

**PRIVACY  
AND  
ONLINE PROPERTY  
INFORMATION  
BACKGROUND PAPER  
2016**



Privacy Commissioner  
Te Mana Matapono Matatapu

# Contents

<a href="#">Introduction</a> .....	3
<a href="#">Section 1: A brief history of digital council-held information</a> .....	5
<a href="#">Digital strategies for council-held information</a> .....	5
<a href="#">Council response to digital information developments</a> .....	5
<a href="#">Privacy implications of public registers</a> .....	7
<a href="#">Open information</a> .....	8
<a href="#">Data Futures Partnership</a> .....	9
<a href="#">Section 2: Types of property and building information and the relevant legal provisions</a> .....	11
<a href="#">Types of digital council-held property and building information</a> .....	11
<a href="#">Legal provisions that cover property and building information</a> .....	13
<a href="#">Legal relationships between legislation</a> .....	15
<a href="#">Information management legislation in the public sector</a> .....	19
<a href="#">Section 3: Privacy-by-design information systems</a> .....	21
<a href="#">Practical obscurity and digital property and building information</a> .....	21
<a href="#">Privacy-by-design for digital information systems</a> .....	22
<a href="#">Privacy safeguards for different property and building information systems</a> .....	22
<a href="#">Guidance</a> .....	23
<a href="#">Conclusion</a> .....	27
<a href="#">Appendix one: Council information complaints and enquiries analysis from January 1998 – October 2015</a> .....	28
<a href="#">Appendix 2: Types of personal information available in different types of council-held property and building information sources</a> .....	30
<a href="#">Thames Coromandel District Council – Building Consents Tracker</a> .....	30
<a href="#">Queenstown Lakes District Council – eDoc system</a> .....	31
<a href="#">South Waikato District Council – Property and Building Files</a> .....	32
<a href="#">Marlborough District Council – Property Files</a> .....	33
<a href="#">Selwyn District Council – Building Consents</a> .....	34

## Introduction

1. In 2015 council interest in the privacy impacts of making property and building information Internet searchable was triggered by the public response to the launch of Hasting District Council's online property file search.<sup>1</sup> This system was suspended in August because many Hastings residents were concerned about their personal information being online.<sup>2</sup>
2. The online property file search system contained a combination of statutory documents and general correspondence, including but not limited to: building information; details of resource consent applications; swimming pool inspections; and health inspections.
3. Online searchable property and building information is more accessible and user-friendly than paper based records. More accessible property and building information adds social and economic value for a wide range of legitimate users such as prospective property buyers, conveyancers, property managers, homeowners, engineers and builders through making property transactions more streamlined.
4. Personal information can be contained in digital property and building records including names, contact details such as address and telephone numbers, financial information and information about disputes. It is important to note that deciding whether property information is considered personal information is contextual.
5. Councils should assess the potential outcome of making different types of personal information publically available in online property and building records. Some types of information, such as information about an informant, would generally require more confidentiality than more trivial information such as the fact a property had an extra bedroom added to it in 1988.
6. Context is also relevant when assessing the need for greater or lesser availability for different types of property and building information. For example, section 217 of the Building Act which allows building plans to be marked as confidential for reasons "relating to the security of the building" has historically been interpreted as only applying to buildings such as banks and prisons. Other statutes, such as Part 6 of the Domestic Violence Act 1995, provide a mechanism for people to apply to have personal information on

---

<sup>1</sup> See [http://www.nzherald.co.nz/hawkes-bay-today/news/article.cfm?c\\_id=1503462&objectid=11493451](http://www.nzherald.co.nz/hawkes-bay-today/news/article.cfm?c_id=1503462&objectid=11493451)

<sup>2</sup> See <http://www.stuff.co.nz/dominion-post/news/71920625/Hastings-District-Council-shuts-online-property-search-due-to-privacy-concerns>

public registers suppressed, and hidden from public search. The local government sector should collectively lead this work as councils are the agencies which manage this information.

7. The issue of online property and building information has implications beyond privacy law and is an issue of importance to the entire local government sector. Online publication of property and building information is covered by multiple Acts beyond the Privacy Act 1993, such as the Building Act 2004, the Local Government (Official Information and Meetings) Act 1987 and the Local Government Act 2002 (LGA).
8. The range of overlapping, general and specific, enabling, and prescriptive rules can appear complex and contradictory. However in terms of the principle concern of this paper, the online dissemination of property information, they leave councils with considerable discretion and authority as to how best meet their communities' needs.
9. It is not for my office to direct Councils how to design efficient and user-friendly online property and building record systems. In the course of looking into this issue I have seen different councils adopt a range of responses, from one that requires people wanting access to property files to physically present themselves at the Council offices, to those which allow the unlimited download of all building consent records without restriction. I invite councils and the public to consider how they would like the interests of privacy, efficiency and transparency to be balanced before online property file systems become more commonplace. In the meantime, as with other online information developments in the local government space (such as Geographic Information Services (online maps)), careful attention to system design is necessary to maximise the potential value of open information and maintain individual control of information and the trust of residents.

## Section 1: A brief history of digital council-held information

### Digital strategies for council-held information

10. In 1997, the first whole of local government website in New Zealand ([www.localgovt.co.nz](http://www.localgovt.co.nz)) became operational.<sup>3</sup> Since the early-2000s central government has emphasised the importance of e-local government as a way to “enable individuals and communities to participate in economic, social, educational, cultural and democratic opportunities available in an information society”.<sup>4</sup>
11. In 2003 the State Services Commission launched an e-local government strategy and in 2004 introduced targets for the local government sector.<sup>5</sup> Today, Better Public Services (BPS) Result Area 10 aims for “an average of 70 per cent of New Zealanders most common transactions with government to be completed in a digital environment by 2017”.<sup>6</sup> Land Information New Zealand (LINZ) has a Better Property Services (PS) project which supports BPS 10. The PS project aims to improve the interoperability between central and local government property information systems and make this information more accessible and user-friendly for the public.<sup>7</sup>

### Council response to digital information developments

12. Councils have increasingly made property information available online over the last two decades. For example, Geographic Information Systems (GIS) have been available since the 1990s.<sup>8</sup> Most council have online property and building information with online GISs and Rating Information Databases (RID) being the most common. This reflects the influence of central and local government digital strategies over the years and the work of the Association of Local Government Information Management (ALGIM), which since 1996

---

<sup>3</sup> Higgins, J. (1997, 2008). *New Zealand Local Government Online*. Retrieved March 15 from <http://access.localgovt.co.nz/>

<sup>4</sup> Labour Market Policy Group. (2000). *Closing the Digital Divide: What do we know about the digital divide in New Zealand?* Wellington: Minister of Social Services and Employment and Minister for Education Technology. Retrieved March 15 2010 from <http://executive.govt.nz/minister/maharey/divide/01-01.htm>

<sup>5</sup> See <http://unitec.researchbank.ac.nz/bitstream/handle/10652/1618/Fielden%20-%20changing%20face%20of%20local%20egovernment.pdf?sequence=1>

<sup>6</sup> See <http://www.ssc.govt.nz/bps-interaction-with-govt>

<sup>7</sup> See <http://www.linz.govt.nz/about-linz/what-were-doing/better-property-services>

<sup>8</sup> Nelson City Council, one of the earliest adopters has had a Geographic Information System since 1993. For more information <http://nelson.govt.nz/building-and-property/property-land-use/maps-and-gis-information>

has encouraged “better use of Information and Communications Technology (ICT) management within Local Government”.<sup>9</sup>

13. Council interest in producing online property files is primarily driven by a desire to lower the risks and costs associated with the Land Information Memorandum (LIM) process. A LIM is a ‘report issued by a territorial authority, usually to a potential purchaser. It lists information the authority has about the property, including what building consents and code compliance certificates have been issued’.<sup>10</sup> Under section 44A of the Local Government Official Information and Meetings Act 1987 (LGOIMA) councils are required to provide LIMs within 10 working days. Councils also have a statutory duty of care to provide accurate information on a LIM. There have been cases in which councils have been held liable for inaccurate information in a LIM *Marlborough DC v Altimarloch Joint Venture Ltd*.<sup>11</sup>
14. This enthusiasm for digital services by local and central government is also partially motivated by increasing the efficiency of service provision. ALGIM case studies have shown that digital council-held property and building information can result in significant benefits for councils and the communities they serve. For example the 2014 building records back-scanning project by Tararua District council has: reduced loss of building records due to damage; improved response times for building packet requests; and reduced dependency on traditional mail delivery times with the ability to email records.<sup>12</sup> This adoption of online and digital full property files by councils is also motivated by a move towards open information which is reflected in Local Government IT circles<sup>13</sup> and central government.<sup>14</sup>

---

<sup>9</sup> See <http://www.algim.org.nz/about-us/algim-constitution/>

<sup>10</sup> See <http://www.building.govt.nz/building-az-l>

<sup>11</sup> See <http://www.brookfields.co.nz/images/PDF/reminder-councils-duties-to-lim.pdf>

<sup>12</sup> See <http://www.algim.org.nz/globalassets/symposium-rm/2014-imr-symposium/presentations/tararua-dc-back-scanning-project.pdf>

<sup>13</sup> See <http://www.algim.org.nz/news/algim-ceo-blog-september-2015-edition/>

<sup>14</sup> See <https://www.ssc.govt.nz/sites/all/files/ogp-sag-19aug2015-open-info-data.pdf>

## Privacy implications of public registers

15. The privacy implications of digital council information include increased accessibility and the ability to more easily download bulk information. In 1998 the Privacy Commissioner at the time, Sir Bruce Slane, addressed the 20th International Conference of Data Protection Authorities about the bulk release of public registers.<sup>15</sup> He discussed the tension posed by public registers, such as rating information databases and building consents, between “citizens’ privacy rights and a wish to have certain information publically available to serve some public purpose”.
16. Computer technology has made public registers more accessible to commercial entities that have used this information for marketing. Thirty one submissions on the 1998 Privacy Act review revealed that people were upset about their property information being disclosed to marketers through council public registers such as Building Act material and Rating Information Databases.<sup>16</sup>
17. The Law Commission also discussed public register issues in their Public Register issues paper, as part of the wider Privacy Act review, in September 2007.<sup>17</sup> Our office made a submission about this discussion paper in November 2007.<sup>18</sup> We supported the Law Commission’s view that the main issues with the current public register regime was:
- bulk release of register information;
  - direct marketing;
  - risk to safety; and
  - accountability by government for handling of information.
18. The office stated that any proposed change to the public register regime should be assessed against the following qualitative measures:
- protection of privacy;
  - free flow of information;

---

<sup>15</sup> See <https://privacy.org.nz/news-and-publications/speeches-and-presentations/bulk-release-of-public-registers-a-new-zealand-perspective/>

<sup>16</sup> Privacy Commissioner, *Necessary and Desirable – Privacy Act 1993 Review: Report of the Privacy Commissioner on the First Periodic Review of the Operation of the Privacy Act*, November 1998, chapter 7 and associated recommendations 84 – 100.

<sup>17</sup> See <https://privacy.org.nz/news-and-publications/speeches-and-presentations/bulk-release-of-public-registers-a-new-zealand-perspective/>

<sup>18</sup> See <https://privacy.org.nz/news-and-publications/reports-to-parliament-and-government/submission-on-law-commission-s-issues-paper-on-public-registers/>

- government accountability for fair handling of information;
- transparency;
- feasibility; and
- effective functioning of public authorities.

19. These six measures continue to be relevant considerations for any work, such as open information projects, which seeks to achieve the appropriate balance between public and private benefit in the area of public information about identifiable individuals.

## Open information

20. “Open information” or “open data” is defined as “data that can be freely used, shared and built-on by anyone, anywhere, for any purpose”.<sup>19</sup> In 2011 the New Zealand government committed to the Declaration on Open and Transparent Government which builds on New Zealand’s ‘democratic tradition’ through a government commitment to release ‘high value public data’.<sup>20</sup> All state sector agencies, including councils, have been invited to commit to releasing public data to create value by:

- increasing efficiency;
- enabling innovation and experimentation;
- creating transparency; and
- increasing convenience.<sup>21</sup>

21. Open information allows the private and community sectors to grow the economy. Land Information New Zealand (LINZ) research found that New Zealand’s real gross domestic product could be \$135 million higher in 2025 if central and local government had more seamless property and building operations.<sup>22</sup>

22. The local government sector values open information as a way to improve efficient functioning and accountability, important principles under the LGA.

---

<sup>19</sup> See <http://opendefinition.org/od/index.html>

<sup>20</sup> See <https://www.ict.govt.nz/guidance-and-resources/open-government/declaration-open-and-transparent-government/>

<sup>21</sup> See [http://www.mckinsey.com/insights/business\\_technology/open\\_data\\_unlocking\\_innovation\\_and\\_performance\\_with\\_liquid\\_information](http://www.mckinsey.com/insights/business_technology/open_data_unlocking_innovation_and_performance_with_liquid_information)

<sup>22</sup> See <http://www.linz.govt.nz/about-linz/what-were-doing/better-property-services#sthash.W7Y2KHCD.dpuf>



This may explain why full online council property and building records have been created in the last two years as the open information movement has developed momentum in New Zealand. Open information projects in both the central and local government sectors has been supported by the work of the Open Information and Data programme which was introduced in 2008.<sup>23</sup>

23. Open data initiatives that have no or insufficient regard for personal privacy can put people at risk of the corrupt use of their personal information, and can expose vulnerable people such as those fleeing domestic violence to real danger. The unscrupulous and dishonest can use public datasets to assist them to carry out in identity theft and fraud.

### Data Futures Partnership

24. One conversation about the future of data in New Zealand is being facilitated by the Data Futures Partnership (DFP), which was established by central government in August 2015.<sup>24</sup> This partnership is “a cross-sector group of influential people working together to drive high-trust and high-value data use for all New Zealanders”. The creation of this partnership is a response to the data revolution which has “already led to major changes to the way we live, work and play”.<sup>25</sup>

25. The DFP have established a sensible approach for data sharing and use.<sup>26</sup> This approach is underpinned by four principles “for safely managing and optimising data use in New Zealand in the future”. These four principles are:

- Value – “New Zealand should use data to drive economic and social value and create a competitive advantage”.
- Inclusion – “All parts of New Zealand society should have the opportunity to benefit from data use”.
- Trust – “Data management in New Zealand should build trust and confidence in our institutions”.
- Control – “Individuals should have greater control over the use of their personal data”.

---

<sup>23</sup> See <https://www.ict.govt.nz/programmes-and-initiatives/open-and-transparent-government/open-government-information-and-data-work-programm/>

<sup>24</sup> See the announcement here [http://www.stats.govt.nz/about\\_us/what-we-do/our-publications/cabinet-papers/data-futures-partnership-cabinet-paper.aspx](http://www.stats.govt.nz/about_us/what-we-do/our-publications/cabinet-papers/data-futures-partnership-cabinet-paper.aspx)

<sup>25</sup> See <https://www.nzdatafutures.org.nz/sites/default/files/first-discussion-paper.pdf>

<sup>26</sup> See [https://www.nzdatafutures.org.nz/sites/default/files/NZDFF\\_discussion-document-2b.pdf](https://www.nzdatafutures.org.nz/sites/default/files/NZDFF_discussion-document-2b.pdf)

26. These principles are an important step towards a data-driven environment that respects and protects personal information while delivering better value to individuals and organisations. The Partnership's four principles of value, inclusion, trust, and control are consistent with privacy values. If individuals feel in control of their information, then they are more likely to feel that it is being used appropriately, and can therefore trust data holders to use this information in a responsible way which improves their lives. Innovation is needed by local and central government to find ways to ensure that individuals retain control over their information in the face of new technologies.

## Section 2: Types of property and building information and the relevant legal provisions

### Types of digital council-held property and building information

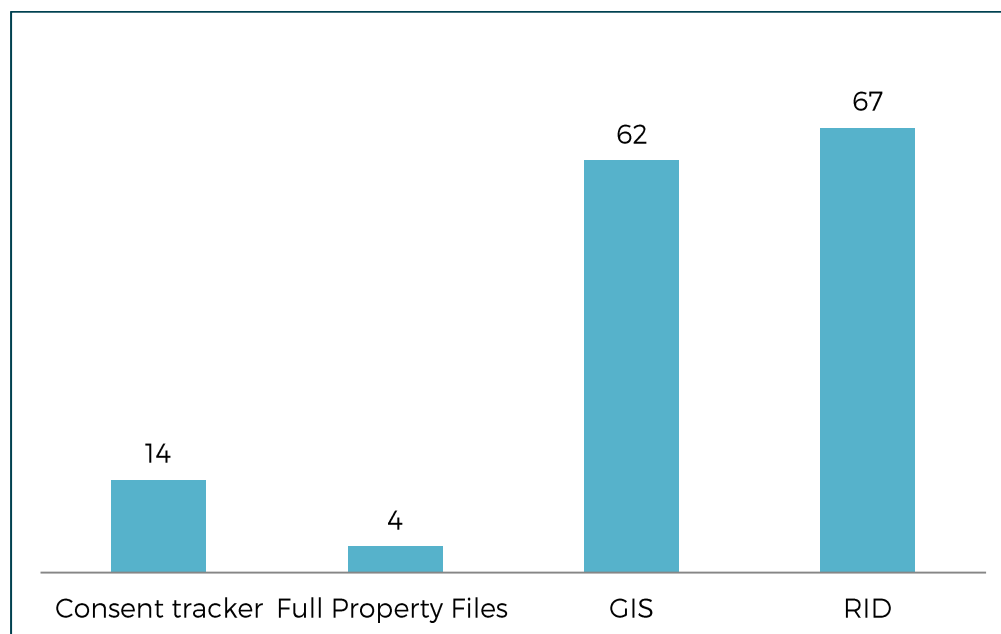
28. Digital council-held property and building information is commonplace today. The main users of this property information are potential and current property owners, developers, tradespeople, surveyors, conveyancers and solicitors.

29. There are four main types of property and building information available on councils' websites, these are:

- GIS – GIS stored data enables the generation of maps and reports, to provide a planned and systematic approach to collecting and managing location-based information;
- RID – A database which includes information such as legal description, rating value, rating assessment information, land value, capital value and annual rates.
- Resource and building consent tracker – A database which either includes documentation related to all resource and building consents (e.g. applications, approvals and supporting correspondence and plans) or lists the status of resource and building consents which are pending, declined or accepted; and
- Full property files – A database which includes all property and building information related to a specific address including general correspondence and statutory or regulatory documents such as consents, plans, swimming pool inspections and health inspections.

31. Most councils have a GIS and an online RID. A minority of councils have online resource and building consents and full property files as can be seen in graph 1 below.

*Graph 1: Numbers of councils with different property and building information sources<sup>27</sup>*



32. Twelve councils publish names and contact details on their council sites, whether in the form of a RID, GIS, consent tracker or in documents contained in full property files online (see appendix 2). Even if property and building information is not easily identifiable, for example through a property owners name being on a property file, it may still be considered personal information about an individual under the Privacy Act 1993.<sup>28</sup>

---

<sup>27</sup> My office surveyed Council websites in September 2015 to assess which council sites had what types of property and building information.

<sup>28</sup> See Case Note 228054 here <https://privacy.org.nz/news-and-publications/case-notes-and-court-decisions/case-note-228045-2012-nz-privcmr-8-woman-requests-geotechnical-property-report-from-a-council-s-insurance-company/>

## Legal provisions that cover property and building information

33. Property and building information is collected by councils as they conduct business such as approving building and resource consents, setting and charging rates, creating plans, and inspecting pools, fences, buildings, and health and safety. This council activity is covered by nine Acts which either: specify the types of property and building information councils must collect,<sup>29</sup> outline how this information should be provided to the public,<sup>30</sup> or set out general principles for how councils should treat information.<sup>31</sup>
34. As shown in diagram 1 (overleaf), the council-held property and building information ecosystem is complex. Clarifying the relationship between different provisions in this ecosystem will help councils determine what they can legally do in respect to online property and building information.

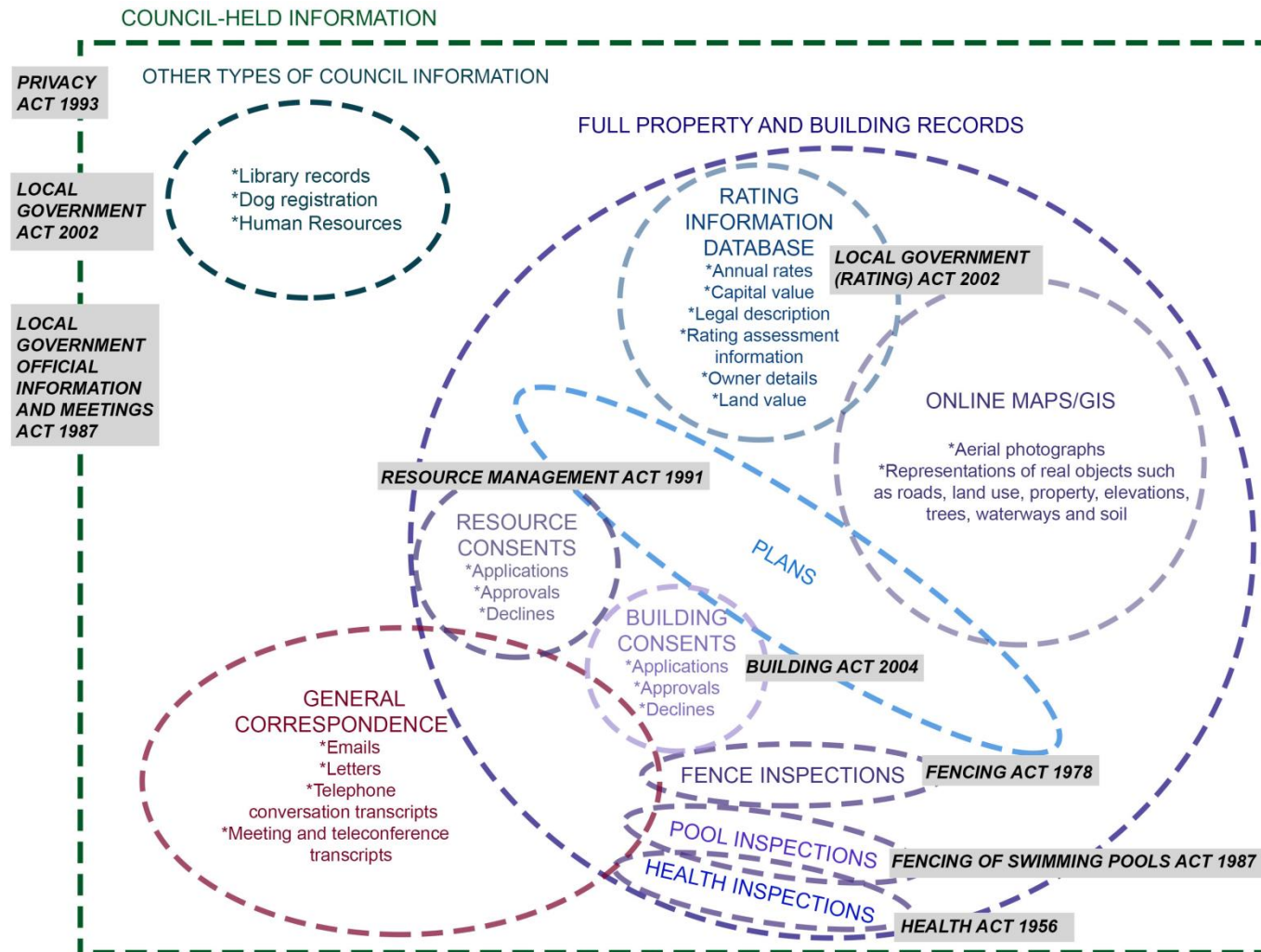
---

<sup>29</sup> These Acts are the Local Government Ratings Act 2002, Resource Management Act 1991, Building Act 2004, Fencing Act 1978, Fencing of Swimming Pools Act 1987 and the Health Act 1956.

<sup>30</sup> These Acts are the Local Government Official Information and Meetings Act 1987, Building Act 2004, Resource Management Act 1991 and the Local Government (Rating) Act 2002.

<sup>31</sup> These Acts are the Local Government Act 2002, Privacy Act 1993 and the Local Government Official Information and Meetings Act 1987.

Diagram 1: Types of property and building information and relevant legal provisions



## Legal relationships between legislation

35. While the legal framework for council-held property and building information is complex overall, there are certain relationships which are straightforward. These more straightforward legal relationships are categorised in table 1 below.

36. Table 1: Legal relationships between different legislation relating to online property and building information

<b>Public Registers which contain property and building information</b>		
<i>Relevant Section/s:</i>	<i>Relevant Act:</i>	<i>Types of information:</i>
216, 273 and 298	Building Act 2004	Project Information Memoranda, Building Consents, Code compliance certificates, records of work, statutory declarations, compliance schedules, building warrants of fitness, energy work certificates, summary of written complaints
27	Local Government (Rating) Act 2002	Rating information database: legal descriptions, rates, owner's name and address
<b>Availability of information in Public Registers which contain property and building information</b>		
<i>Relevant Section/s:</i>	<i>Relevant Act:</i>	<i>Availability:</i>
217(2)(a)	Building Act 2004	Building information in the register is subject to the power of a territorial authority to withhold information under the provisions of the LGOIMA
217(2)(b) and (3)	Building Act 2004	Building plans and specifications can be marked confidential for reasons of security
28	Local Government (Rating) Act 2002	Public rating information database (RID) must not include the name of any person (unless it is necessary to identify the rating unit) or any address other than the street address of the rating unit
28B	Local Government (Rating) Act 2002	Owners of property in a RID have a right to withhold their name or postal address (or both) from the RID for public inspection
108	Domestic Violence Act 1995	People with a Protection Order can request that any relevant information that relates to that protected person or to the protected person's children that is included or is about to be included in that public register must not be available to the public

<b>Other property and building information</b>		
<i>Relevant Section/s:</i>	<i>Relevant Act:</i>	<i>Types of information:</i>
35	Resource Management Act 1991	Resource consents, policy statements, customary rights, plans, summary of written complaints
35A	Resource Management Act 1991	Iwi Authority and hapu information contact details, plans and maps of kaitiakitanga
<b>Official Information</b>		
<i>Relevant Section/s:</i>	<i>Relevant Act:</i>	<i>Types of information:</i>
10	Local Government Official Information and Meetings Act 1987	Official Information including district plans, meeting minutes and reports
<b>Availability of Official Information</b>		
<i>Relevant Section/s:</i>	<i>Relevant Act:</i>	<i>Availability of official information:</i>
5	Local Government Official Information and Meetings Act 1987	Principle of availability for official information unless there is a good reason to withhold it
6 and 7	Local Government Official Information and Meetings Act 1987	Reasons for refusing requests for official information including maintenance of the law, health and safety, privacy and free and frank expression by public officials
10	Local Government Act 2002	Principles of democratic decision-making by, and on behalf of, communities; and efficient, effective and appropriate provision of local infrastructure, services and performance of regulatory functions by local government



<b>Availability of personal Information</b>		
<i>Relevant Section/s:</i>	<i>Relevant Act:</i>	<i>Types of information:</i>
Information Privacy Principle (IPP) 6 Section 6	Privacy Act 1993	Individuals have a right of access to personal information concerning themselves held by agencies which may include information held by councils such as correspondence, property inspections and applications
7	Privacy Act 1993	Nothing in IPP6 and IPP11 derogates from any provision that is contained in any enactment and that authorises or requires that personal information may be made available

37. As shown in table 1, for the most part, the laws relating to different types of property and building information can be neatly categorised according to:

- how publically available the law requires the information to be;
- what exceptions to availability may apply in different circumstances; and
- what principles underpin the handling of official and personal information.

38. Therefore while there are many different rules to remember for different types of property and building information, the legal framework is not as complex as it seems when the relationships between different provisions are highlighted. For example, provisions such as availability in the LGOIMA and efficiency in the LGRA are not contradictory with the information privacy principles in the PA. Rather extra attention to design and implementation of online property and building information is needed to determine how privacy, efficiency and availability can all be achieved.

39. Councils should remember that property and building information made available in public registers or released through LGOIMA requests has to be provided by individuals so that specified regulatory roles of Councils can be fulfilled. This means the information is provided by individuals under compulsion who often have no power to prevent the information from being repurposed without constraint.

40. Councils have an obligation to make sure that property and building information is used for lawful purposes and to take reasonable steps to prevent inappropriate use.

## Information management legislation in the public sector

41. The Law Commission noted in its 2011 review of the Privacy Act 1993 (the Act) the statutes that govern the management of information in the public sector “are less than ideally integrated with each other”.<sup>32</sup> It is little surprise that this is an area of confusion for councils, as it is for other agencies in the public sector. For example, councils have told us that the principles of accountability and transparency in the LGA and Local Government Official Information and Meetings Act 1987 are sometimes perceived as contradictory to obligations under the information privacy principles in the Act.
42. The Law Commission’s 2012 review of the official information legislation found that the concept of proactive release of official information on the Internet is not clearly covered by the existing legislative framework for official information.
43. As can be seen with council-held property and building information, there is a general move towards more proactive release of such information by the public sector. Proactive release is “in line with the purpose of the legislation to make official information more freely available.
44. Legislating for proactive release would further strengthen the central pillars of the official information legislation such as the principle of availability and the purpose of progressively increasing the availability of official information to the people of New Zealand.”<sup>33</sup>
45. It is important to note that releases made under the LGOIMA are protected under section 41, which means that if personal information is made available in good faith after an LGOIMA request, Council is not legally liable for any consequences of that release. This means our Office has now power to investigate, and Council can not be liable under the Privacy Act.. However, proactive releases of official information are not subject to the same protection, and must comply with and have liability under the Privacy Act,
46. In previous complaints about councils proactively releasing official information, my Office has stated that the principle of availability in the

---

<sup>32</sup> See [http://www.parliament.nz/resource/en-nz/49DBHOH\\_PAP21866\\_1/84d0fb5a406f90a483c592caea0b78206f3f6f5a](http://www.parliament.nz/resource/en-nz/49DBHOH_PAP21866_1/84d0fb5a406f90a483c592caea0b78206f3f6f5a)

<sup>33</sup> See <http://r125.publications.lawcom.govt.nz/chapter+12%3a+proactive+release+and+publication/capter+12%3A+reform%3A+justification%2C+impacts+and+options>

LGOIMA does not equate to a blanket power for councils to proactively disclose official information.<sup>34</sup>

47. However proactive releases may be permitted under the PA as long as councils have taken reasonable steps to protect the privacy of natural persons. In the case of council-held property and building information, protecting individuals' privacy means considering both what information councils can provide under certain statutes and how this information is provided. Protecting privacy in online property and building information is about councils implementing good practice as well as complying with hard law.
48. Achieving transparency, accountability and privacy in regards to property and building information is possible through sensible and thoughtful system design and implementation. As discussed in the next section maintaining individuals' trust and control of their information means designing information technology systems in a privacy-enhancing way. This involves implementing safeguards which accommodate the inherent difference, in respect to privacy, between paper-based and digital systems.

---

<sup>34</sup> See relevant cases here <https://privacy.org.nz/news-and-publications/case-notes-and-court-decisions/case-note-100091-2009-nzprivcmr-2-district-council-records-not-a-publicly-available-publication-under-the-privacy-act/> and <https://privacy.org.nz/news-and-publications/case-notes-and-court-decisions/case-note-256547-2015-nz-privcmr-4-man-complains-he-received-spam-emails-after-council-published-his-submission-online/>

## Section 3: Privacy-by-design information systems

### Practical obscurity and digital property and building information

51. Digital information systems introduce different privacy risks because of the accessibility and immediacy of electronic records in comparison to paper-based systems.<sup>35</sup> This is because electronic records are:

- more immediately accessible;
- able to stored and copied at negligible cost;
- more easily linked to other online information sources; and
- do not rely on administrative expertise for members of the public to access specific records.

52. The reason why the public were concerned about the Hastings District Council online property file search, but not by the existing manual paper based system, is because they have a lesser degree of privacy in an online system. For example, if an individual is considering purchasing a house in Balclutha and wants to access a specific council-held property file they have to book an appointment at a council Office, state a specific address and reason for accessing the record and hunt through stacks of papers and folders to find the information.

53. If the individual instead lived in Marlborough they can do an online search of an address on the council's eDoc system and be immediately linked to the specific council record. The eDoc system is obviously more convenient. But the eDoc system means that more people can find property file information instantly and that there are fewer barriers to prevent inappropriate use of this information by people such as marketers or by web scraping computer software techniques such as bots or web crawlers. Even though the information is publicly available in theory in the manual system, the reality is that it isn't actually available to most of the public because of the physical effort required to obtain access to it. This concept is known as "practical obscurity".

---

<sup>35</sup> For further information about the privacy implications of digital systems see D. Harvey 'Chapter 14: Privacy and New Technologies' in *Privacy Law in New Zealand*, S. Penk and R. Tobin (eds), Thomson Reuters, Wellington, 2010, pp. 322-332.

54. Tailored privacy safeguards are necessary to ensure that digital systems are as privacy-enhancing as possible. Privacy-by-design principles are a useful framework for thinking about projects with privacy impacts.

### **Privacy-by-design for digital information systems**

55. Privacy-by-design (PbD) is an approach which was developed through a joint effort by the Privacy Commissioner of Ontario, Canada, the Dutch Data Protection Authority and the Netherlands Organisation for Applied Scientific Research in 1995. The PbD approach encompasses the applications of Information Technology (IT) systems, accountable business practice and, physical design and networked infrastructure.

56. PbD centres on seven 'Foundation Principles':

- Proactive not reactive – preventative not remedial
- Privacy as the default setting
- Privacy embedded into design
- Full functionality – positive-sum, not zero-sum
- End-to-end security – full lifecycle protection
- Visibility and transparency – keep it open
- Respect for user privacy - keep it user-centric.

57. These principles are a sensible way to think about all aspects of system design and implementation. A Privacy Impact Assessment (PIA) is another tool which has been developed to help agencies design systems in a PbD consistent way. Our website has a PIA toolkit that includes templates and guidance.<sup>36</sup>

### **Privacy safeguards for different property and building information systems**

58. My office used PbD principles to develop safeguards for online property and building information, which are in table 2 on pages 25-26. Further work will be required by councils to evaluate which safeguards are most appropriate for their property and building information IT systems and to best suit the needs of their communities. Not all safeguards are appropriate for all

---

<sup>36</sup> See <https://privacy.org.nz/news-and-publications/guidance-resources/privacy-impact-assessment/>

systems and some systems will require more privacy safeguards depending on the sensitivity of the information contained. For example, correspondence about complaints would generally be considered more sensitive than a statement that a building consent has been accepted.

59. Note that these safeguards by themselves are not enough to address privacy and wider legislative issues around the use and disclosure of council-held property information. Legislative issues will need to be resolved by local and central government especially in respect to proactive release of entire property and building files.

## Guidance

60. Councils have told my office that they want greater clarity about their privacy obligations in respect to online property and building information. For this reason I have briefly bullet-pointed what I would expect a privacy-enhancing online property and building information record system to look like.

61. A privacy-enhancing online property and building file record system would be one which:

- prevents bulk-downloads of information contained within the property and building records;
- includes a privacy statement which describes how information is protected, used and stored;
- allows sensitive information to be withheld;
- complies with section 2.4 of the New Zealand Government Web Usability Standard;
- prevents information being re-used for another purpose;
- ensures that technological safeguards are appropriate to the:
  - sensitivity of the personal information (e.g., higher level of protection for information such as complaints);
  - amounts and types of information held; and
  - manner and extent of distribution or transmission;
- gives people the option of opting-out of online publication of their personal information, where appropriate;
- makes it clear to residents that their property and building information will be published online and lets them know that they can opt out of online publication;

- makes it clear to people when confidential information can be made available e.g. for law enforcement purposes;
- does not include the name and contact details of informants or complainants;
- informs submitters for resource management processes that this information will be made publically available due to legal requirements under the Resource Management Act 1991;
- clearly flags historical information; and
- allows councils to audit file use and block inappropriate use.

62. I have been told that a lot of digital information held by councils is in 'flat' documents that must be reformatted to become text searchable; this can be a costly and technologically challenging process. It is not an impossible process though. Software exists, such as Redact-It, which allows councils to create a text layer over the document image and then make redactions to both the text layer and image layer.



Table 2: Safeguards for different types of online property and building information systems

Safeguard	Example	Positives	Negatives	Appropriate Information System
Registration of users	Queenstown-Lakes District Council eDoc system	Audit system use Block inappropriate use	Requires users to verify their identity before using the system	Property files RID Building Act Information
Redaction of names and other easily identifiable information	Proactive releases of official information requests on central government agencies' websites (e.g. Treasury and the New Zealand Transport Agency)	Prevent identification of people through names or descriptions in files	Resource intensive to implement depending on whether digital files are text searchable or not	Property files Building Act Information
Redacting sensitive material from files	n/a	Confidential information is not publically accessible	Moderately resource intensive to implement	Property files Building Act Information
Preventing bulk downloads	n/a	Prevents inappropriate use	Prevents bulk download for legitimate purposes	RID Building Act Information
Auditing of file use	Shared Care Records in the health sector	Block inappropriate use	Mildly resource intensive	Property files RID Building and resource consents
Blocking Internet search engines (e.g. Google and Bing)	n/a	Makes information less accessible Prevents of harvesting of information by bots	Makes information less accessible	Property files RID Building Act Information

Safeguard	Example	Positives	Negatives	Appropriate Information System
Opt-out	Unpublished electoral roll	Protects the identity of people who have good reason to keep their address and details private  Opt-out can apply in different ways – to either or both Internet browser searches or council online database searches	Mildly resource intensive to implement  Can revise expectation of total privacy by residents – councils needs to manage expectations as information can be made available in certain circumstance e.g. for law enforcement purposes	RID Property files Building Act Information
Terms and Conditions	Canterbury Maps	Makes it clear to users what they can and can not do with the information	Needs to be accompanied by the ability to block inappropriate use to be worthwhile	GIS Property files Building Act Information RID
Clearly flagging historical information	Archives Archway system	Prevents inaccurate use	Moderately resource intensive to implement	Property files Building Act Information
Limit on the number of requests per minute	New Zealand Transport Association Auckland Toll Bridge website	Prevents bulk downloads of information by scripts	Mildly resource intensive to implement	RID Property files Building Act Information RID

## Conclusion

63. Protecting individuals' privacy requires consideration of the governance, design, implementation and monitoring of information systems. The legislative framework and strategic policy will also determine what steps need to be taken by agencies to appropriately balance sometimes competing private and public interests.
64. More work is needed to ensure the IT systems for online property and building systems provide an appropriate degree for individuals. Confusing legislative provisions that relate to property and building information also need to be navigated in future policy work such as the Integrated Property Services project, Better Public Services, Data Futures Partnership and the Open Information and Data programme. Other legislative work such as official information legislation reforms could also help to clarify this area and council submissions about these potential changes are an important way to ensure the needs of the local government sector are met.
65. Councils play an important role in educating citizens about both the potential gains and risks of the open information movement. Open information is a potential vehicle for greater government efficiency, innovation, transparency and accountability. At the same time attention is needed to maintain citizens' degree of control of their personal information and their trust in the use of their information and the protections in place to prevent misuse.

## Appendix one: Council information complaints and enquiries analysis from January 1998 – October 2015

Type of information	Complaints or enquiries	Subject	Count
RID	Complaint	Individual unaware that the RID is a public register	4
		Council used a confidential address on the public RID or for court proceedings	2
		Council mixed someone's information with someone else's information on the RID	1
		Bulk provision of the RID which was then used for marketing purposes	2
		Council shared RID information with another council	1
		Lawyer access to RID	1
	Enquiry	Data breach	2
		Council wanted evidence to prove property information should be confidential	1
		Individual unaware that the RID is a public register	4
		Property Manager access to RID	1
GIS	Complaint	Aerial photos	1
	Enquiry	Aerial photos	6
Property file	Complaint	Individual's right of access to property file	3
		Individual unaware that property file can be made available to others	1
		Council's response to property file request was delayed	4
		Council used property file information to incorrectly update a person's address	1
		Council allegedly confidential information included in property file	16
		Information about a complainant/informant's identity withheld from a property file by council	12
	Enquiry	Council selling information	4
		Individual's right of access to property file	4
		Property file used for marketing purposes	2
		Council allegedly included confidential information in property file	8
Someone other than property owner accessed property file and property owner was unhappy about this	2		

Type of information	Complaints or enquiries	Subject	Count
		Council proposed to publish names and addresses of property owners on an online database	2
Building and resource consents	Complaint	Council disclosed contact details to allow consultation	5
		Contact details on consent form used for marketing purposes	1
		Council charged a fee to have contact details related to a consent kept confidential	1
		Confidential information was not withheld by Council	1
	Enquiry	Contact details on consent form used for marketing purposes	15
		Information about a complainant/informant's identity withheld from consent documentation by council	2
		Council disclosed contact details to allow consultation	4

# Appendix 2: Types of personal information available in different types of council-held property and building information sources

## Thames Coromandel District Council – Building Consents Tracker

**Consent Details**

**010 - 2014 / 492 - New Construction or Demol & Const or Remov & Const**

Lodged:

**Description** Description: AMENDMENT - Amend Siting, Change Easement and Amended Floor Plan to Original Consent for - Constnet New Pole Farm Shed.  
Submitted: 14/09/2015

**Application Type** New Construction or Demol & Const or Remov & Const

**Decision** There has been no decision recorded against this application.

**Status** Further Info Req

**Properties** 175F Tapu Coroglen Road Tapu

**People** Agent : T C One Limited  
Applicant : T C One Limited  
Other : TCDC Internal - Community Environment  
Owner : T C One Limited

**Figures** Certificate of Title Requ: No = 0 Yes = 1: 0  
Intended Life Of Building: 50  
Project Value 2: 0  
Spa/swimming pool - No = 0 Yes = 1: 0

**Events**

Started	Description	Due	Completed
08/10/2007	Routine Maintenance - 5 Days	15/10/2007	08/10/2007
14/09/2015	Time Entry	08/12/2015	
14/09/2015	Lodgement	15/09/2015	14/09/2015
14/09/2015	Building Consent Clock	12/10/2015	
14/09/2015	Allocate Responsible Officer	15/09/2015	16/09/2015
14/09/2015	Building Consent PIM Assessment	21/09/2015	17/09/2015
14/09/2015	Building Consent DP Compliance	21/09/2015	16/09/2015
17/09/2015	Building Consent Assessment	14/10/2015	17/09/2015
17/09/2015	FIR Preparation	15/10/2015	17/09/2015
17/09/2015	FIR Requested	13/11/2015	

**Officer** No officers recorded against this application.

**Inspections**

Date	Type	Officer	Result
------	------	---------	--------

**Statistics** Total Days: 4  
Total Unallocated Days: 0  
Total WeekEnd Days: 0  
Total Public Holidays: 0  
Total Included Days: 3  
Total Excluded Days: 0  
Total Deducted Days: 1

**Documents** (16/09/2015) Planning Final APPROVED - ABA20140492A - Application to Amend Building Consent - A3 Plans (Author: Geoffrey Selwyn Yates) [2]  
(15/09/2015) ABA20140492A - Application to Amend Building Consent - A3 Plans (Author: Geoffrey Selwyn Yates) [2]  
(16/09/2015) Planning Final APPROVED - ABA20140492A - Application to Amend Building Consent - A3 Plans (Author: Geoffrey Selwyn Yates) [2]  
(15/09/2015) ABA20140492A - Application to Amend Building Consent (Author: Geoffrey Selwyn Yates) [2]  
(15/09/2015) ABA20140492A - Application to Amend Building Consent - A3 Plans (Author: Geoffrey Selwyn Yates) [2]  
(15/09/2015) ABA20140492A - Application to Amend Building Consent - A3 Plans (Author: Geoffrey Selwyn Yates) [2]

**Email** Contact us about this application.

close all | open all  
Powered by infoMaster

1755 1755 NON-RES

APPLICATION TO AMEND BUILDING CONSENT  
The Building Act 2004 section 45A

THE BUILDING ABA Number: 2014/492 Building Category: 1.1

Street address of building: 175 F Tapu Coroglen Road  
Legal description of land where building is located: Lot(s) DP18 401777  
Building name: SHED  
Location of building within site / block number: (include nearest street access) SECTION RIGHT  
Number of levels: (above & below ground) 1 Level / Unit Number:  
Floor area: 150 (sq m) (indicate area affected by the building work)  
Current, lawfully established, use: (add no. of occupants per level and per use if more than 1) BEAT SHED  
Year first constructed: (approximate date is acceptable e.g. c1920s or 1990-1991) 2015  
Has construction started?  Yes  No

OFFICE ONLY:  
Stamp - Date received:  
THAMES-COROMANDEL DISTRICT COUNCIL  
14 SEP 2015  
RECEIVED BY:

THE OWNER Name of Owner / Company: T.C ONE LTD  
Contact person: GREGG YATES  
Mailing address: P.O. Box 225 THAMES  
Street address / registered office:  
Phone Number: Landline: 079654554  
Mobile:  
Email address:  
Website:

AGENT (if application is being made on behalf of the owner)  
Name of Agent / Company:  
Contact person:  
Mailing address:  
Street address / registered office:  
Phone Number: Landline:  
Mobile:  
Email address:  
Website:

FIRST POINT OF CONTACT for communications with the Council / Building Consent Authority:  Owner  Agent  
(if Tick as applicable) Value of work \$ 815 INVOICE TO:  Owner  Agent

DETAILED DESCRIPTION OF AMENDMENT(S) - please detail ALL changes.  
Use a separate sheet if insufficient space.  
A minimum of 1 set of plans and supporting documentation is required:  
Amend Siting a Change Easement  
Amended Floor Plan

Please highlight (draw) on drawings changes covered by this amendment.

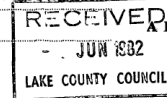
Queenstown Lakes District Council – eDoc system

DESIGN CERTIFICATE



MEMBER OF  
 THE ASSOCIATION OF CONSULTING ENGINEERS  
 NEW ZEALAND  
 A Division of the New Zealand Institution of Engineers

To The County Engineer  
 Lake County Council  
 PO Box 25  
 QUEENSTOWN



I, HARVEY JOHN KITTO  
 being registered under the provisions of the Engineers Registration Act 1924 and currently holding an Annual Practising Certificate, hereby certify that I have supervised the design of, and the computations for Reinforced concrete foundations, structural steel beams, structural timber work and fireplace

shown on the accompanying plan(s) prepared in my office, numbered 7523/1B, 7523/2B, 7523/3  
 titled New Family Home, Coneburn Park, Wakatipu  
 dated November 1978 and described in the accompanying specifications for a  
 Private Residence

## South Waikato District Council – Property and Building Files

### Property and Building Files

This tool allows you to download files related to properties located in the South Waikato.

To help us improve this service, if there are any issues found with the downloaded files, please contact us using [this enquiry form](#).

### Available Files

0547166500 26 Bridge St

Download	Size	Document ID
<a href="#">Warrant Of Fitness 0547166500</a>	1.6MB	87960
<a href="#">Building Warrant Of Fitness</a>	1.4MB	107938
<a href="#">Building Warrant Of Fitness - Tokoroa Courthouse</a>	1.8MB	155123
<a href="#">Building Warrant of Fitness Tokoroa District Court</a>	7.5MB	240538
<a href="#">Building Warrant of Fitness - Tokoroa District Court - 26 Bridge Street Tokoroa - Expires 14 June 2012</a>	4.5MB	277857
<a href="#">Building Warrant of Fitness - Tokoroa District Court - 26 Bridge Street Tokoroa - Expires 14 June 2013</a>	5.1MB	333726
<a href="#">Building Warrant of Fitness - Tokoroa District Court - Expires 14 June 2014</a>	1.7MB	387404
<a href="#">Building Warrant of Fitness - Tokoroa District Court - EXPIRES: 14 June 2015</a>	2.6MB	438573

From: PSS HAMILTON 464 7 8382236 19/04/2007 13:58 #080 P.002/006

**FIRE SECURITY SERVICES LTD.**  
SUPPLIERS OF FIRE AND SECURITY ALARM EQUIPMENT AND SERVICES SINCE 1976  
408 ANGLESEA STREET, HAMILTON, PRIVATE BAG 3201. PHONE 0-7-838 2236. FAX 0-7-838 2235

Registered Fire & Security (FSQP)

FORM 12A TO: Opus International Consultants  
FAX: (07) 838 8761

**Certificate of Compliance with Inspections,  
Maintenance and Reporting Procedures**  
Section 108(3)(a), Building Act 2004

**The Building**

Building name ..... Tokoroa Courthouse  
Building Warrant of Fitness No. .... 254  
Street address of building ..... 26 Bridge Street, Tokoroa  
Legal description of land where building is located ..... Valuation Number 5471-66500, Section 72, Block VII  
Level/unit number .....

**The Owner**

Name of owner ..... Ministry of Justice  
Contact person<sup>1</sup> ..... Lota Ward  
Mailing address ..... PO Box 180, Wellington  
Street address ..... Level 3, Vogel building, Aitken Street, Wellington  
Registered office<sup>2</sup> .....

**Compliance**

The inspection, maintenance and reporting procedures of the compliance schedule have been fully complied with during the 12 months prior to the date stated below in relation to the following specified system(s):

**Automatic or manual emergency warning systems**  
**Hose reels**

Name of Licensed Building Practitioner/Independent Qualified Person, Fire Security Services, ALLAN WAYNE DENNIS ...  
Signature of Licensed Building Practitioner/Independent Qualified Person .....  
Registration No. .... 110/2000/134  
Date signed ..... 05/05/2007

In Waikato District Council – Property File Request



# Marlborough District Council – Property Files

## Search Marlborough District Council Property Files

Your search returned 19 results.  
Please enter an address to search for. For examples on how to use this search. Click the help link. [Show Help](#)

**Search by Address, Building Consent, Property or Resource Consent Number**

Search by Address   [Show Advanced Search](#)

### Search Results

▼ 8 - 76 Seymour Street Blenheim - Current PN400434	Digitised 07 Nov 2008 <a href="#">Show on Map</a>
▶ Compliance (Property ID PN400434) PN400434#01	07 Nov 2008
▶ Environmental (Property ID PN400434) PN400434#03	07 Nov 2008
▶ Utilities (Property ID PN400434) PN400434#04	07 Nov 2008
▼ Building (Property ID PN400434) PN400434#06	07 Nov 2008
▶ Building Permit - Four Apartments PN395612_BP3372	02 May 2012
📎 File Note regarding Access from Rear Land if subdivided 12135240	05 Aug 1997
▼ Resource Consents (Property ID PN400434) PN400434#07	07 Nov 2008
▶ Execution of Second Stage Unit Plan of Units A, B, C, D, H, G and FDUI on Lot 3 DP 7746. PLN/2/3/9/1260	11 Mar 2013
▼ Unit Title Plan to create two additional units on Lot 3 DP 7746. PLN/4/1/89	22 Mar 2013
📎 Application & Decision 13401816	02 Jun 1992

## MARLBOROUGH DISTRICT COUNCIL

Form 5

### APPLICATION FOR A RESOURCE CONSENT

This application is made under section 88 of the Resource Management Act 1991.

TO: The General Manager,  
Marlborough District Council,  
P.O. Box 443,  
BLENHEIM.

RECEIVED  
15 DEC 1991  
Mail Stamp  
MARLBOROUGH  
DISTRICT COUNCIL  
Date received for Notification

Application No.  
**PLN/4/1/89**  
Property No.  
**335660**

#### (1) NAME AND ADDRESS

I Jan Stewart, Hannah BENTON & Frances Gillman BENTON  
(Full name of applicant)  
Box 477  
Blenheim

Telephone No. Private 578 7762 Bus Same Fax Same  
Name and address for service (if different from above) Same

Telephone No. Private ..... Bus ..... Fax .....  
apply for the Resource Consent described below:

The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates is: Same

#### (2) LOCATION

The location to which this application relates is:  
76 Seymour Street  
Blenheim

(Attach a sketch of the locality and activity points.)  
(Describe the location in a manner which will allow it to be readily identified e.g. house number & street address, the name of any relevant stream, river, or other water body to which the application may relate, proximity to any well-known landmark)

Legal description: DP 7746 Proposed Units E, F, G, H as attached  
(e.g. D.P. number, C.T. number, Valuation number)

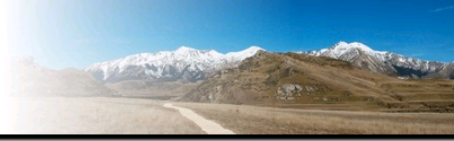
#### (3) TYPE OF CONSENT

The type of Resource Consent to which this application relates is:  
 Subdivision  Land Use

#### (4) DESCRIPTION

A description of the activity to which this application relates is:  
Road rental, Home Units

## Selwyn District Council – Building Consents



### Online Services

- ✘ Cemeteries
- ✘ Rates
- ✘ Building Consents
- ✘ Resource Consents

### Payment Services

- ✘ Rates
- ✘ Dog Registration
- ✘ Debtor Account
- ✘ Building Consent
- ✘ Resource Consent
- ✘ Water

### Building Consent Details

<b>Consent Number</b>	121113
<b>Location</b>	<a href="#">2 Norman Kirk Drive, Rolleston</a>
<b>Type of Work</b>	Commercial Alterations
<b>Intended Use</b>	Installation of a floor mounted magnetic door holder to the
<b>Detail</b>	COMMERCIAL
<b>Estimated Value</b>	\$1,500.00
<b>Current Status</b>	Circulated to Records for filing

### Building Consent History

Status	Date	Details
Circulated to Records for filing	11/10/2012	
CCC Sent to Applicant	11/10/2012	
Circulated to Building Customer Services	10/10/2012	
CCC Issued	10/10/2012	
Signed Off B/O - Dave Gemmell	10/10/2012	
Circulated to B/O - Dave Gemmell	02/10/2012	
CCC Application Received	01/10/2012	
Pract Completion Comm&Indust	01/10/2012	Building Work May Proceed
Circulated to Records for filing	20/07/2012	