

**Periodic Update Report
On
Developments in Data Protection Law
In New Zealand**

(July – December 2016)

Report to the European Commission
by the competent supervisory authority
for the application of the legal data protection standards
in New Zealand

9 December 2016



Privacy Commissioner
Te Mana Matapono Matatapu
New Zealand

Table of Contents

Letter of introduction

1. Background
2. Statutory amendments to New Zealand privacy Law
3. Other statutory developments
4. Other developments
5. Further information

9 December 2016

Bruno Gencarelli
Head of Unit - Data Protection European Commission
Directorate-General for Justice
Brussels
Belgium

Dear Bruno

Update report on developments in New Zealand data protection law

I am pleased to take this opportunity to update the European Commission in relation to the legal standards for the protection of personal data in New Zealand for the 6 months since the last report dated 30 June 2016.

This continues a reporting process commenced with a first report in December 2015 (supplemented by a report in March 2016 answering some questions in relation to that first report) and followed with the June 2016 report. (Those 3 reports are available publicly at <https://privacy.org.nz/news-and-publications/reports-to-parliament-and-government/reports-on-new-zealand-adequacy-to-the-european-commission/>.) You have found the reporting format adopted suitable to your needs.

This report, and future reports, will only cover 6 month periods and thus can usually be expected, as here, to be quite brief. Although in the current period there is nothing to report I have maintained a consistent reporting format to ensure comparability of reports for the different periods.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J Edwards', written in a cursive style.

John Edwards
New Zealand Privacy Commissioner

1. Background

On 19 December 2012 The European Commission formally decided that for the purposes of Article 25(2) of Directive 95/46/EC, New Zealand is considered as ensuring an adequate level of protection for personal data transferred from the EU.

The EC has a responsibility to monitor the functioning of the decision. To assist the EC to undertake this monitoring, the New Zealand Privacy Commissioner as 'the competent supervisory authority for the application of the legal data protection standards in New Zealand' has undertaken periodically to submit update reports on developments in New Zealand data protection law.

On 22 December 2015 the Privacy Commissioner submitted the first report that briefly surveyed developments since the commencement of the EC decision in 2013. That initial report was updated to 30 June 2016 by another report. This report covers the period July to December 2016 (inclusive).

It is understood by the EC that the Privacy Commissioner does not purport to speak for the New Zealand Government.

2. Statutory amendments to New Zealand privacy law

There were no substantive changes to the Privacy Act 1993 during the period although it may be noted that another information sharing agreement was listed in Schedule 2A.

As explained in the first periodic report, Part 9A seeks 'to enable the sharing of personal information to facilitate the provision of public services'. To achieve that purpose, the Part provides a mechanism to approve 'information sharing agreements' and to list them in Schedule 2A.

In July a longstanding information sharing arrangement between the Ministries of Education and Social Development to support services to disengaged youth to encourage entry into further education or training was added to the Schedule.

3. Other statutory developments

As explained in the first periodic report, the Harmful Digital Communications Act was enacted in 2015 to:

- deter, prevent and mitigate harm caused to individuals by digital communications; and
- provide victims of harmful digital communications with a quick and efficient means of redress.

The Harmful Digital Communications (Appointment of Approved Agency) Order 2016 appointed NetSafe Incorporated as the 'approved agency' to handle complaints and perform certain other functions under that Act.

4. Other developments

There have been no other developments of particular significance to the adequacy of New Zealand's privacy law worth drawing to your attention at this time.

5. Further information and reports

Further information about any aspect of this report may be requested from Blair Stewart, Assistant Commissioner (Auckland), Office of the Privacy Commissioner at blair.stewart@privacy.org.nz.

It is anticipated that the next periodic report would be provided in June 2017 or thereabouts.