

Position Description

Position Details

Position Title:	Principal Adviser (Legal) – Rōia Mātāmua
Reports to:	General Counsel
Location:	Wellington
Date Issued:	September 2024

Purpose

The purpose of the position is to assist the Privacy Commissioner to meet his statutory obligations as defined by the Privacy Act 2020 and other governing legislation and to help achieve the objectives of the Commissioner and the office (OPC).

The principal responsibility of the Principal Adviser (Legal) (PA) is to provide expert legal and privacy advice to the Commissioner, General Counsel and the wider office across all of the Commissioner's functions.

Background

The Office of the Privacy Commissioner is an independent Crown entity established by the Privacy Act. The Privacy Commissioner reports to Parliament through the Minister of Justice (or Associate).

The main purpose of the Privacy Act is to promote and protect individual privacy. The Privacy Commissioner monitors, researches and reports on matters relating to privacy, and has an educational and outreach role in promoting the understanding, acceptance and protection of individual privacy. The Commissioner independently investigates, conciliates and deals with cases involving an interference with the privacy of an individual; receives privacy breach notifications and protected disclosures; investigates non-compliance with the privacy principles and the Act and decides on relevant compliance action; scrutinises legislative and other proposals that may affect privacy; issues codes of practice; and assesses and monitors authorised information matching and information sharing programmes. The Commissioner is regularly consulted by agencies and other bodies on privacy issues, including the Ombudsman. The Commissioner intervenes in relevant proceedings of the Human Rights Review Tribunal and the courts to make privacy submissions.

The Commissioner is required to have due regard for the protection of important human rights and social interests that might compete with privacy, and to take account of international obligations accepted by New Zealand and international developments in privacy protection, and to take account of cultural perspectives on privacy, including tikanga Māori.

The work of the Office of the Privacy Commissioner is encapsulated in its mission statement:

“We ensure that privacy is a core focus for agencies in order to protect the privacy of individuals, enable agencies to achieve their own objectives, and safeguard a free and democratic society.”

The Privacy Commissioner has offices in Wellington and Auckland.

Principal Accountabilities

Key Function	Accountabilities
<p>Legal Counsel and Advice</p>	<ul style="list-style-type: none"> • To provide expert legal and privacy advice to the Commissioner and the Commissioner’s staff that is legally sound, factually accurate, well-reasoned and well judged. • To support the General Counsel to ensure that the Commissioner and his office comply with statutory and legal obligations. • To represent the Legal Team in cross-office committees including the Compliance Advisory Board and the Policy and Priorities Panel, providing strategic legal advice. • To support the policy and operational teams with expert legal and privacy advice, as required, on the correct application and/or interpretation of privacy law and public law, including statutory interpretation. • To draft legal opinions arising out of complex compliance investigations and the investigation of complaints, as required. • To contribute to the Office’s undertaking of public inquiries, including legal analysis and drafting report material. • To assist with litigation in the Human Rights Review Tribunal and the courts, including preparing documents, research, submissions, and appearing in the Tribunal or court. • To provide sound legal advice about the legal and privacy implications of draft or existing legislation, proposed or current government policy, non-government proposals, and business or other developments which might have an impact on the privacy of the individual. • To provide a legal assurance role in ensuring that OPC’s policy advice and guidance is legally sound, relevant and appropriate. • To provide a legal assurance role in ensuring that the OPC’s communications, and the educational and guidance material it produces, are legally sound, relevant and appropriate. • To contribute, as required, with the research and drafting of Codes of Practice and legal advice on their issue, amendment or revocation.
<p>Intelligence and Security</p>	<ul style="list-style-type: none"> • To provide advice to the Commissioner on privacy matters relating to intelligence and security. • To provide the Commissioner with secretariat functions for the Intelligence and Security Oversight Group.
<p>Outreach and Communications</p>	<ul style="list-style-type: none"> • To promote understanding and awareness by public and other agencies of privacy issues that should be taken into account when drafting legislation, formulating policy, implementing new initiatives or developing new products, services or applications. • To deliver, as required, privacy education seminars and presentations internally and externally.

Key Function	Accountabilities
	<ul style="list-style-type: none"> • To assist with the handling of public and media enquiries, as required, and the development of outreach and public information material such as Ask Us, case notes and articles for the Commissioner's website, and guidance material. • To develop and maintain effective stakeholder relationships to help promote and facilitate the work of the Commissioner's office.
Other Responsibilities	<ul style="list-style-type: none"> • To coach and mentor other legally qualified staff, and assist the General Counsel to build on the privacy expertise and capacity in the Commissioner's office. • To contribute to the development and implementation of the legal team's strategic work programme, systems, processes and procedures. • To help develop legal guidance for the Office. • To provide legal advice for investigations and inquiries initiated by the Commissioner into any matter, including any enactment or law, or any practice, or procedure, whether government or non-government, or any technical development, if it appears to the Commissioner that the privacy of the individual is being, or may be, infringed. • To assist with ad hoc or one-off special projects undertaken by the Commissioner, typically on a cross-functional basis, into any privacy related issue or to improve any aspect of the Commissioner's operations. • To undertake or assist with such other functions of the Commissioner as may be required by the General Counsel or Commissioner from time to time, including but not limited to: <ul style="list-style-type: none"> – research into, or the monitoring of, privacy and related developments in New Zealand and overseas; – investigations into complaints about alleged breaches of privacy; – reports, papers and submission to support policy positions taken by the Commissioner; – development, implementation and use of privacy tools such as privacy impact assessments and privacy by design.
General	<ul style="list-style-type: none"> • To comply with any code of conduct, policy, practice or procedure as may be adopted by the Commissioner's office. • To undertake the accountabilities of the position to the standards of quality and timeliness as prescribed by the General Counsel or Commissioner. • To alert the General Counsel in a timely manner to any significant issue that might adversely impact the progress of any work, or may be of wider significance or concern to the Commissioner's office. • To seek the prior approval of the General Counsel before applying any new interpretation of the law, or departing from approved policy or practice. • To create and maintain accurate and up-to-date records of all work. • To develop a thorough knowledge of the Privacy Act and other acts, regulations, codes, policies and procedures affecting the functions and work of the Commissioner.

Key Function	Accountabilities
	<ul style="list-style-type: none"> • To manage relationships with external stakeholders in a manner that reflects a responsive, timely and professional service by the Commissioner's office. • To maintain productive working relationships with all the Commissioner's staff, including the senior leadership team, and to contribute as a team member to the wider objectives of the Commissioner's office.

Qualifications and Experience

The Principal Adviser (Legal) will have a tertiary qualification in law and current practising certificate, career experience in public law at a senior level, in the public or private sectors. A working knowledge of the Privacy Act and a keen interest in, or understanding of, domestic and international privacy considerations is an advantage; likewise experience in the interpretation and application of legislation and legal principles, exposure to policy work and regulatory reform processes, an understanding of human rights and tikanga Māori and an understanding of government and business decision-making. In addition, the position requires:

- excellent legal and analytical skills;
- excellent written and oral communication skills;
- an inquiring mind;
- common sense and sound judgement;
- the ability to build and maintain co-operative and collegial working relationships (both internally and externally);
- the ability to work independently and also be a team player;
- the ability to coach and mentor less experienced staff members;
- the ability to work effectively under pressure.
- security clearance; and
- appropriate cultural awareness.

Key Relationships

Internal	<ul style="list-style-type: none"> • Privacy Commissioner and Deputy Privacy Commissioner • General Counsel and legal team • Wider Leadership Team • Policy and operational teams • Communications and engagement team • Corporate Services Team
External	<ul style="list-style-type: none"> • Director of Human Rights Proceedings • Human Rights Review Tribunal and courts • Ministry of Justice • Office of the Ombudsman • Office of the Inspector-General of Intelligence and Security • Key privacy stakeholders in a range of public sector agencies and private sector organisations • Privacy networks and related interest groups

Delegations

Human Resources	Nil
Financial	Nil
Limits on Authority	<ul style="list-style-type: none"> • No statement is to be issued to the news media or any information released to the general public without the prior approval of the Privacy Commissioner. • Any significant departure from approved or accepted work practice or procedure is first to be discussed and agreed with the General Manager or Privacy Commissioner. • There is no authority to enter into any ongoing contract that may in any way be binding on the Privacy Commissioner, without the prior approval of the Commissioner or the General Manager. The booking of venues, travel or accommodation must be in accordance with the policies, practices and procedures of the Commissioner's office.

Key Competencies

NB:

The competencies identified below are mapped against the 5 core values of the Commissioner's office, expressed as follows:

- **Respect** – *for all the people we deal with, and for viewpoints that differ from our own*
- **Integrity** – *we are honest, fair and transparent in our work*
- **Independence** – *we operate impartially and without political or personal bias*
- **Innovation** – *we value innovation, creativity and a culture of continuous improvement*
- **Excellence** – *we strive for best professional practice and leadership in our field*

Competency	OPC Values	Description of skilled behaviours
Management skills		<ul style="list-style-type: none"> • Exercises sound management practices to achieve business goals and organisational objectives; • Effectively manages responsible work-streams and builds strong and effective working relationships with staff; • Ensures accurate records are created and maintained to meet business and legislative requirements; and • Thinks strategically and proactively.
Analytical Skills	Innovation Excellence	<ul style="list-style-type: none"> • Applies intellectual rigour to researching and analysing complex issues systematically and comprehensively; • Provides robust, well thought out conclusions supported by relevant data;

Competency	OPC Values	Description of skilled behaviours
		<ul style="list-style-type: none"> • Identifies emerging issues early and proactively addresses them; and • Thinks laterally about issues and is innovative in problem-solving.
Professionalism	Respect Integrity Independence	<ul style="list-style-type: none"> • Displays highest standards of personal integrity, honesty and conduct; • Exercises discretion at all times, particularly in dealing with sensitive or confidential material; • Develops and maintains constructive working relationships with internal and external stakeholders; and • Uses language and has a demeanour and personal presentation that reflects a professional outlook.
Communication Skills	Respect Integrity Excellence	<ul style="list-style-type: none"> • Communicates clearly, concisely and in plain English, both orally and in writing, and is an active listener; • Delivers presentations effectively and can use a range of presentation methods and media; and • Negotiates effectively and can achieve co-operation and agreement where there are conflicting objectives.
Technology Skills	Innovation Excellence	<ul style="list-style-type: none"> • Competently uses equipment and software to produce own work, and is proficient with the Microsoft Office suite of applications and such other software or information technology tools as are required for the role; and • Adopts and adapts to new technologies readily.
Self-management	Innovation Excellence	<ul style="list-style-type: none"> • Works independently and is largely self-managing, yet is also a strong team player; • Self-motivated and self-driven, understands and accepts responsibility for own performance requirements; • Plans, organises and prioritises work effectively, is motivated to find solutions to problems, and is results-driven; • Maintains and enhances knowledge by actively keeping up-to-date with developments; • Participates actively in training and development opportunities; • Completes work in a timely manner and follows through with commitments; and • Sets and maintains high standards of performance.
Teamwork	Respect Innovation Excellence	<ul style="list-style-type: none"> • Works as a team member and demonstrates collegiality through knowledge sharing and excellent work relationships; • Relates to a wide variety of people, both within the office and externally, in a positive and helpful manner; and

Competency	OPC Values	Description of skilled behaviours
		<ul style="list-style-type: none"> • Supports group decisions and puts group goals ahead of own goals.
Innovation and Adaptability	Innovation Excellence	<ul style="list-style-type: none"> • Displays a positive attitude to change, adapts readily, and initiates changes as required; • Effectively manages competing priorities; • Generates ideas for improvement, takes advantage of opportunities and suggests innovations; and • As with all other staff, undertakes such other duties and responsibilities as the Commissioner may reasonably request from time to time.