



Privacy Commissioner
Te Mana Matapono Matatapu



Amendment No 8 to the Credit Reporting Privacy Code 2004

Information Paper

Amendment No 8 to the Credit Reporting Privacy Code 2004 was issued on 7 May 2013 and comes into effect on 30 June 2013.

Amendment No 8 amends rules 10(1)(d) and 11(1)(c), which permit credit reporters to use or disclose credit information in response to a “serious and imminent” threat to a person’s life or health or to public health or safety. These exceptions mirror the wording of principles 10(d) and 11(f) of the Privacy Act.

The Privacy Amendment Act 2013 changed principles 10(d) and 11(f) of the Privacy Act, removing the words “and imminent” and requiring instead that a threat be “serious”. The Amendment Act inserted a new definition into the Privacy Act as follows:

***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*

This amendment realigns the code’s rules with corresponding amended principles in the Privacy Act. Accordingly, the use and disclosure of credit information is permitted where necessary to prevent or lessen a “serious threat” (as defined) to public health, public safety or the life or health of an individual.