) amended by Amendment No 11.

(b) credit information for any purpose related to direct marketing, including the facilitating of direct marketing by a subscriber; or

(c) credit account information other than to the following classes of subscriber for the indicated purpose:

(i) an externally regulated credit provider for the purpose of making a credit decision affecting an individual (and for any directly related purpose including debt collection); or

(ii) a prospective insurer that is a registered insurer for the purpose of a decision on the underwriting or continuation of insurance in respect of a credit related transaction relating to an individual; or

(d) credit information for the purpose of credit reporting when it is suppressed pursuant to Schedule 7, unless the disclosure is permitted by the applicable provisions of that Schedule.]

Note: Rule 11(3) was substituted by Amendments No 4 and No 5.

Note: For additional requirements related to the disclosure of the driver licence number see Schedule 5.

(4) A credit reporter may make available for valuable consideration, in accordance with this rule, credit information sourced from a specified public register that has been re-sorted, or combined with other information sourced from a specified public register, notwithstanding that such re-sorting or combination might otherwise breach public register privacy principle 2.

[(4A) A credit reporter may disclose the fact that credit information held about an individual has been:

(a) suppressed pursuant to rule 10(1A); or

(b) suppressed pursuant to Schedule 7.]

Note: Rule 11(4A) was substituted by Amendment No 5.

(5) This rule applies to credit information held by a credit reporter that was obtained before or after the commencement of this rule.

Note: An action is not in breach of this rule if it is authorised or required by or under law – Privacy Act, s.7(4) and s.60(3).

Note: Sections 92A-92I of the Summary Proceedings Act 1957 set up a scheme that permits the Ministry of Justice to disclose information about unpaid fines to credit reporters. Credit reporters are then permitted to disclose this information to subscribers. This fines information is not credit information and may not be retained by the credit reporter on a credit report. The scheme is regulated further by the Summary Proceedings (Credit Reporting of Fines) Regulations 2011.

Rule 12 Unique Identifiers

- (1) A credit reporter must not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable the credit reporter to carry out one or more of its functions efficiently.
- (2) A credit reporter must not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another agency, unless those two agencies are associated persons within the meaning of [subpart YB of the Income Tax Act 2007].

Note: Rule 12(2) was amended by Amendment No 10.

- (3) A credit reporter that assigns unique identifiers to individuals must take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.
- (4) A credit reporter must not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or for a purpose that is directly related to one of those purposes.

[(4A) The collection and use of driver licence numbers by a credit reporter must be undertaken in accordance with the requirements of Schedule 5.]

Note: Rule 12(4A) was inserted by Amendment No 4.

- (5) Subrules (1), (2) and (3) do not apply in relation to the assignment of unique identifiers before the commencement of this rule.
- (6) Subrule (4) applies to any unique identifier, whether assigned before or after the commencement of this rule.

Note: An action is not in breach of this rule if it is authorised or required by or under law – Privacy Act, s.7(4).

Part 3: Miscellaneous

7. Charges

- (1) The circumstances in which a credit reporter may impose a charge under section 35(3) of the Act are limited by subclause (2).
- (2) No charge may be made for:
 - (a) responding to a request made pursuant to rule 6(1)(a);
 - (b) making available credit information in accordance with rule 6(1)(b) unless the individual concerned requests that the information be made available within 5 working days, in which case [a charge not exceeding \$10.00 (including GST)] may be made;
 - (c) correcting any credit information in compliance with a request made pursuant to rule 7(1)(a); or
 - (d) providing a copy of any corrected information pursuant to rule 7(7)(b).

Note: The phrase “a reasonable charge” in clause 7(2)(b) was substituted with “a charge not exceeding \$10.00 (including GST)” by Amendment No 9.

Note: Schedule 7, clause 7.1, also limits charging in respect of requests for suppression.

8. Complaints of breach of code

- (1) A credit reporter must designate a person or persons to deal with complaints alleging a breach of this code and facilitate the fair, simple, speedy and efficient resolution of complaints.
- (2) A credit reporter must have a complaints procedure which provides that:
 - (a) when a complaint alleging a breach of this code is received:
 - (i) the complaint is acknowledged in writing within 5 working days of receipt, unless it has been resolved to the satisfaction of the complainant within that period;
 - (ii) the complainant is informed of any relevant internal and external complaints procedures; and
 - (iii) the complaint and the actions of the credit reporter regarding the complaint are documented;
 - (b) within 10 working days of acknowledging the complaint, the credit reporter must:
 - (i) decide whether or not the complaint is justified; or
 - (ii) decide that more time is needed to investigate the complaint and inform the complainant of the additional time required and the reasons for it; and

- (c) as soon as practicable after the credit reporter decides whether or not it accepts that a complaint is justified, it must inform the complainant of:
 - (i) the decision;
 - (ii) the reasons for the decision; and
 - (iii) any actions the agency proposes to take; and
 - (d) if the credit reporter decides that a complaint is not justified, it must also inform the complainant of:
 - (i) any appeal procedure the credit reporter has in place; and
 - (ii) the right to complain to the Privacy Commissioner.
- (3) The information provided to the complainant under subclause (2)(a)(ii) must include a copy of the Summary of Rights, unless a copy has been provided to that complainant on a recent previous occasion.

[(3A) A credit reporter must conspicuously display on the credit reporter's website:

- (a) a copy of the Summary of Rights; and
- (b) any official translation of the Summary of Rights released by the Privacy Commissioner.]

Note: Clause 8(3A) was inserted by Amendment No 4.

Note: The Summary of Rights is also available in Arabic, Farsi, Fijian, Hindi, Korean, Maori, Samoan, Simplified Chinese, Spanish, Tongan and Traditional Chinese. The Summary may be made available in other languages from time to time.

- (4) Nothing in this clause limits or restricts any provision in the Act.

9. Credit reporter must provide assurance report

- (1) A credit reporter must submit to the Commissioner annually an assurance report prepared in accordance with the requirements of Schedule 6.
- (2) The report must be prepared by either:
 - (a) an independent person having expertise in undertaking a systematic review, such as a trained auditor; or
 - (b) a review committee, established by the credit reporter, that includes an independent person with expertise in relation to matters of compliance with this code.
- (3) The report must:
 - (a) cover the year to 30 June; and
 - (b) be submitted to the Commissioner within 3 months of the end of the year.

Note: Clause 9 was inserted by Amendment No 5.

Schedule 1
Maximum Reporting Periods
(Rules 9(2) and 11(2A))

Types of Credit Information	Maximum Reporting Period
Lost, stolen or compromised identification documents information	5 years from date of report
Credit application information	5 years from date of application
Credit account information (other than repayment history information)	2 years from date credit account closed
[Repayment history information	2 years from month following due date of periodic payment]
[Credit default information relating to debtor credit default	5 years from date of default]
[Credit default information relating to guarantor credit default	5 years from date of notification of debtor's default to guarantor]
[Serious credit infringement information	5 years from date of action]
[Credit non-compliance action information	6 months from date of action]
[Confirmed credit non-compliance action information	5 years from date of action]
Judgments	5 years from date of judgment
Single bankruptcy	4 years from date of discharge from bankruptcy
Single entry to no asset procedure	4 years from date of discharge from the no asset procedure
Multiple insolvency events (as provided in Insolvency Act 2006, section 449A)	Indefinite
Summary instalment orders	5 years from date of order
Previous enquiry record	5 years from date of enquiry
Credit score	2 working days from date of creation

Note: Schedule 1 was substituted by Amendment No 4 and new entries relating to repayment history information, credit default information, serious credit infringement information and credit non-compliance action information were inserted by Amendment No 5.

Schedule 2
Specified Public Register Provisions
(Clause 5 and Rule 11(4))

Enactment	Public Register Provision
Companies Act 1993	Section 189
Insolvency Act 1967	Section 118
Insolvency Act 2006	Sections 62, 354 and 368
Limited Partnerships Act 2008	Section 54
Personal Property Securities Act 1999	Section 139

Note: Schedule 2 was substituted by Amendment No 4.

Schedule 3
Subscriber Agreement
(Rules 5(2), 8(3), 10(1C) and 11(2))

A subscriber agreement must include provisions imposing the following obligations upon the subscriber:

Collection of information by subscriber

1. Where the subscriber collects credit information directly or indirectly from the individual concerned for disclosure to the credit reporter, the subscriber must inform the individual of the purposes for which the credit reporter is collecting the information and the purposes for which the information will be used and disclosed.

Steps to ensure accuracy by subscriber

2. The subscriber must not disclose information to the credit reporter without taking such steps as are, in the circumstances, reasonable to ensure that the information is accurate, up to date, complete, relevant, and not misleading.

[2A. Where the subscriber collects a driver licence number from the individual concerned and discloses that driver licence number to the credit reporter, the subscriber must take the additional steps set out in subclauses 1(a), (b) and (c) of Schedule 5.]

3. The subscriber must, as soon as reasonably practicable, update any [credit account information,] credit default information[, serious credit infringement information or credit non-compliance action information (including confirmed credit non-compliance action information)] previously disclosed to the credit reporter and ensure that the information remains accurate, up to date, complete, relevant, and not misleading.

[3A. Where the subscriber has disclosed credit non-compliance action information to the credit reporter, the subscriber must, after 3 months but within 6 months, confirm to the credit reporter whether it remains of the view that the action is an action that a reasonable person would consider indicates an intention, on the part of the individual, no longer to comply with the individual's obligations in relation to credit.]

Access to credit information by subscriber

4. The subscriber must nominate the relevant purpose or purposes under rule 11 for which access may be sought, and confirm the relevant purpose at the time of each access.
5. The subscriber must co-operate with all reasonable compliance checks conducted by the credit reporter and, for that purpose, must supply, upon request, evidence to confirm compliance with the requirements of [the parts of the agreement giving effect to this Schedule, or with] rule 11 or evidence to substantiate any [credit account information,] credit default information[, serious credit infringement information or credit non-compliance action information (including confirmed credit non-compliance action information)] disclosed to the credit reporter by the subscriber.

Assistance to be provided to credit reporter when investigating complaints

6. The subscriber must promptly cooperate with the credit reporter in its efforts to investigate and resolve complaints and requests for correction of credit information and must, for those purposes, supply, upon request, evidence to confirm compliance with the requirements of [the parts of the agreement giving effect to this Schedule, or with] rule 11 or evidence to substantiate any [credit account information,] credit default information[, serious credit infringement information or credit non-compliance action information (including confirmed credit non-compliance action information)] disclosed to the credit reporter by the subscriber.

Steps to safeguard credit information by subscriber

7. The subscriber must take appropriate measures, including the following, to safeguard the credit information held by the credit reporter against improper access:
 - (a) develop written policies and procedures to be followed by its employees, agents and contractors;
 - (b) establish controls, including:
 - (i) the use of passwords, credential tokens or other mechanisms; and
 - (ii) user identification;
 - (c) provide information and training to ensure compliance with the policies and controls;
 - (d) monitor usage and regularly check compliance with the policies and controls; and
 - (e) take appropriate action in relation to identified breaches of the policies and controls.

Subscriber to cooperate with credit reporter's systematic reviews

- [8. The subscriber must promptly cooperate with the credit reporter in its efforts to undertake a systematic review of the effectiveness of the policies, procedures and controls in place under rules 5 and 8 and this Schedule.]

Subscriber to take certain steps before submitting direct marketing list to credit reporter for pre-screening

- [9. Where the subscriber is an externally regulated credit provider, and seeks to have a credit reporter pre-screen a direct marketing list, the subscriber must provide the warranty required by rule 10(1C)(b)(i), ensure that the list meets the requirements of rule 10(1C)(b)(ii) and use the screened list only for the permitted purpose.]

Note: Clauses 2A and 8, and additions to clauses 5 and 6 were inserted by Amendment No 4. Clauses 3A and 9 and further additions to clauses 3, 5 and 6 were inserted by Amendment No 5.

Note: Different subscribers may have different levels of obligation depending on their access rights under the Code. Schedule 3 sets out the information that must be included in a subscriber agreement, where applicable.

Schedule 3A
Access Agreement
(Rules 11(1)(cb) and 11(3)(a))

An access agreement must include provisions imposing the following obligations on the intelligence and security agency:

Access to credit information by agency

1. The intelligence and security agency must co-operate with all reasonable compliance checks conducted by the credit reporter.

Steps to safeguard credit information by agency

2. The intelligence and security agency must take appropriate measures, including the following, to safeguard credit information accessed under the access agreement against improper access:
 - (a) Develop written policies and procedures to be followed by its employees, agents and contractors;
 - (b) Establish controls, including:
 - i. The use of passwords, credential tokens or other mechanisms; and
 - ii. User identification
 - (c) Provide information and training to ensure compliance with the policies and controls;
 - (d) Monitor usage and regularly check compliance with the policies and controls; and
 - (e) Take appropriate action in relation to identified breaches of the policies and controls.

Agency to cooperate with credit reporter's systematic reviews

3. The intelligence and security agency must promptly co-operate with the credit reporter in its efforts to undertake a systematic review of the effectiveness of the policies, procedures and controls in place under this Schedule.

Note: Schedule 3A was inserted by Amendment No 11.

Schedule 4

Summary of Rights

(Rules 6 and 7 and clause 8)

A Summary of your rights under the Credit Reporting Privacy Code 2004

The Credit Reporting Privacy Code 2004 promotes fairness, accuracy, and privacy in the practice of credit reporting. Credit reporters gather and sell information about you, such as a failure to pay your bills or if you have been made bankrupt. The Code, together with the Privacy Act 1993, gives you specific rights, many of which are summarised below. You can find the complete text of the Code and a link to the Privacy Act at www.privacy.org.nz.

Warning: This is only a generalised summary. If there is a difference between this summary and a provision of the Code or Act, the Code or Act prevails.

Some information can be reported about you

Credit reporters can collect only certain types of information for their credit reporting databases. The types of information they can collect are set out in the Code. Some of the information is about:

- the credit accounts you hold, including their credit limits and repayment history;
- any times you have defaulted on credit repayments (where a failure to pay has gone to debt collection);
- any court judgments that have been made against you; and
- any times you have been made bankrupt or entered into an insolvency arrangement.

There are time limits for keeping and reporting information

Credit reporters can:

- generally disclose this information for only 4 to 5 years and keep it only one further year;
- disclose information about your current accounts until two years after those accounts have closed;
- keep identification information indefinitely; and
- keep information about multiple bankruptcies indefinitely.

Only certain people can access your report for certain purposes

The Code limits the people who can gain access to your credit information. These will usually be credit providers who are considering your application for credit. In some strictly limited circumstances, the information may be made available to:

- prospective landlords who have offered you a tenancy;
- prospective employers who have offered you a job, as long as that job involves significant financial risk;
- prospective insurers involved in insuring your mortgage;
- debt collectors enforcing a debt against you;
- an intelligence and security agency that is conducting a security clearance assessment;
- people involved in court proceedings; and

- certain public sector agencies acting under another law.

Your credit information may not be disclosed by a credit reporter for direct marketing purposes.

Your consent is needed in most situations

Most credit checks can take place only with your consent. This applies to access by credit providers, prospective landlords and prospective employers. Your consent may not be required for access by certain public sector agencies, people involved in court proceedings and debt collectors. The credit reporter must log each access that is made to your information and will normally let you know this information if you ask.

You can ask a credit reporter to suppress your credit information if you think you're the victim of fraud

If you believe you are the victim of fraud, including identity fraud, you can ask a credit reporter to suppress your credit information for 10 working days. While your credit information is suppressed, the credit reporter cannot disclose it in the normal way.

If a credit provider asks the credit reporter for your information, the credit reporter can tell them that your credit information is suppressed. The credit provider will know that you may be the victim of fraud and that someone else may be applying for credit in your name.

If you want to apply for credit while your credit information is suppressed, you can ask the credit reporter to release the information to a particular credit provider. The credit reporter must take careful steps to confirm your identity before agreeing to do this.

If you think the fraud is continuing, you can ask the credit reporter to extend the suppression beyond 10 working days. The credit reporter must give you the chance to prove that you are the victim of fraud. They can refuse to suppress your information if they do not think you are the victim of fraud.

You can find out what is held about you

What you can ask for

You are entitled to ask credit reporters for a copy of the credit information they hold about you. You can ask for just the information in your credit report or for all the information held about you. Extra information not included in your credit report could include things like a complete list of people who have accessed your report. If a credit reporter has generated a credit score about you, you have the right to an explanation of this score.

Getting the information

The credit reporter must provide the information to you without too much delay. If you want the information quickly (within 5 working days) you may need to pay a reasonable charge, but otherwise no charge can be made. A credit reporter must check the identity of anyone making a personal access request. This may involve asking you for certain identification details, although these cannot be added to the credit reporter's database without your consent.

You can dispute inaccurate information with the credit reporter

Credit reporters must take reasonable steps to ensure the information they hold is accurate, and promptly correct any errors they become aware of. If you tell a credit reporter that your report contains an inaccuracy, the credit reporter must, if appropriate, take steps to correct it. They will usually check the information you provide with the source, such as a credit provider who submitted a default. During this checking process, the credit reporter must flag your report to show that the item has been disputed.

When the credit reporter must make a decision about inaccurate information

The credit reporter must decide as soon as they can whether to make the correction you have requested or to confirm the accuracy of the information. If the credit reporter needs longer than 20 working days to make a decision they must let you know and tell you why.

What happens if the correction you asked for is not made

If the correction you asked for is not made, you must be told why. You may also ask for a note of your request to be added to your file. This note will be included with future reports.

What happens if a correction is made

If a correction is made, the credit reporter must tell anyone who has recently received your credit report. The credit reporter must tell you what they have done and give you a copy of the amended report.

Sometimes correction may not be appropriate

A credit report describes your credit history, not simply your current debts. Certain information can continue to be reported as long as it is updated to reflect later developments. This includes things like a past bankruptcy or a default that has since been paid in full. In this way, the report remains an accurate statement of those past events.

You have the right to complain if you think the Code has been breached

If you believe a credit reporter has breached the Code, you should first approach that credit reporter directly. Each credit reporter must have their own complaints procedure, and a person who specialises in helping to resolve complaints in a way that is fair, simple and efficient.

If your complaint is not resolved, you may complain to the Privacy Commissioner, who has powers to investigate the matter. Some cases that cannot be settled can be taken to the Human Rights Review Tribunal.

In addition to your rights under the Code, you may take a credit reporter to court. You may choose to do this if you are claiming defamation or negligence. For more information, contact a lawyer or community law centre.

Contact information:

Credit reporter:

[Insert details about where to go to exercise access and complaint rights, including:

Freephone line (if appropriate)

Email address

*Web address
Postal address]*

Office of the Privacy Commissioner:
Enquiries line: 0800 803 909
Email address: enquiries@privacy.org.nz
Web address: www.privacy.org.nz
Postal address: PO Box 10094, Wellington 6143



Note: Schedule 4 was substituted by Amendment No 4 and further amended by Amendments No 5, No 7 and No 11.

Note: For additional obligations on credit reporters in relation to the Summary of Rights, see rules 6(3), 6(4), 7(3) and 7(4) and clause 8(3A).

Note: The Summary of Rights has been awarded the WriteMark to recognise that it meets certain standards of plain English. Credit reporters are permitted to display the WriteMark on the Summary provided that they do not alter the wording or layout. The WriteMark is not part of the code as issued.

Note: The Summary of Rights is also available in Arabic, Farsi, Fijian, Hindi, Korean, Maori, Samoan, Simplified Chinese, Spanish, Tongan and Traditional Chinese. Clause 8(3A) requires credit reporters to display these translations on their websites. The Summary may be made available in other languages from time to time.

Schedule 5
Driver Licence Numbers
(Rules 8, 11 and 12 and Schedule 3)

Collection and disclosure by subscriber

1. A credit reporter must take such steps as are reasonable in the circumstances to ensure that, where a subscriber collects a driver licence number from an individual for disclosure to the credit reporter, the subscriber:
 - (a) makes clear to the individual that the provision of the driver licence number is voluntary;
 - (b) collects the driver licence card number from the individual and discloses this to the credit reporter; and
 - (c) where the driver licence number and driver licence card number are collected from the individual in person, takes reasonable steps to ensure that the individual is the individual shown on the driver licence.

Verification by credit reporter

2. A credit reporter must, before using a driver licence number, take such measures as are reasonably practicable to verify:
 - (a) that the driver licence number relates to a licence issued by the New Zealand Government;
 - (b) that the driver licence number does not relate to a licence that has been recorded on the national register of driver licences as lost or stolen; and
 - (c) that the driver licence card number is the most recent driver licence card number.
3. Where a driver licence number has been successfully verified as relating to a valid driver licence that has not been recorded as lost or stolen, and is the most recent version, a credit reporter may confirm this by disclosing the driver licence number back to the subscriber in a masked form, by removing the last two digits and replacing them with characters that are neither blank spaces, nor numerical characters nor letters.
4. Where a driver licence number has not been successfully verified as relating to a valid driver licence that has not been recorded as lost or stolen, and is the most recent version, a credit reporter may disclose the full driver licence number and card number back to the subscriber. The subscriber is thereby enabled to check that the correct number was collected from the individual and disclosed to the credit reporter or make other consequent checks.

Hashing by credit reporter

5. If, after having taken measures to verify a driver licence number, the credit reporter wishes to retain information derived from that number for matching, it must convert the

driver licence number to a hash value using a non-reversible hash function and may only retain it in this form.

6. The driver licence number must not be written into any database by the credit reporter.

Matching by credit reporter

7. The credit reporter may use the hash value obtained from the driver licence number as supplementary identification information to retrieve and match credit information on individuals, in conjunction with other identification information such as name, address or date of birth.

Note: Schedule 5 was inserted by Amendment No 4.

Schedule 6

Assurance Report

(Rules 5 and 8 and clause 9)

Clause 9 requires a credit reporter to provide the Commissioner with a report, prepared with the involvement of an independent person, which is to reflect the outcome of the credit reporter's systematic reviews undertaken under rules 5(2)(h) and 8(3)(f) and monitoring activities undertaken under rules 5(2)(e) and 8(3)(c) and to provide other assurances in relation to code compliance, as set out below.

Process of review and reporting

1. The report must include:
 - (a) a summary of the systematic review process and the methodology followed by the reviewer;
 - (b) where the report was prepared by a review committee, a statement identifying the members of that committee, including the independent person;
 - (c) information about the independent person's expertise; and
 - (d) confirmation that the independent person is not an employee, director, or owner of the credit reporter.

Assurances relating to policies, procedures, controls and subscriber agreements

2. The report must provide a reasonable assurance that, in relation to the applicable period, the credit reporter:
 - (a) had policies in place that give effect to the requirements of the code;
 - (b) had internal procedures and controls in place to give effect to the policies and requirements of the code;
 - (c) provided information and training to its staff to ensure compliance with the policies, procedures and controls; and
 - (d) ensured that subscriber agreements that complied with Schedule 3 were in place before disclosing credit information.

Assurances relating to monitoring of policies, procedures, controls and subscriber agreements

3. The report must provide a reasonable assurance that, in relation to the applicable period, the credit reporter undertook monitoring activities to ensure reasonable compliance with the code, including that:
 - (a) the credit reporter followed its own policies, procedures and controls;

- (b) the information held by the credit reporter was protected by reasonable security safeguards;
- (c) the credit reporter processed information privacy requests in accordance with rules 6 and 7;
- (d) the credit reporter took such measures as were reasonably practicable to avoid the incorrect matching of information held by the credit reporter;
- (e) the information held by the credit reporter was subject to reasonable checks to ensure that it was accurate, up to date, complete, relevant and not misleading;
- (f) the credit reporter's reporting and retention of credit information was in accordance with rule 9 and Schedule 1;
- (g) the credit reporter processed direct marketing lists in accordance with rule 10(1C);
- (h) the credit reporter processed suppression, release or cancellation requests in accordance with Schedule 7;
- (i) the credit reporter processed complaints in accordance with clause 8;
- (j) the credit reporter's website displayed accurate information that gave effect to rules 6(4)(b), 7(4)(b), clause 8(3A) and clause 8.1 of Schedule 7;[]
- (k) subscribers complied with agreements and controls; [and
- (l) the intelligence and security agencies complied with any access agreements and controls.]

Note: Paragraph (l) was inserted by Amendment No 11.

Assurances relating to action taken on deficiencies identified

4. The report must provide a reasonable assurance that, in relation to the applicable period:
 - (a) where, during its systematic reviews, monitoring activities or as a result of a complaint, the credit reporter identified a breach of an agreement, policy, procedure, control, or requirement of the code, the credit reporter investigated that breach and, where appropriate, took prompt remedial action; and
 - (b) where a deficiency was identified in the previous year's report, the credit reporter, where appropriate, took prompt remedial action.

Note: Schedule 6 was inserted by Amendment No 5.

Note: During the transition to more comprehensive credit reporting, the assurance report must also include the information set out in clause 6.1 of Schedule 8.

Note: The report may be made public by the Commissioner. If the credit reporter wishes any information to be kept confidential, it should communicate this information separately to the report and explain why the information should remain confidential. Information held by the Commissioner may be

liable to be released upon request under the Official Information Act unless there is good reason to refuse.

Schedule 7

Suppression of Credit Information where Individual may be a Victim of Fraud

(Rule 11)

The purpose of this Schedule is to enable an individual who reasonably believes that he or she may be likely to become a victim of fraud to have a credit reporter suppress a credit report thereby making it less likely that another person might fraudulently obtain new credit in the individual's name.

The Schedule outlines:

- how a suppression may be obtained and lifted;
- the responsibilities of credit reporters; and
- the effect of a suppression.

Suppression is directed towards preventing new credit accounts being opened fraudulently. Accordingly, some ongoing access to credit reports is permitted during suppression. Some ongoing updating of suppressed credit reports is permitted.

Initial request

1.1. Where a credit reporter holds credit information about an individual, the individual concerned is entitled to make an **initial request** to the credit reporter seeking to have that information suppressed on the basis that the individual believes that he or she has been, or is likely to be, a victim of fraud (including identity fraud).

Note: The meaning of "suppressed" for the purposes of this Schedule is outlined at clause 9.1 below.

Note: Clause 5.1 provides that credit reporters must verify the identity of requesters.

1.2. Where a credit reporter receives an initial request, the credit reporter must suppress the individual's credit information for 10 working days from the day on which the request is received and, as soon as reasonably practicable, notify the individual of:

- (a) the suppression and its duration; and
- (b) the effect of an initial suppression and the process to make an extension request, release request and cancellation request.

1.3. At the same time as notification under clause 1.2, the credit report must issue the requester with a password or Personal Identification Number (**PIN**) to be produced by the individual in conjunction with any associated extension request, release request or cancellation request.

Extension request

2.1. Where an individual has had credit information suppressed under any of the provisions of this Schedule, that individual is entitled to make an **extension request** to the credit reporter.

2.2. Where a credit reporter receives an extension request, the credit reporter must:

- (a) pending taking a decision on the request – continue to suppress the individual's credit information;
- (b) notify any credit providers that have listed credit accounts on a credit reporter's records prior to the request (**pre-existing credit accounts**) of the fact of the extension request; and
- (c) as soon as reasonably practicable, decide whether or not to extend the duration of the suppression.

2.3. Where a credit reporter decides to extend the duration of the suppression, the credit reporter must:

- (a) determine whether to extend the suppression for either:
 - (i) a fixed period that it considers is reasonable in the circumstances, being not less than 12 months; or
 - (ii) an indefinite period; and

Note: A suppression granted for an indefinite period continues until cancelled in response to an individual's cancellation request (see clause 4.1) or terminated by the credit reporter (see clause 6.1).

- (b) notify the individual of that decision, as soon as reasonably practicable, and include in that notification:
 - (i) details of any pre-existing credit accounts that have been verified in accordance with clause 9.2(a);
 - (ii) an explanation of the process for making a release request or cancellation request; and
 - (iii) in any case where the suppression has been extended for a fixed period, the process for making a further extension request.

2.4. A credit reporter may refuse an extension request if it believes, on reasonable grounds, that:

- (a) the individual has not been or, as the case may be, is not likely to be, a victim of fraud; or
- (b) the request is vexatious or is not made in good faith.

2.5. Where a credit reporter refuses an extension request, the credit reporter must notify the individual of that decision, as soon as reasonably practicable, and include in that notification:

- (a) the reason for that refusal; and
- (b) details of the complaints procedure available under clause 8 of the code.

2.6. Notwithstanding clause 1.2, where a credit reporter receives an initial request from an individual in respect of whom the credit reporter has previously received an initial request, the credit reporter may treat the request as an extension request.

Release request

3.1. Where an individual has had credit information suppressed under any of the provisions of this Schedule, that individual is entitled to make a temporary **release request** to the credit reporter authorising the disclosure of credit information for the purpose of credit reporting either:

- (a) to a nominated credit provider or providers; or
- (b) for a set period.

3.2. Where a credit reporter receives a release request, the credit reporter must, as soon as reasonably practicable, either:

- (a) temporarily lift the suppression consistently with the request and notify the individual; or
- (b) notify the individual of a refusal.

Note: Typically a refusal may result if a release request does not conform to the credit reporter's requirements or where a requester has not provided sufficient information to verify the requester's identity or has not provided the individual's password or PIN.

Cancellation request

4.1. Where a credit reporter has suppressed credit information under any of the provisions of this Schedule, the individual concerned is entitled to make a **cancellation request** to the credit reporter authorising the permanent cancellation of the suppression.

4.2. Where a credit reporter receives a cancellation request, the credit reporter must, as soon as reasonably practicable, either:

- (a) cancel the suppression and notify the individual; or
- (b) notify the individual of a refusal.

Identity verification obligations

5.1. A credit reporter must not act on any request made under this Schedule unless satisfied concerning the identity of the individual making the request.

5.2. In addition to any other reasonable identification requirements, a credit reporter must require an individual making an extension request, release request or cancellation request to provide the password or PIN issued under clauses 1.3 or 5.3.

5.3. Where an individual has failed to retain the password or PIN issued under clause 1.3, a credit reporter may on request issue a new password or PIN once it is satisfied concerning the identity of the individual.

Terminating a suppression

- 6.1.** A credit reporter may terminate a suppression if the credit reporter believes, on reasonable grounds, that the suppression was obtained as a result of a misrepresentation by the individual concerned of a material fact.
- 6.2.** Where a credit reporter decides to terminate a suppression, it must, as soon as reasonably practicable, notify the individual of its decision and:
- (a) give the reasons for that decision; and
 - (b) provide the individual with details of the complaints procedure available under clause 8 of the code.

Charging

- 7.1.** A credit reporter may not charge an individual for a request made under any of the provisions of this Schedule but may make a reasonable charge to replace a password or PIN under clause 5.3.

Credit reporter to make available details of request processes

- 8.1.** A credit reporter must make available on request and on the credit reporter's website details of the credit reporter's processes to make an initial request, extension request, release request and cancellation request which should include, amongst other matters, guidance on:
- (a) the supporting documentation that might typically be expected;
 - (b) the requirements for agents making applications on behalf of individuals;
 - (c) the credit reporter's criteria for deciding on an extension request;
 - (d) the likely processing time for requests.

Meaning of "suppressed" for purposes of Schedule

- 9.1.** For the purposes of this Schedule, where credit information is required to be "suppressed" (or is subject to a "suppression") that information may not be:
- (a) updated or added to except in accordance with clause 9.2;
 - (b) used except in accordance with clause 9.3; or
 - (c) disclosed except in accordance with clause 9.4.
- 9.2.** Credit information that is suppressed may be updated or added to in the following circumstances:
- (a) the addition or updating of any credit information:
 - (i) in relation to pre-existing credit accounts – only after reasonable steps have been taken to verify that the accounts appear to be genuine and unaffected by third party fraud;

Note: pre-existing credit accounts are defined in clause 2.2(b) as credit accounts listed on a credit reporter's records prior to receiving a suppression request.

- (ii) in relation to credit accounts created after receiving a suppression request (**new credit accounts**) – only accounts with a credit provider nominated by an individual in a release request, and in relation to which the credit reporter disclosed credit information while a release request was in effect, and only after reasonable steps have been taken to verify that such new accounts appear to be genuine and unaffected by third party fraud;
- (b) the addition of the following credit information that is not necessarily related to a particular credit account:
 - (i) public record information of the classes listed in paragraphs (g), (h) or (i) of the definition of credit information;
 - (ii) access log information relating to accesses permitted pursuant to clause 9.4;
 - (iii) a notice of disputed debt; and
 - (iv) administrative information incidental to credit reporting activities; or
- (c) the correction of credit information, or the addition of a statement of correction, in accordance with a correction request under rule 7.

9.3. For the avoidance of doubt, credit information that is suppressed may be used by a credit reporter in accordance with rule 10.

Note: For example, suppressed information can be used for the creation of a credit score or for pre-screening of a direct marketing list.

9.4. Credit information that is suppressed may be disclosed by a credit reporter only in the following circumstances:

- (a) in accordance with rule 11(1);
- (b) in accordance with rule 11(2), to any subscriber other than a credit provider; or
- (c) in accordance with rule 11(2), to a credit provider:
 - (i) that has listed with the credit reporter a pre-existing credit account or a new credit account – for purposes related only to that account; or
 - (ii) in accordance with the terms of a release request.

Note: During a suppression, a credit provider may access an individual's credit report in the usual way to update a credit reporter's records in relation to a pre-existing credit account, or for decisions relating to that account, but cannot obtain a credit report for the purposes related to the grant of new credit except where the process has been followed for temporary lifting of the suppression.

Note: Schedule 7 was inserted by Amendment No 5.

Schedule 8

Transitional Arrangements Associated with Introduction of Comprehensive Credit Reporting

(Rules 1 and 2 and clause 9)

Amendments No 4 and No 5 allow for a more comprehensive credit reporting system than has previously been permitted. The Schedule makes special arrangements that prevail over some general provisions in the code for the four months leading up to and 12 months following commencement of Amendments No 4 and No 5.

Expiry

[1.1. Schedule 8 will expire on 31 March 2013, except for clauses 4.1, 4.2 and 6.1(b) which will expire on 31 March 2017.]

Note: Clause 1.1 was substituted by Amendment No 7.

Definitions

2.1. [Expired]

Systems testing

3.1. [Expired]

3.2. [Expired]

3.3. [Expired]

Subscribers that propose to rely upon existing authorisations must inform affected individuals of their intention to upload credit account information

4.1 Clause 4.2 applies where:

- (a) a credit reporter collects credit information from a source other than the individual concerned;
- (b) this information is collected pursuant to rule 2(2)(b) on the basis that the credit reporter believes, on reasonable grounds, that the individual concerned authorised the collection; and
- (c) the authorisation was obtained by a subscriber from the individual concerned prior to [1 January 2013].

Note: Clause 4.1(c) was amended by Amendment No 7.

4.2 The credit reporter must, before collecting credit information in the circumstances set out in clause 4.1, take reasonable steps to ensure that:

- (a) the authorisation meets the requirements of clause 1 of Schedule 3; and

- (b) the subscriber has notified the individual concerned of the changes in practice affecting the individual and the listing of credit information and included in that notification details of:
 - (i) the new classes of information that will be disclosed; and
 - (ii) the practice (where applicable) of monthly reporting of repayment history information.

Small defaults

5.1. *[Expired]*

5.2. *[Expired]*

5.3. *[Expired]*

5.4. *[Expired]*

5.5. *[Expired]*

5.6. *[Expired]*

Assurance report

6.1. An assurance report submitted under clause 9 of the code, that relates to the period during which this Schedule is in effect, must in addition provide a reasonable assurance that the credit reporter undertook monitoring activities to ensure that:

- (a) *[Expired]*
- (b) where clause 4.1 applies, the credit reporter complied with clause 4.2; and
- (c) *[Expired]*

Note: Schedule 8 was inserted by Amendment No 5 and further amended by Amendment No 7.

Appendix 1

Terms Defined in Privacy Act 1993

Words and expressions defined in the Privacy Act and used in this code include the following:

action includes failure to act; and also includes any policy or practice

agency—

- (a) means any person or body of persons, whether corporate or unincorporate, and whether in the public sector or the private sector; and, for the avoidance of doubt, includes a department; but
- (b) does not include—
 - (i) the Sovereign; or
 - (ii) the Governor-General or the Administrator of the Government; or
 - (iii) the House of Representatives; or
 - (iv) a member of Parliament in his or her official capacity; or
 - (v) the Parliamentary Service Commission; or
 - (vi) the Parliamentary Service, except in relation to personal information about any employee or former employee of that agency in his or her capacity as such an employee; or
 - (vii) in relation to its judicial functions, a court; or
 - (viii) in relation to its judicial functions, a tribunal; or
 - (ix) an Ombudsman; or
 - (x) a Royal Commission; or
 - (xi) a commission of inquiry appointed by an Order in Council made under the Commissions of Inquiry Act 1908; or
 - (xii) a commission of inquiry or board of inquiry or court of inquiry or committee of inquiry appointed, pursuant to, and not by, any provision of an Act, to inquire into a specified matter; or
 - (xiii) in relation to its news activities, any news medium

collect does not include receipt of unsolicited information

Commissioner means the Privacy Commissioner referred to in section 12 of this Act and appointed in accordance with section 28(1)(b) of the Crown Entities Act 2004

correct, in relation to personal information, means to alter that information by way of correction, deletion, or addition; and **correction** has a corresponding meaning

direct marketing means—

- (a) the offering of goods or services; or
 - (b) the advertising of the availability of goods or services; or
 - (c) the solicitation of donations or contributions for charitable, cultural, philanthropic, recreational, political, or other purposes,—
- by means of—
- (d) information or goods sent to any person by mail, facsimile transmission, electronic mail, or other similar means of communication, where information or goods are addressed to a specific person or specific persons by name; or
 - (e) telephone calls made to specific persons by name

document means a document in any form; and includes—

- (a) any writing on any material:
- (b) any information recorded or stored by means of any tape-recorder, computer, or other device; and any material subsequently derived from information so recorded or stored:
- (c) any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:
- (d) any book, map, plan, graph, or drawing:
- (e) any photograph, film, negative, tape, or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced

Human Rights Review Tribunal or **Tribunal** means the Human Rights Review Tribunal continued by section 93 of the Human Rights Act 1993

individual means a natural person, other than a deceased natural person

individual concerned, in relation to personal information, means the individual to whom the information relates

intelligence and security agency means –

- (a) the New Zealand Security Intelligence Service:
- (b) the Government Communications Security Bureau

personal information means information about an identifiable individual; and includes information relating to a death that is maintained by the Registrar-General pursuant to the Births, Deaths, and Marriages Registration Act 1995, or any former Act

public register has the meaning given to it in section 58

public register privacy principle has the meaning given to it in section 58

public sector agency—

- (a) means an agency that is a Minister, a Department, an organisation, or a local authority; and
- (b) includes any agency that is an unincorporated body (being a board, council, committee, or other body)—
 - (i) which is established for the purpose of assisting or advising, or performing functions connected with, any public sector agency within the meaning of paragraph (a) of this definition; and
 - (ii) which is so established in accordance with the provisions of any enactment or by any such public sector agency

publicly available information means personal information that is contained in a publicly available publication

publicly available publication means a magazine, book, newspaper, or other publication that is or will be generally available to members of the public; and includes a public register

serious threat, for the purposes of principle 10(d) or 11(f), means a threat that an agency reasonably believes to be a serious threat having regard to all of the following:

- (a) the likelihood of the threat being realised; and
- (b) the severity of the consequences if the threat is realised; and
- (c) the time at which the threat may be realised

unique identifier means an identifier—

- (a) that is assigned to an individual by an agency for the purposes of the operations of the agency; and
- (b) that uniquely identifies that individual in relation to that agency;—
but, for the avoidance of doubt, does not include an individual's name used to identify that individual

working day means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
- (b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year

Legislative history:

6 December 2004	Code issued
1 April 2005	Clauses 7 and 8 of code commenced
9 August 2005	Amendment No 1 (Temporary) issued
24 February 2006	Amendment No 2 issued
1 April 2006	Remainder of code commenced
1 April 2006	Amendment No 2 commenced (which revoked Amendment No 1 (Temporary))
18 December 2009	Amendment No 3 issued
22 February 2010	Amendment No 3 commenced
14 December 2010	Amendment No 4 issued
30 September 2011	Amendment No 5 issued
1 October 2011	Amendment No 4, with the exception of some clauses, commenced
1 December 2011	Clauses 3.2 and 3.3 of Schedule 8 (inserted by Amendment No 5) commenced
26 March 2012	Amendment No 6 (Temporary) issued
1 April 2012	Amendment No 5 and remainder of Amendment No 4 commenced
1 April 2012	Amendment No 6 (Temporary) commenced
1 February 2013	Amendment No 7 issued
29 March 2013	Clause 6 of Amendment No 7 commenced
31 March 2013	Amendment No 6 (Temporary) expired
31 March 2013	Schedule 8 of code expires
1 April 2013	Amendment No 7 commenced
7 May 2013	Amendment No 8 issued
30 June 2013	Clauses 3 and 4 of Amendment No 7 commenced
30 June 2013	Amendment No 8 commenced
21 July 2014	Amendment No 9 issued
1 September 2014	Amendment No 9 commenced
5 October 2015	Amendment No 10 issued
5 November 2015	Amendment No 10 commenced
25 August 2017	Amendment No 11 issued
20 September 2017	Amendment No 12 (temporary) issued
28 September 2017	Amendment No 11 commenced
	Amendment No 12 (temporary) commenced

Credit Reporting Privacy Code 2004

*This consolidation: September 2017
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