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Telecommunications Information Privacy Code 2020 Amendment No 2

This amendment to a code of practice is made under section 37 of the Privacy Act 2020 by the Privacy Commissioner.

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Amendment to the Telecommunications Information Privacy Code 2020

1 Title

This is the Telecommunications Information Privacy Code 2020 Amendment No 2.

2 Commencement

This amendment comes into force on 1 May 2026.

3 Interpretation

In this amendment,—

Code means the Telecommunications Information Privacy Code 2020.

4 Clause 6 (Telecommunications information privacy rules) rule 2 amended

In clause 6 of the Code, telecommunications information privacy rule 2(2)(i), after "provision or", delete "the".

5 Clause 6 (Telecommunications information privacy rules) rule 3 amended

In clause 6 of the Code, telecommunications information privacy rule 3, after "individual", insert "concerned" in the heading above subrule (1).

6 Clause 6 (Telecommunications information privacy rules) rule 3A inserted

In clause 6 of the Code, after telecommunications information privacy rule 3, insert telecommunications information privacy rule 3A:

Rule 3A

Collection of telecommunications information other than from individual concerned

- (1) If a telecommunications agency collects telecommunications information about an individual other than from the individual concerned, the agency must take any steps that are, in the circumstances, reasonable to ensure that the individual concerned is aware of—
 - (a) the fact that the information has been collected; and
 - (b) the purpose for which the information has been collected; and
 - (c) the intended recipients of the information; and
 - (d) the name and address of—
 - (i) the agency that has collected the information; and
 - (ii) the agency that is holding the information; and
 - (e) if the collection of the information is authorised or required by or under the law, the particular law by or under which the collection of the information is authorised or required; and
 - (f) the rights of access to, and correction of, telecommunications information provided by rules 6 and 7.
- (2) The steps referred to in subrule (1) must be taken as soon as is reasonably practicable after the telecommunications information has been collected (unless taken sooner).
- (3) A telecommunications agency is not required to take the steps referred to in subrule (1) in relation to the collection of telecommunications information if the individual concerned has previously been made aware by any means of all of the matters specified in subrule (1) in relation to the telecommunications agency's collection of the information.

Example relating to rule 3A(3)

A telecommunications agency (A) has collected telecommunications information from the individual concerned. A has disclosed the information to another telecommunications agency (B). B, after collecting the information, is not required to comply with subrule (1) if A, when complying with rule 3, notified the individual concerned that the information would be disclosed to B and of the matters in subrule (1) in relation to B's collection of the information.

- (4) It is not necessary for a telecommunications agency to comply with subrule (1) if the telecommunications agency believes, on reasonable grounds,—
- (a) that non-compliance would not prejudice the interests of the individual concerned; or
 - (b) that the telecommunications information is publicly available information; or
 - (c) that non-compliance is necessary—
 - (i) to avoid prejudice to the maintenance of the law by any public sector agency, including prejudice to the prevention, detection, investigation, prosecution, and punishment of offences; or
 - (ii) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
 - (iii) for the purpose of preventing or investigating an action or threat that may compromise network or service security or integrity; or
 - (d) that compliance would prejudice the purposes of the collection; or
 - (e) that compliance is not reasonably practicable in the circumstances of the particular case; or
 - (f) that compliance would cause a serious threat to—
 - (i) public health or safety; or
 - (ii) the health or safety of another individual; or
 - (g) that the telecommunications information—
 - (i) will not be used in a form in which the individual concerned is identified; or
 - (ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
 - (h) that the information is traffic information; or
 - (i) that the collection is for the purposes of the delivery of a CMS; or
 - (j) that the collection is an essential element of service provision or interconnection, wholesaling or similar arrangements between network operators; or
 - (k) that the information is necessary to deal with a service or billing enquiry and the collection is from—

- (i) a member of the subscriber's household; or
 - (ii) a representative of the business's subscriber,
who appear to be acting on behalf of the subscriber; or
- (l) that the collection of information was by means of CLIP and was collected by the telecommunications agency subject to this rule in accordance with the requirements of Schedule 3.
- (5) It is not necessary for a telecommunications agency to comply with subrule (1) if compliance would be likely to prejudice—
 - (a) the security or defence of New Zealand, the Cook Islands, Niue, Tokelau, or the Ross Dependency; or
 - (b) the international relations of the Government of New Zealand, the Cook Islands, or Niue; or
 - (c) the relations between any of the Governments of—
 - (i) New Zealand; or
 - (ii) the Cook Islands; or
 - (iii) Niue; or
 - (d) the entrusting of information to the Government of New Zealand on a basis of confidence by—
 - (i) the Government of any other country or any agency of the Government of any other country; or
 - (ii) any international organisation.
- (6) Where a network operator participates in the emergency location information system in accordance with Schedule 4, it must ensure that additional steps required by clause 5 of Schedule 4 are taken to meet specific transparency obligations in relation to the system.
- (7) Rule 3A does not apply to telecommunications information collected before 1 May 2026.

7 Clause 6 (Telecommunications information privacy rules) rule 12 amended

In clause 6 of the Code, telecommunications information privacy rule 12—

- (a) subrule (1)(e), after "country", insert "and the disclosure is not precluded by any limitation or qualification prescribed in respect of that country under section 214(3) of the Act":
 - (b) subrule (1)(g), delete "that":
 - (c) subrule (3), **prescribed country**, delete "that are made without any qualification or limitation relating to a class of person that includes B, or to a type of information that includes credit information".
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I, MICHAEL LINDO CHARLES WEBSTER, Privacy Commissioner, having given notice in accordance with section 33(3) of the Privacy Act 2020 of my intention to issue an amendment to a code of practice, now issue under section 37 of the Privacy Act 2020, this amendment to the Telecommunications Information Privacy Code 2020.

Made at Wellington on 25 March 2026.

The seal of the Privacy Commissioner was)
affixed to this amendment to the) [L.S.]
Telecommunications Information Privacy Code 2020)
by the Privacy Commissioner)

Michael Lindo Charles Webster
Privacy Commissioner

Explanatory note

This note is not part of the code of practice amendment but is intended to indicate its general effect.

This amendment amends the Telecommunications Information Privacy Code 2020 following the introduction of information privacy principle 3A into the Privacy Act 2020 by the Privacy Amendment Act 2025. It provides for individuals to be notified that their telecommunications information has been indirectly collected by telecommunications agencies.

This is the second amendment to the Telecommunications Information Privacy Code 2020.

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| This is secondary legislation issued under the authority of the Legislation Act 2019 . | |
| Title | Telecommunications Information Privacy Code 2020 Amendment No 2 |
| Principal or amendment | Amendment |
| Consolidated version | No |
| Empowering Act and provisions | Privacy Act 2020, section 37 |
| Replacement empowering Act and provisions | Not applicable |
| Maker name | Privacy Commissioner |
| Administering agency | Office of the Privacy Commissioner |
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| Notification date | 27 March 2026 |
| Commencement date | 1 May 2026 |
| End date (when applicable) | Not applicable |
| Consolidation as at date | Not applicable |
| Related instruments | Telecommunications Information Privacy Code 2020 (as made) https://www.privacy.org.nz/assets/Codes-of-Practice-2020/Telecommunications-Information-Privacy-Code-2020-as-issued-October2020-version.pdf |