

Your Ref:
Our Ref:

26 August 2020

Office of the Privacy Commission
By email: Privacy.code@privacy.org.nz

Submission on the revocation and replacement of the Civil Defence National Emergencies (Information Sharing) Code under the Privacy Act 2020

The Bay of Plenty Civil Defence Emergency Management (CDEM) Group wishes to make the following submission on the revocation and replacement of the Civil Defence National Emergencies (Information Sharing) Code under the Privacy Act 2020. The submission is in relation to two specific questions to submitters asked within the draft consultation:

1. Adding a sub clause to provide clarity around terms used but not defined within the Act.
2. Making explicit the information privacy principles modified by clause 6.

The submission also makes two general observations:

1. The code should be applicable to all states of emergency rather than just a national state of emergency.
2. In addition to the continuation of the code for 20 working days after the termination/expiration of a state of emergency, it should also be applicable to any Transition Periods as defined in terms of Part 5A of the CDEM Act 2002.

Adding a sub clause to provide clarity around terms used but not defined within the Act.

Question for submitters: Would you find it helpful to add a new subclause, which expressly provides that a term or expression defined in the Privacy Act and used but not defined in this code has the same meaning as the Act?

Submission: The Bay of Plenty CDEM Group believes that it would be helpful to add a new subclause, which expressly provides that a term or expression defined in the Privacy Act and used but not defined in this code has the same meaning as the Act. This would ensure clarity across the terms within the codes.

Making explicit the information privacy principles modified by clause 6.

Question for submitters: Do you find proposed clauses 6(2) - (4) clearer than the corresponding clauses of the 2013 Code?

Submission: The Bay of Plenty CDEM Group does find the proposed clauses 6(2) – (4) much clearer than the corresponding clauses of the 2013 code.



The code should be applicable to all states of emergency rather than just a national state of emergency.

Submission: The Bay of Plenty CDEM Group highlight that the information sharing code should be applicable to all declared states of emergency including a state of national emergency and a state of local emergency declared under Section 66 and 68 of the CDEM Act 2002, respectively. The sharing of information is vital to protecting those at risk during a state of emergency (and transition period) at both the local and national level.

The CDEM sector requires consistency across all phases of emergency management at the national/group/local level in order to ensure a consistent level of services across the whole of New Zealand. In order to achieve that consistency, legislation and policy must be consistent across the country.

The continuation of the code should also be applicable during a transition period, in addition to the 20 working days after the termination/expiration of a state of national emergency.

Submission: The Bay of Plenty CDEM Group highlight that the continuation of the code for only 20 working days beyond the termination/expiration of a state of national emergency does not comprehensively support recovery efforts. Throughout the whole of a recovery phase of an emergency there are occasions where the sharing of information is vital to supporting our communities to adapt to a new normal. It is recommended that consideration is given to aligning the continuation of the code to the length of a transition period (at both the national or local level) when notice is given under Section 94A or 94B of the CDEM Act 2002.

Any questions of clarification in relation to this submission can be directed in the first instance to Nick Barnes - Senior Advisor, Planning, Emergency Management Bay of Plenty.

Yours sincerely



Clinton Naude CEM
Director, Emergency Management Bay of Plenty