

Module	<b>PRIVACY AND DATA PROTECTION</b>
Jurisdictions	<b>NEW ZEALAND</b>
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## Module Scope

Does the organisation collect, store, use, share or disclose personal information about employees, customers, or other individuals?

Does the organisation have policies, systems and processes in place to protect and secure personal information and enable individual access?

Does the organisation monitor employees or operate in an industry with sector-specific privacy regulations?

Does the organisation transfer personal data internationally or utilize overseas services that handle such data?

Does the organisation handle sensitive categories of personal information that require heightened privacy protections?

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## Module Application

The NEW ZEALAND PRIVACY module is intended to inform organisations of privacy laws and regulations in New Zealand. It focuses primarily on advising organisations of their obligations under the Privacy Act 2020 and associated information privacy principles, as well as enforcement mechanisms and consequences for non-compliance.

The NEW ZEALAND PRIVACY also advises organisations on their obligations to develop privacy policies, procedures and practices. This includes guidance on:

- › Collecting, using and disclosing personal information appropriately
- › Securing personal information and managing data breaches
- › Enabling individuals to access and correct their information
- › Maintaining accuracy of information
- › Managing privacy in the workplace
- › Making cross-border transfers of information
- › Establishing privacy governance frameworks
- › Handling privacy complaints and investigations
- › Privacy Act 2020 and Information Privacy Principle

The module examines in detail the requirements of the 13 information privacy principles contained in the Privacy Act 2020 relating to the handling of personal information. This includes providing practical guidance regarding:

- › Collection of Personal Information: Following fair and lawful collection practices, collecting directly from individuals, providing transparency around use.
- › Use and Disclosure of Information: Restricting use/disclosure to original specified purpose, managing exceptions, additional rules around identifiers.
- › Securing Information: Secure storage, access controls, managing data breaches, policies for retention and destruction.
- › Enabling Access and Correction: Handling individual access/correction requests, assisting individuals, responding appropriately.
- › Accuracy of Information: Verifying accuracy before use/disclosure, receiving and processing correction requests.
- › Workplace Privacy: Handling employee information, workplace monitoring, disclosures.
- › Cross-Border Transfers: Ensuring international data transfers maintain protections.
- › Privacy Program: Appointing privacy officers, governance, impact assessments, developing privacy culture.
- › Complaint Handling: Managing internal and Privacy Commissioner complaints.
- › Information Matching: Strict protocols around comparing data sets.
- › Industry-Specific Codes of Practice

The module also covers how privacy regulations are modified for certain industries through mandatory codes of practice. It advises organisations on determining the applicability of and implementing the requirements of codes for:

- › Health Agencies
- › Credit Reporting
- › Telecommunications
- › Justice Sector
- › Superannuation Schemes
- › Emergency Management
- › Related Legislation

In addition, guidance is provided on other legislation relevant to privacy in the New Zealand context, including obligations, restrictions or modifications arising from:

- › Human Rights Act
- › Harmful Digital Communications Act
- › Broadcasting Act
- › Criminal Records (Clean Slate) Act
- › Employment Relations Act

- › Official Information Act
- › Overseas laws
- › Enforcement and Penalties

The module has a strong focus on enforcement mechanisms, advising organisations on managing complaints received directly or referred by the Privacy Commissioner. Guidance is also provided on participating in Privacy Commissioner investigations and proceedings before the Human Rights Review Tribunal.

Potential penalties and compensation orders are covered, with the Tribunal able to award damages for privacy breaches under the Privacy Act 2020. Fines, imprisonment and other orders are also outlined for contraventions of other legislation, such as the Harmful Digital Communications Act.

Detailed guidance is intended to aid organisations in interpreting privacy obligations and structuring compliance policies and procedures to mitigate risk and avoid substantial penalties.

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