

The Privacy Act 2020 gives the Privacy Commissioner greater powers to ensure businesses and organisations comply with their obligations. The two key new powers in the Act are access directions and compliance notices. The Act also introduces new offences and greater potential fines for those who commit them.

Access directions

Principle 6 gives people the right to access their personal information. If a business or organisation refuses or fails to provide access to personal information in response to a principle 6 request without a proper basis, the Commissioner may now compel the agency to give this information to the individual concerned.

Access directions may be appealed to the Human Rights Review Tribunal.

Compliance notices

The Privacy Act 2020 allows the Commissioner to issue compliance notices to agencies that are not meeting their obligations under the Act. A compliance notice will require an agency to do something, or stop doing something, in order to comply with the Privacy Act.

Compliance notices may be appealed to the Human Rights Review Tribunal.

Refusing to comply with a compliance notice

Refusing to comply with a compliance notice is an offence under the Privacy Act. A business or organisation that has been issued a compliance notice and fails to change its behaviour accordingly can be fined up to \$10,000.

Misleading an agency to get personal information

There is a new fine of up to \$10,000 for misleading a business or organisation to access someone else's personal information. For example, it will be an offence to impersonate someone else in order to access their personal information.

Destroying requested information

If someone requests their personal information and a business or organisation destroys it in order to avoid handing it over, the business or organisation can be fined up to \$10,000.

Failing to notify a privacy breach

If a business or organisation has a privacy breach that has caused or is likely to cause serious harm, it must notify the Privacy Commissioner. Failing to inform the Commissioner of a notifiable privacy breach can result in a fine of up to \$10,000.

For more information, see www.privacy.org.nz and [Information sheet 2: Breach notifications](#)

For more information, visit privacy.org.nz/askus or find us at:



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Privacy Commissioner
Te Mana Mātāpono Matatapu