



Privacy is precious

PROTECT IT. RESPECT IT.

THE PRIVACY ACT 2020 CHANGES

New Zealand's Privacy Act has been modernised to reflect changes in the wider economy and society and to ensure it is fit for the technological world in which we live. This is a very brief summary of the key changes in the new Act.

Notifiable privacy breaches

If a business or organisation has a privacy breach that has caused serious harm to someone (or is likely to do so), it will need to notify the Office of the Privacy Commissioner as soon as possible. It is an offence to fail to notify the Privacy Commissioner of a notifiable privacy breach.

If a notifiable privacy breach occurs, the business or organisation should also notify affected people. This should happen as soon as possible after becoming aware of the breach.

Compliance notices

The Privacy Commissioner will be able to require a business or organisation to do something, or stop doing something, if it is not meeting its obligations under the Privacy Act.

Binding decisions on access requests

The Privacy Commissioner will now be able to make decisions on complaints relating to access to information. This will mean a faster resolution to information access complaints.

Disclosing information overseas

A New Zealand business or organisation may only send personal information to another country if that country has similar levels of privacy protection to New Zealand, or the person concerned is fully informed and gives their permission.

Extraterritorial effect

The Privacy Act has extraterritorial effect. This means that an overseas business or organisation may be treated as carrying on business in New Zealand for the purposes of its privacy obligations – even if it does not have a physical presence in New Zealand.

New criminal offences

It will now be a criminal offence to:

1. mislead a business or organisation by impersonating someone, or pretending to act with that person's authority, to gain access to their personal information or to have it altered or destroyed.
2. destroy a document containing personal information, knowing that a request has been made for that information.

The penalty in all cases is a fine up to \$10,000.

Further resources

You can find further resources on our website: privacy.org.nz/2020