

What is a privacy breach?

A privacy breach is where there has been unauthorised or accidental access to personal information, or disclosure, alteration, loss, or destruction of personal information.

It can also include a situation where a business or organisation is stopped from accessing information – either on a temporary or permanent basis.

What is a notifiable privacy breach?

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. Failure to notify could incur a fine of up to \$10,000.

Our Office has an online tool on our website, [NotifyUs](#), to lodge notifications.

Notifying affected people

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 privacy breach. Failure to do so may be an interference with person's privacy under the Privacy Act.

There may be valid reasons why an agency would not notify affected individuals.

What should I include in a notification?

There are key details businesses or organisations must include when notifying our Office and affected people. These details will enable people to protect themselves from harm. Our online reporting tool, [NotifyUs](#), will guide you through this process.

Why is this important?

When there has been a privacy breach, notifying people lets them take action to protect themselves and their information.

For example, if your online account information is compromised, you can protect yourself by changing your password. If your credit card details are stolen, you can cancel your card. But if you don't know that your privacy has been breached, you can't taken any protective action.

What does it mean for me?

Check whether you have robust systems to secure the personal information you hold both in physical and digital forms. Check whether you have systems in place to identify and report privacy breaches. If you have a 'near miss', even if it does not reach the threshold of a notifiable privacy breach, learn from the mistake — improve your systems to stop the same thing happening again in the future.

If you are an individual, the Privacy Act will provide better protection to you if there is a privacy breach involving your personal information.

For more information, visit [privacy.org.nz/askus](https://www.privacy.org.nz/askus) or find us at:

