



illion (New Zealand) Limited

Assurance Report

Under Clause 9 of the Credit Reporting Privacy Code for the year ended 30 June 2019

September 2019

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1. Introduction

- 1.1. Clause 9 of the Credit Reporting Privacy Code 2004 (**Code**) requires credit reporters to prepare and submit to the Office of the Privacy Commissioner (**OPC**) each year an Assurance Report (**Report**) that reflects the requirements of Schedule 6 of the Code.
- 1.2. In summary, the Report must:
 - (a) explain the process of review and reporting; and
 - (b) provide assurances about the following operational aspects of the credit reporter's business as it relates to the Code:
 - (i) that the credit reporter has in place and gives effect to policies, procedures, controls and subscriber agreements that comply with the Code;
 - (ii) that the credit reporter monitors its compliance with and in fact does comply with those policies, procedures, controls and subscriber agreements; and
 - (iii) that where breaches of the policies were identified or notified, prompt remedial action was taken.
- 1.3. A fourth element under 1. 2(b) requires that where a deficiency is identified in the previous year's Report, the credit reporter (where appropriate) took prompt remedial action.
- 1.4. The relevant dates for the Report are:
 - (a) it is to cover the year ended 30 June each year; and
 - (b) it is to be submitted on or before three months after the end of that year.
- 1.5. illion (New Zealand) Limited established a Review Committee (**Committee**) including an independent person (clause 9(2)(b) and Schedule 6(1)(b) of the Code) to prepare the Report.
- 1.6. This is the eighth year that illion has provided a Report. A link to the Reports of previous years is [here](#).
- 1.7. What follows is illion's Report for the year ended 30 June 2019 for submission on or before Monday 30 September 2019.

2. Process of review and reporting: Schedule 6, clause 1

2.1 The Report must include:

- (a) a statement identifying the members of the Committee, including the independent person;
- (b) a statement from the independent person confirming their independence, summarising their expertise, and outlining their involvement with the assurance process and preparation of the Report's and including confirmation that the independent person is not an employee, director, or owner of the credit reporter; and
- (c) a summary of the systematic review process and the methodology followed by the reviewer.

2.2 The Committee and the independent person

- **Stephen Blyth**, Privacy Compliance Officer
- **Ian Kaplan**, Regulatory Operations
- **Luke Kennedy**, GM Bureau Operations
- **Kellie Morton**, Chief Legal Officer
- **Yvonne Muller (independent person)**, Barrister and Solicitor in sole practice, Auckland. Ms Muller's statement required under clause 9(3)9c) of the Code is in the Appendix. She confirms that she is not and has never been an employee, director, or owner of illion.

2.3 Summary of the review process

- (a) How illion approaches the review:
 - (i) while the review needs to be comprehensive, the Report should be pitched at a high level and set out statements of assurances for the OPC to take as a baseline for illion's compliance; and
 - (ii) it is therefore unnecessary for the Report to include copies of policies, procedures, controls and so on; but
 - (iii) copies of those policies must be reviewed and as far as is possible, actual compliance with them must be confirmed; and
 - (iv) copies of those policies and any other supporting documentation are in a readily retrievable form so the OPC can see them if it wants to.

- (b) The Report breaks down the requirements of the Report into their individual components, identifies the department within illion with ultimate responsibility for currency and accuracy of the supporting documentation relating to that component, and gives the title of the document(s) containing the policy, procedure or control, and outlines the independent person's assessment both of the policy and illion's compliance with it, to the best of her ability.
- (c) The Committee points out that although as far as possible the elements of the Code have been separated out, not all documentation or commentary is mutually exclusive. Some double-up and repetition has proved unavoidable, but we have tried to avoid this as much as we can.

3. Summary of Assurances

Schedule 6 clause 2: Reasonable assurances relating to policies, procedures, controls and subscriber agreements	
(a) Does illion have policies in place that give effect to the requirements of the Code?	Yes
(aa) Does illion have policies in place to ensure that any arrangement with a related company accords with clause 5(2) of the Code?	Yes
(b) Do illion's internal procedures and controls give effect to the policies and requirements of the Code?	Yes
(bb) Does illion have appropriate procedures in place to ensure that any information requested under rule 6 of the Code is received only by that individual or, where the request is made by an agent on behalf of the individual, only by that individual or his or her agent?	Yes
(c) Does illion provide information and training to staff to ensure compliance with the policies, procedures and controls?	Yes
(d) Do illion's subscriber agreements comply with Schedule 3 and are they in place before disclosing credit information?	Yes
(e) Does illion ensure that access agreements under Schedule 3A of the Code are in place before disclosing credit information?	Not applicable
Schedule 6 clause 3: Reasonable assurances relating to monitoring of policies, procedures, controls and subscriber agreements	
(a) Does illion follow its own policies, procedures and controls?	Yes
(b) Is the information held by illion protected by reasonable security safeguards?	Yes
(c) Does illion process information privacy requests in accordance with rules 6 and 7?	Yes
(d) Does illion take such measures as are reasonably practicable to avoid incorrect matching of information?	Yes
(e) Is the information held by illion subject to reasonable checks to ensure that it is accurate, up to date, complete, relevant and not misleading?	Yes
(f) Is illion's reporting and retention of credit information in accordance with rule 9 and Schedule 1?	Yes
(g) Does illion process direct marketing lists in accordance with Schedule 9?	Not applicable

(h) Does illion process suppression, release or cancellation requests in accordance with Schedule 7?	Yes
(i) Does illion process complaints in accordance with clause 8?	Yes
(j) Is illion's website displaying accurate information that gave effect to rules 6(4)(b), 7(4)(b), clause 8(3A) and clause 8. 1 of Schedule 7?	Yes
(k) Are illion's subscribers complying with agreements and controls?	As far as illion has determined, yes
(l) Do the intelligence and security agencies comply with any access agreements and controls?	Not applicable for this reporting period
(m) Are the requirements on both the subscribers and the credit reporter under Schedule 10 in relation to tracing individuals being met?	Not applicable for this reporting period
Schedule 6 clause 4: Assurances relating to action taken on deficiencies identified	
(a) Did illion, where (during its systematic reviews, monitoring activities or as a result of a complaint) it identified any breaches of an agreement, policy, procedure, control, or requirement of the Code, investigate that breach and, where appropriate, take prompt remedial action?	<p>Yes</p> <p>While no systemic issues were identified as a consequence of reviews and/or monitoring activities, there were individual matters identified through illion's complaint handling procedures. illion resolved these to the satisfaction of the individuals concerned..</p>
(b) Did illion, where a deficiency was identified in the previous year's Report, take, where appropriate, prompt remedial action?	Not applicable. None identified.
Schedule 8: Assurances relating to transitional arrangements associated with Amendment No 14	
Systems testing undertaken by illion in reliance upon clause 1.1 met the requirements of clause 1.2 of Schedule 8	Not applicable for this reporting period.

4. 2018-19 Focus points

In an email dated 11 June 2019 from the OPC to illion, the OPC asked questions about the following issues.

1. **Issue 1: Subscribers acting as agents:** Do you have subscribers that get access to individual credit information as their agent? What steps do you have in place to ensure that the agent is not using credit information (such as name, address, age, credit score etc) to market credit products?

1.1 illion confirms it does have subscribers that access credit information as the agent of the individual.

1.2 illion has contractual terms in its subscriber agreements to ensure that illion's subscribers operate in compliance with the Code. This includes the prohibition on using credit information to market credit products. illion notes that a subscriber retains the capacity to market to an individual on the basis of the information the individual supplies to the subscriber (such as name, address, age, etc) but confirms they are prohibited from using credit information for this purpose.

1.3 For the sake of completeness, illion notes that it has two related companies that act as agents for individuals to facilitate them accessing their own credit information. These entities are fully owned and managed by illion which has full control and governance over their operational functions including the manner in which they use personal information and credit information.

2. **Issue 2: Bundled authorisations:** How does your agency ensure that subscribers do not seek unrelated consents from individuals in exchange for their right to access credit information?

2.1 illion has contractual terms in its subscriber agreements to ensure that illion's subscribers operate in compliance with the Credit Reporting Privacy Code with respect to the credit information provided. illion is not aware of its subscribers bundling credit information consents with other subscriber product consents, and has processes in place to review and monitor a subscriber's activity where risks exist.

2.2 illion closely monitors any complaints received that relate to the conduct of subscribers and their use of personal credit information.

3. ***Issue 3: Marketing/Direct marketing***

- How does your agency ensure that credit information is not used for marketing by a subscriber or any other agency?
- Can you confirm that your agency does not provide a service for your subscribers that assists your subscribers in assessing an individuals' creditworthiness to offer credit products?

3.1 illion and its subscribers agree in their subscriber agreements that credit information will be used only for the purposes permitted by the Code and in accordance with the relevant consent given by the individual. However, as noted in the answer to Issue 1 above, if the subscriber has obtained consent from the individual to use personal information (not credit information) collected from the individual for marketing purposes, that is between the subscriber and the individual concerned.

3.2 As noted above, illion has two related entities that provide services as agents of individuals. These entities are owned and managed by illion which has full control and governance over their operational functions including permissible use of data.

3.3 illion confirms that it does not provide a service for its subscribers that assists them to use credit information for marketing/direct marketing purposes.

4. ***Issue 4: Tracing individuals for unclaimed monies: Since its implementation has your agency used the credit reporting system for tracing to facilitate the return of money owed to individuals? Have you experienced any system issues or concerns from individuals?***

4.1 illion has not used the tracing process yet (within the term of this reporting period).

5. Schedule 6 clause 2: Assurances relating to policies, procedures, controls and subscriber agreements

Requirement		Owner	Details	Assurance and Assessment
a	Does illion have policies in place that give effect to the requirements of the Code?	Corp	illion Code of Conduct illion Privacy Training (mandatory) IT Security Policies Bureau (Credit Reporter) Access Policy	Yes. illion has an interlocking set of policies and procedures dealing with staff conduct including conduct and obligations in relation to privacy.
		IT	Network access announcement	A Privacy and IT Security statement is delivered every time an employee renews their access to the illion network as a reminder of their obligations.
		HR	Employment Contracts/Deeds	Stipulates the need to comply with all requirements of illion's privacy generally and other policies and procedures.
		PAC	Public Access Centre (PAC) Procedures Matrix (Matrix)	The PAC Matrix is focussed on allowing consumers access to their credit reports. The Matrix sets out detailed procedures for PAC to receive and process requests for access to personal information, correction updating of that information, and its suppression, release and cancellation.
aa	Does illion have policies in place to ensure that any arrangement with a related company accords with clause 5(2) of the Code?	Corp	Intercompany agreement	Yes. illion's standard operational approach (policy) for its related companies is to use an intercompany agreement that is clause 5(2) compliant and where necessary and appropriate, specific IT-related policies covering data protection including of personal and credit information. Additionally, illion has centralised operation areas for dealing with matters such as complaints.
b	Do illion's internal procedures and controls give effect to the policies and requirements of the Code?	PAC	PAC Matrix	Yes. The PAC Matrix identifies not only procedures, but also the risks involved in not following those procedures. The possible consequences for the individual

				whose information is being handled, and for the employee who fails to follow the procedures, are clearly spelled out.
bb	Does illion have appropriate procedures in place to ensure that any information requested under rule 6 of the Code is received only by that individual or, where the request is made by an agent on behalf of the individual, only by that individual or his or her agent?	PAC	PAC Matrix	<p>Yes.</p> <p>illion has an established process that requires individuals to satisfactorily identify themselves before the information requested under rule 6 is supplied.</p> <p>In the vast majority of situations this information is provided by an API so is visible to the individual once they have established their personal profile (after being ID-verified).</p> <p>In cases where a request is made manually, the requester will stipulate the means by which the information is supplied (for example, e-mail or standard mail), and illion will then follow those supply instructions after the requestor is suitably identified.</p>
c	Does illion provide information and training to staff to ensure compliance with the policies, procedures and controls?	PAC/HR	<p>Details of training records kept.</p> <ul style="list-style-type: none"> • MyStreme 	<p>Yes.</p> <p>Employees go through an intensive induction process and on-going training which is recorded and stored on the employee's personnel file. Both the induction and the training stress the need for employees to protect the personal information held by illion. These processes clearly set out the requirements of the Code and what employees must do to ensure they are meeting those requirements.</p> <p>Employees are required to acknowledge receipt, reading and understanding of the key policies and procedures both generally through their employment agreement at the initial hiring stage, and particularly in regard to the electronic usage policy. Employees who breach the policy, having acknowledged their understanding of this or other policies, may be summarily dismissed.</p>

d	Do illion's subscriber agreements comply with Schedule 3 and are they in place before disclosing credit information?	Corp	Master Agreement with credit reporting services product module	<p>Yes.</p> <p>illion's standard terms and conditions and its credit reporting offering together comprise a subscriber agreement between illion and its customers. These documents were initially drafted to be compliant with the Code and are updated as the Code changes.</p> <p>Customers can only become subscribers by signing up to these documents; and only after a review of the Customers' terms and conditions and how they align and relate to Schedule 3 are the Customers allowed access to credit information. The Code compliance aspects of these documents are non-negotiable.</p>
e	Does illion ensure that access agreements under Schedule 3A of the Code are in place before disclosing credit information?	-	-	<p>Not applicable.</p> <p>During the reporting period, illion had no contact with an intelligence and security agency.</p>

6. Schedule 6 clause 3: Assurances relating to monitoring of policies, procedures, controls and subscriber agreements

Requirement		Owner	Details	Assurance and Assessment
a	Does illion follow its own policies, procedures and controls?	Corp	Internal and external review processes	<p>Yes.</p> <p>illion considers privacy to be an integral part of its core business. It is in the company's commercial interests to follow its own policies. illion maintains a continuous review policy. All staff are monitored through a combination of electronic means (how they are using illion e-resources) and in person (it is the role of team leaders to oversee performance including how staff deal with consumers and their personal information, and that staff comply with all statutory and regulatory requirements).</p>
b	Is the information held by illion protected by reasonable security safeguards?	IT/Corp	IT information security policies	<p>Yes.</p> <p>illion provides services to and handles comprehensive information for both private and public sectors. illion values customers' data and understands the importance of cyber security and privacy requirements.</p> <p>Security of information is integral to illion's business. Illion has an Information Security Steering Committee which oversees the Information Security Program. The Information Security Program is intended to enhance illion's information security posture to ensure it continues to meet or exceed current industry best practice. illion's Information Security Program and supporting framework and policies are aligned to ISO 27001:2013. The Information Security Program includes policies and procedures supported by comprehensive security and privacy awareness training that is mandatory for all employees.</p>

				<p>As part of the Information Security Program, illion implements and maintains technology and information security controls to protect assets and data from loss, misuse, unauthorised access, disclosure, alteration, and destruction. The technical security controls in place to manage and protect data include, but are not limited to firewalls and network segmentation, Web Application Firewalls (WAF), Network-based Intrusion Prevention System (IPS), Network Data Loss Prevention (DLP), Anti-virus/Anti-Malware with Advanced Threat Protection (ATP), and Endpoint Protection Anti-virus/Anti-Malware software with daily signature updates across workstations and servers. illion also has a documented Security Incident Management Process and register of security incidents.</p> <p>illion is certified in accordance with Quality Standard AS/NZS ISO9001:2015 to form a critical basis of its Quality Assurance System. Combined with illion's IT Change Management Process, this assists with ensuring the quality and availability of personal information.</p>
c	Does illion process information privacy requests in accordance with rules 6 (Access to Credit Information) and 7 Correction of Credit Information?	PAC/ Customer Integration	PAC Matrix	<p>Yes.</p> <p>The PAC Matrix provides detailed procedures for employees to follow when processing access to and correction of credit information. This includes online or manually received applications, standard and fast track service requests, dealing with the results/outcomes of an application, and resolving results including amendment requests whether, faxed, mailed, or emailed.</p> <p>These procedures are followed by employees, and records are maintained of requests and outcomes. Adherence to the procedures is monitored by illion.</p>

d, e	<p>(d) Does illion take such measures as are reasonably practicable to avoid incorrect matching of information?</p> <p>(e) Is the information held by illion subject to reasonable checks to ensure that it is accurate, up to date, complete and not misleading?</p>	PAC, Business Development	PAC Matrix	<p>Yes.</p> <p>illion recognises that one of the key components of the success of its consumer credit reporting rests on ensuring that the personal information contained in credit reports is accurate, up-to date, complete, and not misleading. illion has significant processes and procedures in place to ensure this is the case.</p>
f	Is illion's reporting and retention of credit information in accordance with rule 9 (Retention of Credit Information) and Schedule 1 (Maximum Reporting Periods)?	Corp, IT	IT systems software	<p>Yes.</p> <p>illion's IT systems automatically "lapse" (purge) credit records according to the type of credit information being held. illion has an automatic archive routine set on information collected to meet the retention periods as outlined in Schedule 1.</p>
g	Does illion process direct marketing lists in accordance with Schedule 9?	–	–	N/A – illion does not deal with direct marketing lists.
h	Does illion process suppression, release or cancellation requests in accordance with Schedule 7 (Suppression of Credit Information)?	PAC	PAC Matrix	<p>Yes.</p> <p>The PAC Matrix has detailed procedures for dealing with suppression requests.</p>
i	Does illion process complaints in accordance with clause 8 (Complaints of breach of code)?	PAC	Complaints Handling Procedure PAC Matrix	<p>Yes.</p> <p>illion has a comprehensive complaints management system with standards that meet the statutory limits both for acknowledging and substantively responding to complainants. The illion website sets out clear directions for lodging a complaint including e-forms that may be completed online or posted. illion maintains a complaints register to identify the company division in which the complaint logically lies and the nature of the complaint. The Privacy Compliance Officer reviews and analyses complaints regularly to identify and rectify any systemic and recurring problems. Additionally, complaint reporting is a standing</p>

				agenda item in monthly meetings involving illion's most senior business leaders.
j	Is illion's website displaying accurate information that gave effect to rules 6(4)(b), 7(4)(b), clause 8(3A) and clause 8.1 of Schedule 7?	Corp	Compliance/Audit	Yes. illion's website is here (https://www.illion.co.nz) . Information on credit scores (including suppression), privacy and other elements is available at this link in illion's website (https://www.creditcheck.illion.co.nz/Info/learn).
k	Are illion's subscribers complying with agreements and controls?	Corp	Compliance/Audit	Yes. To the best of illion's knowledge and based on illion's review of Customer documentation, all were compliant with agreements and controls.
l	Do the intelligence and security agencies comply with any access agreements and controls?	-	-	Not applicable.
m	Are the requirements on both the subscribers and the credit reporter under Schedule 10 in relation to tracing individuals being met?	-	-	Not applicable.

7. Schedule 6 clause 4: Assurances relating to action taken on deficiencies identified

Requirement		Owner	Details	Assurance and Assessment
a	Did illion, where (during its systematic reviews, monitoring activities or as a result of a complaint) it identified any breaches of an agreement, policy, procedure, control, or requirement of the Code, investigate that breach and, where appropriate, take prompt remedial action??	PAC	illion Complaints Handling	<p>Yes.</p> <p>As a consequence of the investigation and resolution of complaints there were a small number of matters that were identified as requiring remedial action which was promptly taken once identified.</p> <p>illion's Privacy Compliance Officer reviews and analyses complaints regularly to identify and rectify any systemic and recurring problems.</p> <p>Additionally, complaint reporting is a standing agenda item in monthly meetings involving illion's most senior business leaders.</p>
b	Did illion, where a deficiency was identified in the previous year's Report, take, where appropriate, prompt remedial action?	-	-	No deficiencies were identified in last year's Report.
c	Can illion provide an assurance that it has complied with Schedule 8?	Yes.		<p>illion has a program of work that has been undertaken to comply with the requirements of Schedule 8. Illion notes this includes changes which are yet to be effective, but confirm these also are underway and will be implemented by the dates required by Amendment 14.</p>

8. Schedule 8: Assurances relating to transitional arrangements associated with Amendment No. 14

Requirement	Owner	Details	Assurance and Assessment
Systems testing in relation to handling the effects of Amendment 14 undertaken by illion in reliance upon clause 1.1 of Schedule 8 [illion assumes the correct clause referred to for this assurance should be clause 1.1 and not 1.2 as stated in Schedule 8] met the requirements of clause 1.2 of Schedule 8	–	–	Not applicable for this reporting period.

Appendix

Paragraph 2.2: Clause 9(3)(c): Statement from the independent person confirming their independence, summarising their expertise and outlining their involvement with the assurance process and preparation of the Report

I graduated with LLB Hons from Auckland University in 1994, and immediately started working for a major New Zealand law firm. I was there for 11 years, working in the litigation department and, as both a staff solicitor and later a Senior Associate, specialising in employment and privacy law. I became a partner in Jeffcott Muller in 2005 and continued with those areas of specialisation, along with commercial contract law and dispute resolution. I now have 25 years post-qualification experience in employment and privacy law. I am also the Content Editor for the College of Law New Zealand Limited, which provides mandatory “Professionals” training for law graduates who wish to practise law.

I have managed the Assurance Report process for illion, and before it Dun & Bradstreet New Zealand Limited (D&B), since 2012, the first year of reporting.

To ensure my independence in the reporting process, I have not been involved in staff training on privacy, nor engaged in drafting or developing privacy policies or compliance programmes for D&B/illion since 2011. Compliance implementation and training is managed by illion directly. I have over the years reported to different committees/ individuals, both in New Zealand and Australia, and in recent years exclusively to Australia via the Assurance Report Review Committee.

It is my role to lead illion’s Report process. I marshal illion’s review resources and the illion staff who contribute to, draft, finalise, and sign off on the Report. I interview relevant personnel, review the resources, and analyse illion’s responses to privacy developments. I work with illion’s people to ensure it can be confident in its processes around the Report, and the substance of the assurances it is required to give. I ensure that the Report is timely, complete, accurate, and truthful, and that illion’s assurances are established and maintained by its internal policies and procedures.

A negative audit review by me, or a discovery by me of shortfalls or inadequacies relating to privacy and in particular for the requirements of this Report, has never impacted on the terms of my engagement by illion or D&B as its independent person for the purposes of the Report.