

Christchurch Earthquake (Information Sharing) Code 2011 (Temporary)

I, MARIE SHROFF, Privacy Commissioner, now issue under section 51 of the Privacy Act 1993, and in accordance with section 52 of the Act, the Christchurch Earthquake (Information Sharing) Code 2011 (Temporary).

Issued by me at Wellington on 24 February 2011

The SEAL of the Privacy Commissioner was)
affixed to this Code of Practice by the) [L.S.]
Privacy Commissioner)

Marie Shroff
Privacy Commissioner

This version of the code contains notes which are set out in italics. This material is not part of the code but is intended to assist users.

Note: A code of practice issued under s.46 of the Privacy Act 1993 is deemed to be a regulation for the purposes of the Regulations Disallowance Act 1989 – Privacy Act, s.50.

Note: This version of the Code incorporates Amendment No.1.

Christchurch Earthquake (Information Sharing) Code 2011 (Temporary)

1. Title

This code of practice may be referred to as the Christchurch Earthquake (Information Sharing) Code 2011 (Temporary).

Note: The code is identified as temporary as it has been issued under special urgency procedures – Privacy Act, s.52.

2. Commencement and expiration

This code will:

- (a) come into force on 24 February 2011 at 5pm;
- [(b) expire on 24 May 2011.]

Note: Amendment No. substituted paragraph (b) and omitted the words 'or on the date on which the emergency declaration terminates, whichever is the earlier.'

3. Interpretation

In this code:

Christchurch earthquake means the earthquake that occurred in Christchurch on 22 February 2011

emergency declaration means the declaration of a state of national emergency made on 23 February 2011 under the Civil Defence Emergency Management Act 2002

permitted purpose has the meaning set out in clause 4.

Note: Several terms used in the code are defined in the Privacy Act including e.g. agency, collect, enactment, individual, information privacy principle, news medium, personal information, public sector agency – Privacy Act, s.2.

4. Meaning of permitted purpose

- (1) A **permitted purpose** is a purpose that directly relates to the government and local government response to the Christchurch earthquake emergency in respect of which an emergency declaration exists.
- (2) Without limiting subclause (1), any of the following is a **permitted purpose** in relation to the Christchurch earthquake emergency:
 - (a) identifying individuals who:
 - (i) are or may be injured, missing or dead as a result of the emergency;
 - (ii) are or may be otherwise involved in the emergency;
 - (b) assisting individuals involved in the emergency to obtain services such as repatriation services, medical or other treatment, health services, financial and other humanitarian assistance;
 - (c) assisting with law enforcement in relation to the emergency;

- (d) coordination and management of the emergency;
 - (e) ensuring that people who are **responsible** for individuals who are, or may be, involved in the emergency are appropriately informed of matters that are relevant to:
 - (i) the involvement of those individuals in the emergency; or
 - (ii) the response to the emergency in relation to those individuals.
- (3) For the purposes of subclause (2), a person is **responsible** for an individual if the person is:
- (a) a parent of the individual;
 - (b) a child or sibling of the individual and at least 18 years old;
 - (c) a spouse, civil union partner or de facto partner of the individual;
 - (d) a relative of the individual, at least 18 years old and a member of the individual's household;
 - (e) a guardian of the individual;
 - (f) exercising an enduring power of attorney granted by the individual that is exercisable in relation to decisions about the individual's health;
 - (g) a person who has an intimate personal relationship with the individual; or
 - (h) a person nominated by the individual to be contacted in case of emergency.

Note: This clause is based upon Privacy Act 1988 (Australia), Part VIA, in particular, s.80H.

5. Authority for collection, use and disclosure of personal information

- (1) In relation to the Christchurch earthquake emergency, an agency may collect, use or disclose personal information relating to an individual if the agency believes on reasonable grounds that:
- (a) the individual concerned may be involved in the emergency; and
 - (b) the collection, use or disclosure is for a permitted purpose in relation to the emergency; and
 - (c) in the case of a disclosure of personal information - the disclosure is to:
 - (i) a public sector agency; or
 - (ii) an agency that is, or is likely to be, involved in managing, or assisting in the management of, the emergency; or
 - (iii) an agency that is directly involved in providing repatriation services, medical or other treatment, health services or financial or other humanitarian assistance services to individuals involved in the emergency; or
 - (iv) a person who is **responsible** for the individual (within the meaning of clause 4(3)); and
 - (d) in the case of a disclosure of personal information – the disclosure is not to a news medium.

Note: This subclause is based upon Privacy Act 1988 (Australia), Part VIA, in particular, s.80P.

Note: Questions of disclosure of personal information to the news media are not affected by this code and are subject to any normal legal considerations under

*the Privacy Act or other applicable law such as the Official Information Act 1982.
This code applies no additional restrictions on such disclosures.*

- (2) The authority in subclause (1) is in addition to, and does not restrict, any other authority for collection, use or disclosure contained in the information privacy principles, any code of practice or other enactment.

Legislative history

24 February 2011	Code issued
24 February 2011 (5pm)	Code commenced
3 March 2011	Issue of Code notified in New Zealand Gazette
9 March 2011	Issue of Amendment No.1
10 March 2011	Amendment No.1 commenced
17 March 2011	Issue of Amendment No.1 notified in New Zealand Gazette