

Dun & Bradstreet (New Zealand) Limited

***Assurance Report under Clause 9
of the Credit Reporting Privacy Code
for the year ending 30 June 2012***

Dated 12 September 2012



Decide with Confidence

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1. Introduction

- 1.1. Clause 9 of the Credit Reporting Privacy Code 2004 (the Code) requires credit reporters to prepare and submit to the Office of the Privacy Commissioner each year an Assurance Report (the Report) that reflects the requirements of Schedule 6 of the Code. (For ease of reference, copies of Clause 9 and Schedule 6 are attached as Appendices 1 and 2 respectively.)
- 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. As this Report is the first to be completed under the Schedule 6 regime, that element is not applicable this time and is not referred to further.
- 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. Dun & Bradstreet (New Zealand) Limited (D&B) established a Review Committee including an independent person (clause 9 and Schedule 6(1)(b) of the Code) to prepare the Report.
- 1.6. As noted in 1.3, this is the first year of Schedule 6 reporting. With that in mind, Lance Crooks, D&B National Operations Manager and a member of the Review Committee, briefly discussed D&B's intended approach with the Office of the Privacy Commissioner (OPC). The OPC confirmed that there was no template to follow. The Committee therefore developed the process, methodology and formatting for its Report on its own.
- 1.7. While the Review Committee considers that the Report satisfies the requirements of Schedule 6, it welcomes suggestions, recommendations, directions or requests for further information that the OPC may have following its review of this Report.
- 1.8. What follows is D&B's Assurance Report for the year ended 30 June 2012 for submission on or before Friday 28 September 2012.

2. Schedule 6, clause 1: 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.

2.1. The Review Committee: members and their affiliations

Lance Crooks (Chairman)

National Operations Manager
D&B employee based in Auckland

Chris Richardson

National Quality & Compliance Manager
Dun & Bradstreet (Australia) Pty Limited (D&B Australia)
D&B Australia employee based in Melbourne

Maria Bayford

Collections Manager
D&B employee based in Auckland

Margaret Naicker

Public Access Centre – Responsible for day to day duties for Consumer Risk Solutions
D&B employee based in Auckland

Yvonne Muller (independent person)

Barrister and Solicitor in sole practice (also Editor and Content Manager, College of Law
New Zealand)
Based in Auckland

2.2. Information about the independent person's expertise

Yvonne Muller was admitted as a barrister and solicitor of the High Court of New Zealand in May 1994. She started her career as a lawyer in the employment and civil litigation team at Rudd Watts and Stone (later Minter Ellison Rudd Watts) in July 1994. She began working in privacy law immediately. She left Minters in late 2007 to become a partner in Jeffcott Muller, a boutique law firm where she continued to develop her employment practice (particularly for technology start-ups and senior managers) and branched out into other aspects of privacy law. Yvonne has provided legal advice to Dun & Bradstreet since working at Minters. Initially this advice related to employment and employment -related privacy issues.

It later extended to contract and other commercial matters, and litigation. Through working with D&B Yvonne has developed substantial expertise in that subset of privacy law that relates to the Code. Because the Code needs to be taken into account in every aspect of those parts of D&B's operations that deal in personal information, the range of legal advice Yvonne provides has been extensive: from how terms of trade and subscriber and other agreements ought to deal with an individual's privacy rights, to ensuring effective and efficient privacy complaint procedures, to ensuring overseas-based documentation is appropriately amended to reflect the Code, to commenting on legislative amendments.

Yvonne was asked to (and did) submit a tender for the role of independent person in December 2011. She was appointed to the Committee in August 2012. The Committee notes that Yvonne has assisted with privacy compliance at D&B for many years. She has drafted, and critiqued and redrafted, both third party agreements and internal documentation. She has a longstanding familiarity with D&B's policies and procedures, both from a theoretical and an applied perspective.

2.3. The Committee confirms that Yvonne Muller is not (and has never been) an employee, director, or owner of D&B.

2.4. The review process and methodology

(a) The Committee was established in early August. Its early conclusions, and hence its starting points for the review, were:

- (i) while the *review* needed to be comprehensive, the *Report* needed to be pitched at a high level and had to set out statements of assurances for the OPC to take as a baseline for the agency's compliance; and
- (ii) as a consequence of (i), the Report did not need to include actual copies of policies, procedures, controls and so on; but
- (iii) copies of those policies had to be reviewed and as far as was possible, actual compliance with them had to be confirmed; and
- (iv) copies of those policies and any other supporting documentation would be prepared in a readily retrievable form and made available to the OPC if it needed to see them.

A list of the documents reviewed is set out in Appendix 3.

(b) D&B then prepared a document review template, along the lines of those used in commercial due diligence exercises (Template). The Template:

- (i) breaks down the requirements of the Report into their individual components
- (ii) identifies the department within D&B with ultimate responsibility for currency and accuracy of the supporting documentation relating to that component
- (iii) gives the title of the document(s) containing the policy, procedure or control
- (iv) outlines the independent person's assessment of the policy and D&B's compliance with it.

- (c) D&B also prepared an Issues Log to track progress on the review, to help identify outstanding matters, and to ensure the Report was submitted in good time.
- (d) The Committee arranged for the Template and the Issue Log to be provided to D&B staff who were then tasked with identifying the location of, and obtaining, copying and distributing (both hard and soft copies) the documents identified in the Template to the Committee members.
- (e) Yvonne Muller reviewed the documents on her own (outside the Committee). She also interviewed Lance Crooks and Maria Bayford, and sought information from other staff members about application of the policies, compliance with procedures, and management of information. She also drew on her own knowledge of the organisation to form her conclusions.
- (f) 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. However, we have tried to avoid this as far as possible.

3. Summary of Assurances

Schedule 6 clause 2: Assurances relating to policies, procedures, controls & subscriber agreements	
(a) Does D&B have policies in place that give effect to the requirements of the Code?	Yes
(b) Do D&B's internal procedures & controls give effect to the policies & requirements of the Code?	Yes
(c) Does D&B provide information and training to staff to ensure compliance with the policies, procedures and controls?	Yes
(d) Do D&B's subscriber agreements comply with Schedule 3 and are they in place before disclosing credit information	Yes
(e) Does D&B follow its own policies, procedures & controls?	Yes
Schedule 6 clause 3: Assurances relating to monitoring of policies, procedures, controls and subscriber agreements	
(a) Does D&B follow its own policies, procedures & controls?	Yes
(b) Is the information held by D&B protected by reasonable security safeguards?	Yes
(c) Does D&B process information privacy requests in accordance with rules 6 and 7?	Yes
(d) Does D&B take such measures as are reasonably practicable to avoid incorrect matching of information?	Yes
(e) Is the information held by D&B subject to reasonable checks to ensure that it is accurate, up to date, complete and not misleading?	Yes
(f) Is D&B's reporting and retention of credit information in accordance with rule 9 and schedule 1?	Yes
(g) Does D&B process direct marketing lists in accordance with rule 10(1C)?	Not applicable
(h) Does D&B process suppression, release or cancellation requests in accordance with Schedule 7?	Yes

(i) Does D&B process complaints in accordance with clause 8?	Yes
(j) Is D&B'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 D&B's subscribers complying with agreements and controls?	As far as D&B can ascertain, yes
Schedule 6 clause 4: Assurances relating to action taken on deficiencies identified	
(a) Did D&B, where, during its systematic reviews, monitoring activities or as a result of a complaint, <ul style="list-style-type: none"> • identify any breaches of an agreement, policy, procedure, control, or requirement of the code, • investigate that breach and, where appropriate, take prompt remedial action? 	Yes
(b) Did D&B, where a deficiency was identified in the previous year's report, take, where appropriate, prompt remedial action?	Not applicable, first report
(c) Can D&B provide an assurance it has complied with clause 6.1 of Schedule 8: <ul style="list-style-type: none"> (a) testing (b) subscribers dealing with their own customers (c) "small" defaults 	Yes, but note that (a) is not applicable as no testing was carried out for this reporting period.

Schedule 6 clause 2: Assurances relating to policies, procedures, controls & subscriber agreements

Requirement	Owner	Details	Assurance and Assessment
a Does D&B have policies in place that give effect to the requirements of the Code?	Corp	D&B Privacy Act Code of Conduct	Yes D&B has an interlocking set of policies and procedures dealing with privacy generally and the Code specifically, designed to give effect to the Code's requirements.
	NZ	D&B Privacy Act Code of Conduct	The D&B Privacy Act Code of Conduct is provided to employees.
	IT	Network access announcement	A Privacy and IT Security statement is delivered every time an employee accesses the D&B network as a reminder of their obligations.
	HR	Employment Contracts/Deeds	Stipulates the need to comply with all requirements of D&B's privacy generally and other policies and procedures.
	PAC	New Zealand Public Access Centre ("PAC") Procedures Matrix ("Matrix")	The Public Access Centre ("PAC") Procedures Matrix ("Matrix") is focussed on allowing consumers access to their credit reports. The Matrix sets out detailed procedures for credit bureau employees to receive and process requests for access to personal information, correction / updating of that information, and its suppression, release and cancellation.
b Do D&B's internal procedures & controls give effect to the policies & 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.
c Does D&B provide information and training to staff to ensure compliance with the policies, procedures and controls?	PAC/HR	Details of training records kept. <ul style="list-style-type: none"> e-Campus ISO Quality 	Yes. 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 D&B. These processes clearly set out the requirements of the Code and what employees must do to ensure they are meeting those requirements. 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.



Requirement	Owner	Details	Assurance and Assessment	
d	Do D&B'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>The Master Agreement and the credit reporting services product module together comprise a subscriber agreement between D&B and its customers. These documents were drafted to be compliant with the Code and have been updated as the Code has changed.</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.</p> <p>Only D&B's General Manager (John Scott) and the National Operations Manager (Lance Crooks) are authorised signatories for subscriber agreements. The Code compliance aspects of the documents are non-negotiable.</p>



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

Requirement	Owner	Details	Assessment								
a	Does D&B follow its own policies, procedures & controls?	NZ Internal and External Quality audits	<p>Yes.</p> <p>D&B considers privacy to be its business. It is in the company's commercial interests to follow its own policies. Because of the nature of our business, both debt collection and credit reporting, D&B maintain a continuous review policy. All staff are monitored through a combination of electronic means (how they are using D&B 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> <p>In March 2012, D&B underwent an external ISO Quality certification audit and was granted an ISO Certificate of Registration for Quality Management System (QMS) complying with ISO 9001:2008. The certification covers information and information services including risk management, receivable management services, marketing and publishing. This is independent evidence that the processes relating to the identified elements and controls meet the relevant statutory and regulatory requirements.</p>								
b	Is the information held by D&B protected by reasonable security safeguards?	<table border="1"> <tr> <td data-bbox="472 887 651 975">IT</td> <td data-bbox="651 887 999 975">IT Data Security policy</td> </tr> <tr> <td data-bbox="472 975 651 1062">NZ</td> <td data-bbox="651 975 999 1062">Physical access</td> </tr> <tr> <td data-bbox="472 1062 651 1150">PAC</td> <td data-bbox="651 1062 999 1150">Physical filing of contracts, consumer requests, amendments, etc.</td> </tr> <tr> <td data-bbox="472 1150 651 1248">NZ</td> <td data-bbox="651 1150 999 1248">Document destruction</td> </tr> </table>	IT	IT Data Security policy	NZ	Physical access	PAC	Physical filing of contracts, consumer requests, amendments, etc.	NZ	Document destruction	<p>Yes.</p> <p>In a recent response to an RFP for a government department, D&B noted in its summary of information security that:</p> <p><i>"D&B takes the security of its people, information and assets, including data, very seriously, as it is critical to D&B's effective engagement with clients, suppliers and regulatory bodies."</i></p> <p>This is a good summary of the D&B approach. IT security is maintained to a very high standard, with physical security systems in place, daily data backups, off-site tape storage, 24/7 monitoring, regular "health checks" on the IT system by a third party</p>
IT	IT Data Security policy										
NZ	Physical access										
PAC	Physical filing of contracts, consumer requests, amendments, etc.										
NZ	Document destruction										



			<p>provider, anti-virus and spam protection, monthly password change procedure, and firewall and encryption processes . [REDACTED]</p> <p>D&B's security management system is broadly aligned to the Australian Government's Information Security Manual (ISM) and the ISO 27002 Code of Practice for Information Security Management. D&B has an Information Security Steering Committee, an IT Change Management Process, and a Security Incident Management Process and register. [REDACTED]</p> <p>[REDACTED]</p>
Requirement Owner Details Assurance and Assessment			
c	Does D&B process information privacy requests in accordance with rules 6 (Access to Credit Information) and 7 Correction of Credit Information?	PAC/ Customer Integration	<p>PAC Matrix</p> <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. These procedures are followed by employees, and registers are maintained of requests and outcomes. Adherence to the procedures is monitored by D&B and reviewed as part of its Quality Management System.</p>

Requirement	Owner	Details	Assurance and Assessment
f	Corp, IT	IT systems software	<p>Yes.</p> <p>D&B's IT systems automatically "lapse" (purge) credit records according to the type of credit information being held. D&B has an automatic archive routine set on information collected to meet the retention periods as outlined in Schedule 1.</p>
g	NA	NA	<p>Not Applicable.</p> <p>D&B does not deal with direct marketing lists.</p>
h	PAC	PAC Matrix	<p>Yes.</p> <p>The PAC Matrix has detailed procedures for dealing with suppression requests.</p>
i	NZ/PAC	Complaints Handling Procedure PAC Matrix	<p>Yes.</p> <p>D&B has a comprehensive complaints management system with standards that exceed the statutory limits both for acknowledging a complaint and substantively responding to a complainant. The D&B website sets out clear directions for lodging a complaint including e-forms that may be completed online or posted. D&B maintains a complaints register to identify the company division in which the complaint logically lies and the nature of the complaint. The D&B Complaints Handling Council reviews and analyses all complaints regularly to identify and rectify any systemic and recurring problems. Very few complaints have been received with only three complaints regarding the contents of a credit report being received between January 2010 and June 2012. All were resolved to the satisfaction of the individual in a timely manner and without escalation.</p>

Requirement	Owner	Details	Assessment
j Is D&B'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?	NZ	Compliance / audit	Yes. D&B's website may be viewed at www.dnb.co.nz
k Are D&B's subscribers complying with agreements and controls?	NZ	Compliance / audit	So far as D&B is aware, yes.  

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

Requirement	Owner	Details	Assessment	
a	Did D&B, where, during its systematic reviews, monitoring activities or as a result of a complaint, identify any breaches of an agreement, policy, procedure, control, or requirement of the code, investigate that breach and where appropriate, take prompt remedial action?	NZ/PAC	D&B Complaints Handling	<p>Yes.</p> <p>The D&B Complaints Handling Council reviews and analyses all complaints regularly to identify and rectify any systemic and recurring problems. Very few complaints have been received with only three complaints regarding the contents of a credit report were received between January 2010 and June 2012. All were resolved to the satisfaction of the individual in a timely manner and without escalation.</p>
b	Did D&B, where a deficiency was identified in the previous year's report, take, where appropriate, prompt remedial action?	NZ/AU		Not applicable, first report

Clause 6	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.		<p>Clause 6.1(a): not applicable for this report as no testing was undertaken.</p> <p>Clause 6.1(b): Compliance in relation to clause 6.1(b) (whether D&B is checking with subscribers that subscribers have told their customers that the customers' credit information might be listed in more classes than was previously the case (that is, positive or comprehensive credit information listing)) is not yet an issue because D&B has not yet uploaded comprehensive information for NZ consumers. In saying that, however, D&B notes that it already has automated processes in place to confirm subscribers have complied and notified their customers accordingly. These processes will be activated once comprehensive information is loaded.</p> <p>Clause 6.1(c): not applicable. D&B has and has always had a policy of not collecting debts of less than \$100.</p>
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4. Appendices

Appendix 1

Clause 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.

Appendix 2

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) 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; and
- (k) subscribers complied with agreements and controls.

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: 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.

Appendix 3
Summary of documents reviewed
(alphabetical)

Call Centre Privacy Procedure (verification of identity and authority)

Client Training: Consumer Credit Bureau Fact Sheets

[Redacted text block]

Complaints Handling Procedure (internal document) April 2012

Complaints Register Jan – Dec 2010

Complaints Register Jan – Dec 2011

Complaints Register Jan – June 2012

Consumer Credit File – update form (this form is filled in by consumers if they query or want an investigation into the content of their credit file)

Document Destruction Service outline of services and location/action taken confirmation sheet

Employee Training:

[Redacted text block]

Employment agreement template

[Redacted text block]

Information Technology Security Policy August 2011

ISO 9001 Certificate of Registration QEC7030 dated 26 March 2012

ISO Audit Report by SAI Global (summary) 23 February 2012

Master Agreement – NZ Credit Services Module

Network User Log On agreement / acknowledgement

New Zealand Public Access Centre Procedures Matrix, March 2012 (book)

Policy – Use of Electronic Resources

Acknowledgement form by employee of receipt of and having read and understood the Use of Electronic Resources Policy

Privacy Act Code of Conduct June 2012

Website information www.dnb.co.nz

- Complaints Handling + “Complaint lodgment [sic] Form” (also available to complete as an online form)
- “Privacy Policy”, covering:
 - Legal entities
 - What you need to know about our data protection practices
 - Collection of information
 - Website data collection practices
 - Use and disclosure
 - Information quality
 - Information security and retention
 - Access and correction
 - Summary of Rights*
 - D&B D-U-N-S Number registration
 - Updates to D&B data protection practices for the internet
 - Financial transactions
 - Additional information

* available as separate download in 12 languages