

# Incorporating IPP3A into Codes of Practice: Consultation Papers



This document contains five information papers published on 12 January 2026 support the consultation on incorporating IPP3A into Codes of Practice.

## Table of Contents

Information Paper 1 of 5 General Information Paper .....	3
Information Paper 2 of 5 Biometric Processing Privacy Code 2025 .....	15
Information Paper 3 of 5 Credit Reporting Privacy Code 2020 .....	22
Information Paper 4 of 5 Health Information Privacy Code 2020 .....	29
Information Paper 5 of 5 Telecommunications Information Privacy Code 2020 .....	40

# Information Paper 1 of 5

## Proposed Amendments to the Health Information Privacy Code 2020, the Telecommunications Information Privacy Code 2020, the Credit Reporting Privacy Code 2020, and the Biometric Processing Privacy Code 2025



Amendment to the above codes to incorporate information privacy principle 3A – collection of personal information other than from individual concerned

12 January 2026



## Information paper on code amendments

This paper is to help people who want to submit on proposed changes to the Biometric Processing Privacy Code 2025 (BPPC), the Credit Reporting Privacy Code 2020 (CRPC), the Health Information Privacy Code 2020 (HIPC) and the Telecommunications Information Privacy Code 2020 (TIPC) (collectively “the codes”). These changes add new rule 3A to the codes to implement the new information privacy principle 3A (IPP3A) – **collection of personal information other than from individual concerned**. We want to hear submitters’ views on our proposed approach, and which exceptions to rule 3A should apply for each code.

### Other information papers available:

- [BPPC Information Paper](#) (opens to PDF).
- [CRPC Information Paper](#) (opens to PDF).
- [HIPC Information Paper](#) (opens to PDF).
- [TIPC Information Paper](#) (opens to PDF).

## We think these four codes should incorporate IPP3A

---

- 1.1. IPP3A means an agency has obligations when it collects personal information indirectly. Collecting personal information indirectly means the agency collects the personal information from someone other than the person themselves.

- 1.2. The codes in scope have 13 rules which reflect all of the existing information privacy principles (IPPs). We are proposing to add a new rule 3A to each of these codes to implement IPP3A, with exceptions that make sense in the context of the particular code of practice.
- 1.3. We are also consulting on our proposal not to incorporate IPP3A into the Civil Defence National Emergencies (Information Sharing) Code 2020 (the Civil Defence Code). During our review of the Civil Defence Code, we identified a formatting error introduced in an earlier amendment. We are also proposing a short, technical amendment to the Civil Defence Code to address this.

## **We want to hear your views on our proposed changes**

---

Submissions are due by **4pm on 16 February 2026**. To make a submission, read the consultation questions and email [IPP3A@privacy.org.nz](mailto:IPP3A@privacy.org.nz). You can either put your comments in the body of your email or attach them as a pdf or Word document.

## **We want to hear your views on our proposed changes**

---

- 1.4. The rest of this information paper explains what changes we are proposing and why we think they are needed. At a high level we are proposing to implement the policy intent of IPP3A, aligning to the existing rules and exceptions which apply under each code. We think this approach supports transparency about indirect collection, while setting clear and consistent requirements within each code.
- 1.5. We want to hear if you think these changes will work in practice and if you are comfortable with them. We are particularly interested in hearing if you think the changes will create risks to New Zealanders' privacy and if so, what would fix this. You can answer our consultation questions or just tell us what you think more generally.

## IPP3A creates new requirements for indirect collection

- 1.6. The Privacy Act 2020 includes 13 information privacy principles which set out legal requirements for agencies handling personal information. The Privacy Amendment Act 2025 added a new information privacy principle, IPP3A.
- 1.7. IPP3A means an agency has obligations when collecting personal information indirectly, meaning where an agency collects personal information from someone other than the person themselves, it comes into force on **1 May 2026**.
- 1.8. Under IPP3A, if an agency collects someone's personal information indirectly, that agency is required to notify them, unless one of the exceptions applies (we detail these below). This requirement to notify sits with each agency indirectly collecting the information, and it is possible there when multiple agencies have indirectly collected the same information each will be obliged to notify the person (although there is an exception addressing whether a person knows about the collection already). It does not apply to information indirectly collected before **1 May 2026**.
- 1.9. New requirements under IPP3A are similar to existing requirements under IPP3, which requires agencies directly collecting personal information from the person concerned to tell that person key details unless an exception applies, including the purpose and which agencies are involved. We [have developed IPP3A guidance including scenarios for how we expect IPP3A and exceptions will apply in practice](#).

## Codes modify the application of the IPPs

---

- 1.10. Codes of practice modify the existing IPPs in the Privacy Act to set more specific or stronger rules for specific industries, activities or types of personal information.

1.11. In this process we will not be reviewing the codes except for how to incorporate IPP3A, though we are not ruling out wider reviews of each of the codes in the future. While this process is limited to implementing IPP3A, we are also interested in more general comments to inform our overall approach to codes.

## How to use this information paper

---

1.12. We are proposing policy changes to reflect IPP3A in four different codes of practice. We want to make it easy for submitters to engage on general issues with IPP3A and also on each of the specific codes.

1.13. This document includes:

- general background on IPP3A;
- a high-level overview of our proposed changes to the codes;
- consultation questions about our general approach to implementing IPP3A across the codes and the minor changes proposed for the Civil Defence Code; and
- a full list of all the consultation questions we are asking across all papers.

1.14. You can also read more specific papers that discuss issues related to each of the codes where we are proposing rules to implement IPP3A and include relevant questions too:

- [Information paper 2 on the Biometric Processing Privacy Code 2025](#);
- [Information paper 3 on the Credit Reporting Privacy Code 2020](#);
- [Information paper 4 on the Health Information Privacy Code 2020](#); and
- [Information paper 5 on the Telecommunications Information Privacy Code 2020](#).

## We are proposing to amend the codes to incorporate IPP3A

---

### The BPPC, CRPC, HIPC, and TIPC should each include new rule 3A

- 1.15. If codes do not include a specific rule 3A, IPP3A applies as set out in the amended Privacy Act. We have heard through informal engagement on code amendments, as well as consultation on the IPP3A guidance, that sectors covered by the codes are seeking clarity on how IPP3A will apply.
- 1.16. Adding explicit rules on IPP3A to these codes can support greater transparency for individuals, provide clear and consistent rules for agencies, and ensure requirements are relevant and fit-for-purpose in the context of each code. We also think there would be confusion if the codes incorporated IPPs 1-13 but not IPP3A.
- 1.17. The BPPC, CRPC, HIPC, and TIPC are not the only codes of practice issued by the Privacy Commissioner. We have decided to propose rules for IPP3A to these codes given they currently incorporate all the existing IPPs. We also think these codes affect New Zealanders' privacy in significant ways, and agencies covered by them would benefit from clarity on how IPP3A applies. In particular:
- [The Biometric Processing Privacy Code \(BPPC\)](#) was issued on 21 July 2025 and came into force on 3 November 2025. Agencies already using biometrics have a nine-month grace period to move to the new set of rules in the BPPC. This transition period ends on 3 August 2026. The BPPC sets privacy rules for organisations and businesses collecting and using biometric information in biometric processing. We are proposing adding a rule to clarify how IPP3A applies in this context.
  - [The Credit Reporting Privacy Code \(CRPC\)](#) replaces the information privacy principles with specific rules for credit reporters who hold a large amount of personal information about many New Zealanders, much of it from publicly available sources. We are proposing adding a rule to clarify how IPP3A applies in this context.

- [The Health Information Privacy Code \(HIPC\)](#) deals with sensitive health information and some of its rules require a higher level of transparency and authorisation than the Privacy Act. We are proposing adding a rule to clarify how IPP3A applies in this context.
- [The Telecommunications Information Privacy Code \(TIPC\)](#) applies to the very broad category of telecommunications information and covers the very large amounts of personal information which are transmitted digitally. We are proposing adding a rule to clarify how IPP3A applies in this context.

1.18. The Justice Sector Unique Identifier Code 2020 and Superannuation Schemes Unique Identifier Code 2020 only modify the application of IPP13, which relates to [unique identifiers](#). We considered these codes as out of scope given they only modify IPP13, leaving the other IPPs and their exceptions to apply as laid out in the Privacy Act.

## Our normal practice is to publish submissions

---

- 1.19. Our normal practice is to publish submissions on our code proposals, including amendments. We do not identify submitters who are individuals or publish contact details, but we do normally identify organisations that have made submissions.
- 1.20. If there is any reason why we should **not** publish all or part of your submission or if we should not identify you (if you are an organisation), please state this clearly when you make your submission, and let us know why this is important to you.

## We have tested our approach in informal engagement

---

1.21. In late 2025 we carried out targeted informal engagement with stakeholders to test our initial thinking on the approach to IPP3A and the codes we were thinking about amending. At the time this did not include the BPPC. Now that the BPPC has come into force we are proposing to amend that code as well. This information paper reflects the preliminary feedback we received. We think that [our guidance on IPP3A](#), which we published after this engagement, also addresses some of the questions and issues which were raised with us.

## Technical amendments to fix errors and update drafting

- 1.22. The Civil Defence Code modifies IPPs 2, 10, 11, and 12. While we initially included this code in our work programme, we heard through informal engagement there may be greater benefit in leaving this code unaltered. After considering this, and carrying out further policy work, we agree as this code exists for specific listed purposes and to prevent agencies acting in a risk-averse manner when sharing information during times of national emergency. However, there is a formatting error we would like to fix in clause 6(1)(c) of the Civil Defence Code and we have prepared a draft Amendment to resolve this.
- 1.23. We are proposing minor and technical changes to the HIPC, TIPC and CRPC as a result of the Statutes Amendment Act 2025, which amended IPP12. These proposed changes to rule 12 in each code mirror the change to IPP12.
- 1.24. We are also proposing minor changes to codes to update language and align to changes in legislation (for example where agencies have been disestablished or have different names from those in a code).
- 1.25. Lastly, we are also proposing to change the heading for rule 3 in each of the codes to “collection of information from individual concerned”, to align to the Privacy Amendment Act 2025 and more clearly differentiate IPP3 requirements from IPP3A.

## Approach: include IPP3A exceptions and align to existing rules

### We think most IPP3A exceptions should apply in each code

1.26. Like the other IPPs, IPP3A provides for exceptions to cover situations where other important or practical considerations might mean the need to notify about an indirect collection should not apply. Our starting point is that the IPP3A exceptions should generally apply in each code, depending on the particular code, and unless there is a good reason for them not to. **Table 1** sets out which IPP3A exceptions we propose to include in each code.

**Table 1: IPP3A exceptions we propose to include in each code**

IPP3A exception <sup>A</sup>	HIPC	TIPC	CRPC	BPPC
3A(3) The individual is already aware	✓	✓	✓	✓
3A(4)(a) No prejudice to the individual	✓ <sup>B</sup>	✓	✓	✗ <sup>C</sup>
3A(4)(b) Publicly available	✓	✓	✓	✗ <sup>D</sup>
3A(4)(c) Maintenance of the law	✓ <sup>E</sup>	✓ <sup>F</sup>	✓	✓
3A(4)(d) Prejudice to purposes of collection	✓ <sup>B</sup>	✓	✓	✓
3A(4)(e) Not reasonably practicable	✓	✓	✓	✗ <sup>G</sup>
3A(4)(f) Serious threat to health or safety	✓	✓	✓	✓
3A(4)(g) Will not identify the individual	✓ <sup>H</sup>	✓	✓	✓ <sup>I</sup>
3A(5) Public interest archiving	✗	✗ <sup>J</sup>	✗	✓ <sup>K</sup>
3A(6) Defence and international relations	✗	✓	✓	✓
3A(7) Trade secrets and commercial position	✗	✗	✓	✓

- A:** Numbering here is based on IPP3A in the Privacy Amendment Act, numbering in codes will differ.
- B:** We propose to raise the threshold for this exception to mirror existing rule 3 in the HIPC.
- C:** We are proposing to exclude 3A(4)(a) to align with the approach in rule 3 of the BPPC.
- D:** We are proposing to exclude 3A(4)(b) to align with the approach in rule 3 of the BPPC.
- E:** We are proposing the maintenance of the law exception under the HIPC would be narrowed to apply to investigation and prosecution of offences only, consistent with other rules under the HIPC.
- F:** We are proposing to limit this exception to reflect those in rule 3 of the TIPC.
- G:** We are proposing not to include this exception for consistency with rule 3 of the BPPC.
- H:** We are proposing to include this exception in the HIPC, but to amend it to address any ethics approval requirements for research requirements in line with rule 3 of the HIPC.
- I:** We propose only including 3A(4)(g)(ii) (statistical and research purposes) in the BPPC because biometric information cannot otherwise be used in a form in which does not identify the individual (the other exception in 3A(4)(g)(i)).
- J:** We are proposing to exclude 3A(5) from the TIPC but are consulting on whether there are relevant use-cases which apply to universities which are included as “network operators”.
- K:** We are proposing to include 3A(5) in the BPPC, because we think there are potential use-cases for biometric processing in the GLAM sector and the context of public interest archiving.

## We also propose to align to existing rules in each code

- 1.27. Each code has specific rules tailored to the types of personal information and the agencies covered by the code, and some of these rules differ from IPP3A.
- 1.28. We are proposing to align the rule 3A exceptions in each code to the familiar exceptions and rules in that code, particularly to the relevant rule 2 (which says when information does not need to be collected directly from the individual concerned) and rule 3 (which sets out requirements to inform the individual concerned about direct collection). We consider there is a relationship between relying on an exception to IPP2 to allow for collection from a source other than the individual and the notification to the individual of that indirect collection; in some cases, the same rationale for an exception in IPP2 may apply to IPP3A. Likewise, we have considered the policy intent for rule 3 in each code (and any relevant policy differences from IPP3) to inform the policy for creating rule 3A in each case, given they are both transparency obligations related to collecting personal information, from different sources.

1.29. For more detail, see the code-specific information papers which are linked above.

**We are not proposing bespoke exceptions beyond aligning to IPP3A and relevant rules in each code**

1.30. The aim of this process is to align each of the codes with IPP3A while providing clear and consistent rules in each code. We consider bespoke exceptions are likely to be out of scope.

## **General questions on which, if any, codes we need to amend**

**G1. Do you agree that code amendments are desirable or needed to implement IPP3A?**

**G2. Do you agree with our proposal to consider code amendments to implement IPP3A for the BPPC, CRPC, HIPC, and TIPC but not for other codes?**

**G3. Do you agree with our proposed amendment to fix the error in clause 6(1)(c) and (d) of the Civil Defence Code?**

**G4. Do you agree with our proposed approach to technical amendments and updated drafting across the codes in scope? You may wish to comment on:**

- **Changes in response to the Statutes Amendment Act 2025.**
- **Changes to the rule 3 headings in each code to align with the Privacy Amendment Act 2025.**
- **Other technical changes to update language and align with terms in legislation.**

## **Questions on the approach to exceptions and existing rules**

**G5. Do you agree with our proposed approach to implementing IPP3A?**

**G6. Although we are not currently looking at wider amendments to the codes, are there any other comments you want to provide on the codes beyond IPP3A?**

# Information Paper 2 of 5

## Adding a new rule 3A to the Biometric Processing Privacy Code 2020

---

We are proposing to add a new rule 3A to the Biometric Processing Privacy Code, as set out in the draft code accompanying this information paper.

- [Amendment No 1 to the Biometric Processing Privacy Code 2025](#) (opens to PDF).
- [Biometric Processing Privacy Code 2025 with changes marked up](#) (opens to PDF).

### Other information papers available:

- [General Information Paper](#) (opens to PDF).
- [CRPC Information Paper](#) (opens to PDF).
- [HIPC Information Paper](#) (opens to PDF).
- [TIPC Information Paper](#) (opens to PDF).

### The BPPC applies to biometric information collected for biometric processing

- 1.1. The BPPC recently came into force on 3 November 2025. Agencies who already used biometrics on 3 November have a nine-month grace period to move to the new set of rules by 3 August 2026. These agencies are still subject to the IPPs (which will include the new IPP3A from 1 May 2026).

- 1.2. The BPPC replaces IPPs 1-13 and applies to all agencies – businesses, government agencies, NGOs – that collect biometric information for biometric processing. It applies to biometric information and to the activity of biometric processing by a biometric system. It defines what is meant by biometric information, biometric processing, and biometric systems. [We have also developed guidance on complying with the BPPC.](#)
- 1.3. Other agencies that have started using biometrics since 3 November 2025 or are considering new uses of biometrics are subject to the BPPC.
- 1.4. The development of the BPPC was the result of engagement with a wide range of stakeholders over a number of years. We acknowledge significant stakeholder engagement and interest in the development of the BPPC.
- 1.5. We were not able to consider how to include IPP3A when we developed the BPPC. Codes of practice can only implement the IPPs. IPP3A is established by the Privacy Amendment Act which became law on 3 September 2025, after the BPPC was issued on 21 July 2025.
- 1.6. Because the BPPC replaces the other 13 IPPs, we also think it is important to include a rule 3A which implements IPP3A in the context of this code. If the BPPC did not include a rule 3A, the general requirements and exceptions under IPP3A would apply, and we think this would be more confusing and harder for agencies to comply with.
- 1.7. By adding rule 3A into the BPPC, we can ensure the exceptions are fit for purpose in the biometric processing context. We are proposing to implement the intent of IPP3A while aligning to the existing BPPC requirements, particularly under rules 2 and 3. This should make it as easy as possible for agencies that are meeting their rule 3 responsibilities to comply with notification requirements under the new rule 3A too.
- 1.8. [Table 1 in the general information paper](#) (opens to PDF) outlines the exceptions we are proposing to bring over from IPP3A into the BPPC.

1.9. The table below outlines issues that are more specific to the BPPC, including how we are proposing to incorporate some of the existing exceptions in other rules. We are keen to hear from stakeholders on these specific exceptions, as well as the wider exceptions in [Table 1 in the general information paper](#) (opens to PDF).

### Proposed approach to issues under the BPPC

Issue	Proposed approach
<b>No notification required where an individual has already been made aware of the indirect collection – IPP3A(3)</b>	We are proposing rule 3A would bring in the general exception under IPP3A(3) which applies where an individual has already been made aware of the specific indirect collection. We think this is consistent, clear, and balanced; and is likely to be a commonly relied upon exception.
<b>No prejudice to the individual – IPP3A(4)(a)</b>	We do not propose to include this exception in the BPPC as the equivalent exception in IPP3 was not carried through into rule 3 of the BPPC
<b>Information is publicly available – IPP3A(4)(b)</b>	We do not propose to include this exception in the BPPC as the equivalent exception in IPP3 was not carried through into rule 3 of the BPPC.
<b>Non-compliance is necessary – IPP3A(4)(c)</b>	We propose to include this exception in the BPPC as it is consistent with IPP3A and rule 3.
<b>Compliance would prejudice the purposes of collection – IPP3A(4)(d)</b>	We propose to include this exception in the BPPC as it is consistent with IPP3A and rule 3.

Issue	Proposed approach
<b>Compliance is not reasonably practicable in the circumstances – IPP3A(4)(e)</b>	<p>We are not proposing to include the IPP3A ‘not reasonably practicable’ exception in BPPC rule 3A. This is because the same exception has not been incorporated into rule 3 of the BPPC, to reflect the sensitivity of biometric information. We think that where an agency is indirectly collecting biometric information, this is best supported by the 3A(3) requirement which requires steps to make the individual concerned aware.</p> <p>We further believe there could be regulatory confusion if rule 3A includes a ‘not reasonably practicable’ exception where rule 3 does not, and that agencies which are meeting their rule 3 obligations will also be able to comply with rule 3A.</p>
<b>Serious threat to health or safety – IPP3A(4)(f)</b>	<p>We propose to include this exception in the BPPC. We can see use cases where this exception might be relevant (e.g. to prevent notification to an individual whose biometric information is shared where that person may cause harm to another person or public health).</p>
<b>De-identified or statistical and research purposes – IPP3A(4)(g)</b>	<p>We are proposing to include this exception, but to narrow it to the use of statistical or research purposes that will not be published in a form that could reasonably be expected to identify the individual concerned.</p> <p>This is narrower than IPP3A(4)(g), which includes an exception where the information will not be used in a form in which the individual concerned is identified. This is because biometric information relating to a particular individual will identify them.</p>

Issue	Proposed approach
<p><b>Public interest archiving – IPP3A(5)</b></p>	<p>We are proposing to include an exception based on IPP3A(5) into the BPPC. This exception relates largely to the GLAM<sup>1</sup> sector but applies more broadly to agencies that collect personal information for the purpose of determining whether the information is of enduring value for general public interest and should be archived for public reference, study, or exhibition.</p> <p>We believe there are potential use-cases for biometric processing in the GLAM and archiving in the public interest context. For example, where agencies are using biometric processing in working with archived images or recordings of people.</p>
<p><b>Security and defence – IPP3A(6)</b></p>	<p>We are proposing to include this exception because the BPPC is not sector-specific but applies to biometric information collected for biometric processing across all sectors, and we could see hypothetical use cases where this exception would be relevant. However, as intelligence and security agencies are excluded from IPP3A and from the BPPC, we are interested in hearing from stakeholders on whether there are use-cases and whether this exception is needed.</p>
<p><b>Disclosure of trade secret or prejudice commercial position – IPP3A(7)</b></p>	<p>We propose to include this exception in the BPPC. Similar to our proposed approach for IPP3A(6), given the BPPC is not sector-specific, we are keen to hear how IPP3A(7) could apply in the BPPC context.</p>

---

<sup>1</sup> Galleries, Libraries, Archives, and Museums.

Issue	Proposed approach
<b>Conspicuous notice – rule 3(3)(b)</b>	<p>In the biometrics context, a sufficiently clear and detailed conspicuous notice for rule 3 purposes may also satisfy the requirements of the IPP3A(3) exception we propose to include. We are proposing to align this rule 3A exception with the existing language under rule 3(3)(b). We believe it is important to explicitly state that the clear and conspicuous communication needs to tell the individual which agencies would indirectly collect biometric information to fit within this exception.</p>
<b>Timing of notification</b>	<p>We are proposing to align the timing to existing requirements in BPPC rule 3.</p>
<b>Notice of alternatives – rule 3(c)</b>	<p>We think that it makes sense to include the requirement to notify individuals of any alternatives available to them if the agency indirectly collecting their biometric information will conduct biometric processing of that biometric information. This requirement does not mean that an agency needs to provide an alternative. It only requires them to advise the individual whether or not there is an alternative available. To exercise any alternative options to the processing of biometric information indirectly collected, the person needs to know about it.</p>
<b>Information rule 3A will apply to – rule 3A(10)</b>	<p>The BPPC provides a staggered commencement date, depending on whether an agency was undertaking biometric processing on 3 November 2025. This approach has been followed for the amendment, which means the new rule 3A, and the information it relates to, will also apply at different times, depending on when the BPPC applies to that agency's activity.</p>

## Questions on proposed rule 3A for the BPPC

### **B1. Do you agree with our proposed approach to exceptions as set out above?**

We are keen to hear from stakeholders to understand if what we have proposed meets the intent of IPP3A and is workable and is consistent with existing exceptions under the BPPC. You can comment on one, a few, or all points we have identified, as well as points you think we may have missed. If you disagree with a proposed approach, it would be useful if you can provide detail or evidence, such as describing a specific situation, about why you disagree. This will help us to consider whether we need to make changes to what we are proposing to incorporate into the BPPC.

### **B2. Are there tikanga Māori perspectives that we should consider?**

Section 21(c) of the Privacy Act requires the Privacy Commissioner to take account of cultural perspectives on privacy. We are aware of the sensitive nature of biometric information. We are particularly interested in hearing about potential interactions with what we are suggesting and tikanga Māori perspectives.

### **B3. Are there other cultural perspectives that we should consider?**

We are also interested in hearing other cultural perspectives on what we are proposing and how these may be considered when incorporating IPP3A into the BPPC.

# Information Paper 3 of 5

## **Adding a new rule 3A to the Credit Reporting Privacy Code 2020**

---

We are proposing to add a new rule 3A to the Credit Reporting Privacy Code, as set out in the draft code accompanying this information paper.

- [Amendment No 1 to the Credit Reporting Privacy Code 2020](#) (opens to PDF).
- [Credit Reporting Privacy Code 2020 with changes marked up](#) (opens to PDF).

### **Other information papers available:**

- [General Information Paper](#) (opens to PDF).
- [BPPC Information Paper](#) (opens to PDF).
- [HIPC Information Paper](#) (opens to PDF).
- [TIPC Information Paper](#) (opens to PDF).

### **The CRPC applies specific rules for credit reporters**

- 1.1. The CRPC replaces the information privacy principles and applies specific rules to credit reporters such as Centrix, Equifax and illion. It also details what is defined as credit information. This definition is wide and includes personal information. Most of this personal information is collected indirectly from sources other than the individual concerned, including publicly available sources.

- 1.2. We have heard through informal engagement that there is concern around the notification requirement which could apply to reporters if IPP3A is incorporated into the CRPC given the sheer volume of indirect collection that takes place. We believe if a credit reporter is already meeting its obligations under rule 3 of the CRPC then incorporating IPP3A should not cause an undue burden on credit reporters. We acknowledge there needs to be an appropriate balance between transparency and workability of IPP3A in the CRPC. We [also believe our final guidance on IPP3A](#) will help to address concerns about who would be required to inform the individual about the indirect collection of personal information.<sup>1</sup>
- 1.3. [Table 1 in the general information paper](#) (opens to PDF) outlines the exceptions we are proposing to bring over from IPP3A.
- 1.4. We are also proposing technical changes to update language and align to changes in legislation where relevant.
- 1.5. The table below outlines issues specific to the CRPC where we want to hear views from stakeholders in the credit reporting space.

---

<sup>1</sup> Particularly as it relates to IPP3A(3) and the agency dealing with the person directly must notify the individual of the IPP3 matters.

## Proposed approach to issues under the CRPC

Issue	Proposed approach
<b>No notification required where an individual has already been made aware of the indirect collection – IPP3A(3)</b>	We are proposing rule 3A would bring in the general exception under IPP3A(3) which applies where an individual has already been made aware of the specific indirect collection. We think this is consistent, clear, and balanced; and is likely to be a commonly relied upon exception.
<b>No prejudice to the individual – IPP3A(4)(a)</b>	We propose to include this exception in the CRPC as it is included in current rule 3 and IPP3A. We would like to hear from submitters whether they think this exception is likely to be relevant in the credit information context.
<b>Information is publicly available – IPP3A(4)(b)</b>	We propose to include this exception in the CRPC as during our informal engagement with stakeholder we heard that publicly available information is an important source of information for credit reporters and removing this exception would be unworkable in the context.
<b>Non-compliance is necessary – IPP3A(4)(c)</b>	We propose to include this exception in the CRPC as it is included in current rule 3 and IPP3A.
<b>Compliance would prejudice the purposes of collection – IPP3A(4)(d)</b>	We propose to include this exception in the CRPC as it is included in current rule 3 and IPP3A.
<b>Compliance is not reasonably practicable in the circumstances – IPP3A(4)(e)</b>	We propose to include this exception in the CRPC as it is included in the current rule 3 and IPP3A.
<b>Serious threat to health or safety – IPP3A(4)(f)</b>	We propose to include this exception in the CRPC although we expect it is unlikely to be relevant very often given the narrow definition of credit information

Issue	Proposed approach
<b>De-identified or statistical and research purposes – IPP3A(4)(g)</b>	We propose to include this exception in the CRPC as it is included in the current rule 3 and IPP3A.
<b>Public interest archiving – IPP3A(5)</b>	We do not propose to include this in the CRPC as public interest archiving is not an activity undertaken by this sector.
<b>Security and defence – IPP3A(6)</b>	We propose to include this exception in the CRPC and are interested in submissions on that approach.
<b>Disclosure of trade secret or prejudice commercial position – IPP3A(7)</b>	We propose to include this exception in the CRPC and are interested in submissions on that approach.

**Schedule 3 – Subscriber agreements**

Schedule 3 of the CRPC requires a credit reporter enter into a subscriber agreement with its customer (the “subscriber”).<sup>2</sup> This must include provisions requiring the subscriber to notify an individual when the subscriber is collecting information to disclose to the credit reporter (i.e. an indirect collection by the credit reporter).

As the CRPC does not apply to the subscribers themselves, how these contractual obligations in Schedule 3 are undertaken is between each subscriber and the credit reporter. We cannot receive complaints about a subscriber failing to comply with any terms in a subscriber agreement.

We heard some views during informal engagement, including that the IPP3A(1) matters should be added into the Schedule 3 and to not incorporate IPP3A into the CRPC itself. This would effectively shift the obligation solely to the direct collecting subscribers. We do not believe this meets the policy intent behind IPP3A which is to require notification of indirect collection of personal information other than from the individual concerned.

We also think the general IPP3A(3) exception will apply where credit reporters are already ensuring their subscribers are complying with this requirement in their subscriber agreements well and subscribers are notifying individuals of direct and indirect collection of credit information.

Issue	Proposed approach
<p><b>Conspicuous display of purposes – rule 3(2)</b></p>	<p>Rule 3(2) of the CRPC requires a credit reporter to conspicuously display on their website a statement setting out the purposes for which it collects credit information and the purposes for which the information will be used and disclosed.</p> <p>Although rule 3(2) could be read as covering the intent of IPP3A, we believe for sector clarity that a similar requirement is added to rule 3A to explicitly state that the conspicuous display should also state how indirect credit information will be collected.</p>

---

<sup>2</sup> A **subscriber** is defined as an agency that has entered into a subscriber agreement with a credit reporter. A **subscriber agreement** is a written agreement providing a subscriber with access to credit information held by the credit report that complies with Schedule 3.

## Questions on proposed rule 3A for the CRPC

### **C1. Do you agree with our proposed approach to exceptions as set out above?**

We are keen to hear from stakeholders to understand if what we have proposed meets the intent of IPP3A and is workable and is consistent with existing exceptions under the CRPC. You can comment on one, a few, or all points we have identified, as well as points you think we may have missed. If you disagree with a proposed approach, it would be useful if you can provide detail or evidence, such as describing a specific situation, about why you disagree. This will help us to consider whether we need to make changes to what we are proposing to incorporate into the CRPC.

### **C2. Do you agree with the proposed approach to drafting including technical and language changes?**

# Information Paper 4 of 5

## Adding rule 3A to the Health Information Privacy Code 2020 (HIPC)

We propose a new rule 3A in the Health Information Privacy Code, as set out in the documents published with this paper.

- [Amendment No 2 to the Health Information Privacy Code 2020](#) (opens to PDF).
- [Health Information Privacy Code 2020 with changes marked up](#) (opens to PDF).

### **Other information papers available:**

- [General Information Paper](#) (opens to PDF).
- [BPPC Information Paper](#) (opens to PDF).
- [CRPC Information Paper](#) (opens to PDF).
- [TIPC Information Paper](#) (opens to PDF).

### **The HIPC sets rules for health information and agencies**

- 1.1. The HIPC sets specific rules for health information and health agencies. This is the largest individual sector currently covered by any code, and given the sensitive nature of health information, strong privacy safeguards are expected for health agencies. However, rules for the health sector also need to support timely and effective care for individuals who require health services.

## We think health agencies can comply with rules on IPP3A

- 1.2. During informal engagement, one of the main concerns we heard about including IPP3A rules in the HIPC was the potential for high administrative burdens and costs, as indirect collection is common when people seek and receive healthcare. For example, a general practitioner may refer an individual to a specialist for follow up care or may receive discharge notes from a hospital that one of their enrolled patients attended. When the general practitioner refers an individual to the specialist, the specialist will be indirectly collecting information about the individual. If the specialist then shares any further information the general practitioner after seeing that individual, the general practitioner is also indirectly collecting information.
- 1.3. We understand concerns about the potential for administrative burdens. However, we think that agencies meeting existing rule 3 obligations will likely be able to comply, and on balance adding a new HIPC rule 3A will make it easier for health agencies to comply by allowing us to consider specific exceptions or requirements in the health context. We also consider that disapplying IPP 3A from the HIPC would not meet health consumer or community expectations. Our draft amendment includes the IPP3A(3) exception which means notification will not be needed where an individual has already been made aware of an indirect collection. Finally, our [full guidance on IPP3A](#) will clarify many of the issues initially raised to us. We also think the health sector would benefit from specific guidance and we will prioritise this in our programme of guidance work.

## We are proposing to include exceptions drawn from IPP3A and aligned to the existing rules 2 and 3 under the HIPC

- 1.4. As set out in [Table 1 in the general information paper](#), we are proposing that new HIPC rule 3A would include all of the general IPP3A exceptions except those relating to public interest archiving, defence and international relations, and trade secrets or commercial position. We think these three exceptions are unlikely to be relevant in the HIPC.

- 1.5. We are also proposing to draw on existing health-specific exceptions found in rules 2 and 3 of the HIPC. We think this will make the rules for health agencies more consistent and easier to comply with.
- 1.6. The table below provides our proposed approach to how we intend to incorporate IPP3A into the HIPC, the exceptions we propose to include in the HIPC, and consultation questions to test our approach with stakeholders. We refer to the IPP3A exceptions with the numbering as set out in the Privacy Amendment Act, but the numbering of relevant provisions in the draft HIPC amendment will be different from that under IPP3A. For clarity, we have tried to align the numbering for rule 3A exceptions to the numbering for relevant exceptions in rule 3.
- 1.7. We are also proposing changes to update the language in the HIPC and align rule 12 to IPP12 as amended by the Statutes Amendment Act.

### Proposed approach to IPP3A exceptions

Issue	Proposed approach in HIPC rule 3A
<b>Treatment of IPP3A(1)(d)(i): requirement to make the individual aware of the name of the agency that has collected the information</b>	<p>Some health agencies raised concerns that if other health agencies who are collecting information directly are going to make people aware of IPP3A matters on their behalf, the direct collecting health agency will not be able to name every single agency they intend on sharing the information with, and so the indirect collecting agency will not be able to rely on this exception.</p> <p><a href="#">Our finalised guidance on IPP3A(1)(d)(i) provides more detail</a> about how this requirement applies. We believe the guidance addresses this concern and are proposing to align rule 3A(1)(d)(i) to the existing wording of rule 3 in the HIPC.</p>

Issue	Proposed approach in HIPC rule 3A
<b>No notification required where an individual has already been made aware of the indirect collection – IPP3A(3)</b>	<p>We are proposing rule 3A would bring in the general exception under IPP3A(3) which applies where an individual has already been made aware of the specific indirect collection. We think this is consistent and is likely to be a useful exception for the health sector to rely upon, so excluding it would likely have significant impacts for the sector.</p>
<b>No prejudice to the individual – IPP3A(4)(a)</b>	<p>The IPP3A exception applies where non-compliance would not prejudice the interests of the individual. We propose to include the IPP3A exception but raise the threshold to “compliance would prejudice the interests of the individual” to align with the existing exception in HIPC rule 3. This reflects the increased sensitivity of health information and the importance of transparency. We think it would be unusual to have the exception apply with different thresholds within the same code on the basis of some information being collected directly and some indirectly.</p>
<b>Information is publicly available – IPP3A(4)(b)</b>	<p>We are proposing to include this exception into the HIPC as it aligns with an allowed source of indirect collection under rule 2.</p>

Issue	Proposed approach in HIPC rule 3A
<p><b>Non-compliance is necessary – IPP3A(4)(c)</b></p>	<p>We propose to include the IPP3A exception but narrowed to align to HIPC rule 3, which only provides an exception to notification on the basis of the prevention, detection, prosecution and punishment of offences.</p> <p>We are not proposing to include the rule 2 exceptions where the information was collected indirectly for the purposes of enforcing a law that imposes a financial penalty, protection of public revenue, and conduct of court/tribunal proceedings. We think that it is clearer and more consistent to align this provision to the narrower grounds in rule 3. The exceptions in IPP2 provide for collecting information from a source other than the individual, and we could see the other exceptions may be relevant in that context. We consider that it is unlikely that the public revenue and court proceedings exceptions would be relevant or justify not notifying an individual of the indirect collection of health information by a health agency. We are interested in hearing from stakeholders on this approach.</p>
<p><b>Compliance would prejudice the purposes of collection – IPP3A(4)(d)</b></p>	<p>We are proposing to include this exception in the HIPC as it is included in both rule 3 and IPP3A.</p>
<p><b>Compliance is not reasonably practicable in the circumstances – IPP3A(4)(e)</b></p>	<p>We are proposing to include this exception in the HIPC as it is included in both rule 3 and IPP3A.</p>

Issue	Proposed approach in HIPC rule 3A
<b>Serious threat to health or safety – IPP3A(4)(f)</b>	<p>We propose to include this IPP3A exception. In the health context, this may be important to allow for agencies to respond to situations, for example, another individual’s mental health crisis or risk of infectious disease. The Privacy Amendment Act includes a health-related example as an illustration of how this exception could apply. We are proposing to include this example in the HIPC for consistency.</p>
<b>De-identified or statistical and research purposes – IPP3A(4)(g)</b>	<p>We are proposing to include this exception, but with changes to align it with the equivalent exception in rule 3 so that where ethics approval is required for research, it must have been granted.</p>
<b>Public interest archiving – IPP3A(5)</b>	<p>We do not see a need for this exception in the health agency and health information context as we do not think it is likely to be relevant. We would like to hear if you disagree.</p>
<b>Security and defence – IPP3A(6)</b>	<p>We do not see a need for this exception in the health agency and health information context as we do not think it is likely to be relevant. We would like to hear if you disagree.</p>
<b>Disclosure of trade secret or prejudice commercial position – IPP3A(7)</b>	<p>We do not see a need for this exception in the health agency and health information context as we do not think it is likely to be relevant. We would like to hear if you disagree.</p>

## Proposed approach to specific issues under the HIPC

Issue	Proposed approach in HIPC rule 3A
<b>Handling of notifications to representatives under rule 3A</b>	<p>The HIPC recognises representatives of individuals may exercise some rights on behalf of an individual in respect of the individual's health information where the individual cannot give their authority or exercise their own rights.<sup>1</sup> If an agency collects information from a representative for an individual (such as an attorney acting under an enduring power of attorney or a welfare guardian), the collection is a direct collection under rule 3 and would not be covered by rule 3A.</p> <p>We propose to align rule 3A with rule 3, requiring a health agency to take reasonably practicable steps to notify the individual or the individual's representative, if there is one, when the agency has indirectly collected information about the individual from someone other than the individual themselves or their HIPC representative.</p>

---

<sup>1</sup> Under the HIPC a **representative** is an individual's personal representative (if the individual is dead), an individual's parent or guardian (if the individual is under 16) or for any other individual otherwise unable to give their consent or authority, or exercise their rights, a person appearing to be lawfully acting on the individual's behalf in the individual's interests. This definition differs from the Privacy Act, which does not define who an individual's representative may be.

Issue	Proposed approach in HIPC rule 3A
<p><b>Treatment of health information privacy statements for rule 3A purposes</b></p>	<p>In early engagement, we heard that some agencies wanted an additional exception to treat health information privacy statements given by agencies under rule 3 as automatically satisfying any rule 3A requirements. This would be a broadening of the current IPP3A(3).</p> <p>We do not agree with this proposal. We are not proposing a broader exception allowing agencies to rely on a general health information privacy statement to avoid notification requirements under proposed rule 3A. We think such an exception would not be consistent with other requirements under the HIPC, which generally require a higher level of authorisation than the IPPs. We think this would risk undermining the policy intent of IPP3A to make indirect collections more transparent and would ultimately create compliance risks for health agencies if they rely on very generally stated and potentially out of date statements for compliance with HIPC requirements.</p> <p><a href="#"><u>OPC has created guidance about compliance with IPP3A through privacy statements that will be relevant and useful in the HIPC context too.</u></a></p>

Issue	Proposed approach in HIPC rule 3A
<b>Authorised collection – rule 2(2)(a)</b>	<p>HIPC rule 2(2)(a) currently does not require direct collection if the individual or their representative has been made aware of the matters under rule 3(1) and authorises the collection.</p> <p>We propose to amend this to refer to rule 3A(1), as we consider that the original rule 2(2)(a) was a method of adding additional transparency obligations to indirect collections. The difference is that rule 3A(1) will not require notification of whether the supply of information is voluntary or mandatory and any consequences for non-compliance. We think this makes more sense. Indirect collection does not require steps to notify the individual about compliance as they are not supplying the information.</p>

Issue	Proposed approach in HIPC rule 3A
<p><b>Collecting information for family or genetic history – rule 2(2)(e)</b></p>	<p>HIPC rule 2 allows for an indirect collection of information for the purpose of assembling a family or genetic history. This means that a health agency can collect information about family members from the individual providing their family or genetic history, rather than requiring it to be collected from those family members directly. Because this is an indirect collection of those family members' personal information, rule 3 requirements do not apply. We are proposing to include this exception in rule 3A, so that family members of individuals who provide their family history to health agencies do not get notified that the information has been collected.</p> <p>We are proposing to include this exception for consistency with rule 2, which permits collection other than from the individual, and for practical reasons. Individuals routinely share information about their genetic and family history in order to inform treatment decisions about themselves. We believe it would be unexpected and unnecessary for every family member to be told by a health agency that their information was provided to them by the patient, when the family members may not have any relationship with the health agency and the health agency has only collected the information because of its relevance to the patient.</p> <p>We recognise that there may be tikanga concerns and other potential cultural concerns which we are keen to hear about in consultation. There may be cultural considerations which oppose the inclusion of this exception, as it means the other people who this information relates to would not be informed by a health agency about the collection of family history or genetic information from their family member.</p>

## Questions on the proposed rule 3A for the HIPC

### H1. Do you agree with our proposed approach to exceptions as set out above?

We are keen to hear from stakeholders to understand if what we have proposed meets the intent of IPP3A, is workable for the health sector, and is consistent with existing exceptions in the HIPC. You can comment on one, a few, or all points we have identified, as well as points you think we may have missed. If you disagree with a proposed approach, it would be useful if you can provide detail or evidence, such as describing a specific situation, about why you disagree. This will help us to consider whether we need to make changes to what we are proposing to incorporate into the HIPC.

### H2. Are there tikanga Māori perspectives that we should consider?

Section 21(c) of the Privacy Act requires the Privacy Commissioner to take account of cultural perspectives on privacy. We are aware of the sensitive nature of health information. We are particularly interested in hearing about potential interactions with what we are suggesting and tikanga Māori perspectives.

### H3. Are there other cultural perspectives that we should consider?

We are also interested in hearing other cultural perspectives on what we are proposing and how these may be considered when incorporating IPP3A into the HIPC.

### H4. Do you agree with the proposed approach to drafting, including technical and language changes?

While we are proposing amendments to implement IPP3A, we also have the opportunity to make technical changes to update the language of the code including references to terms which have changed due to changes in legislation.

# Information Paper 5 of 5

## Adding rule 3A to the Telecommunications Information Privacy Code 2020 (TIPC)

---

We propose a new rule 3A in the Telecommunications Information Privacy Code, as set out in the documents published with this paper.

- [Amendment No 2 to the Telecommunications Information Privacy Code 2020](#) (opens to PDF).
- [Telecommunications Information Privacy Code 2020 with changes marked up](#) (opens to PDF).

### Other information papers available:

- [General Information Paper](#) (opens to PDF).
- [BPPC Information Paper](#) (opens to PDF).
- [CRPC Information Paper](#) (opens to PDF).
- [HIPC Information Paper](#) (opens to PDF).

### The TIPC sets rules for telecommunications information

- 1.1. The TIPC covers telecommunications agencies and telecommunications information to ensure the protection of individuals' privacy. It covers a broad range of agencies involved in enabling telecommunications, including specified network operators, Internet service providers, a call centre which provides call centre services on contract to another agency, or a mobile telephone retailer, among others.

1.2. It also includes Schedule 4, which provides specific rules for the use of location information to help support emergency responses, and those rules apply to agencies including relevant emergency service providers. We recently issued Amendment No 1 to the TIPC, which focuses on Schedule 4 and came into effect on 8 December 2025. For more information you can read [our website on the Telecommunications Information Privacy Code](#), which includes information on these changes.

## We are proposing to include exceptions drawn from IPP3A and aligned to the existing rules 2 and 3 under the TIPC

1.3. In informal engagement on IPP3A, we have heard that the exceptions in the legislation are generally fit-for-purpose, and it would be beneficial to incorporate IPP3A into the TIPC. We agree. We are proposing to carry over many of the IPP3A exceptions as well as relevant exceptions in Rules 2 and 3 of the TIPC. [Table 1 in the general information paper](#) (opens to PDF) outlines the exceptions we are proposing to bring over from IPP3A.

1.4. These proposed changes will not affect Schedule 4 of the Code. They do not apply to emergency location information and the specific rules set in Schedule 4 for the use of that emergency location information by agencies that support emergency responses.

1.5. The table below identifies particular issues we wish to hear about from stakeholders.

### Proposed approach to key issues under the TIPC

Issue	Proposed approach
<b>No notification required where an individual has already been made aware of the indirect collection – IPP3A(3)</b>	We are proposing rule 3A would bring in the general exception under IPP3A(3) which applies where an individual has already been made aware of the specific indirect collection. We think this is consistent, clear, and balanced, and is likely to be a commonly relied upon exception.

Issue	Proposed approach
<b>No prejudice to the individual – IPP3A(4)(a)</b>	We are proposing to include this exception in the TIPC as it is included in both existing rule 3 and IPP3A.
<b>Information is publicly available – IPP3A(4)(b)</b>	We are proposing to include this exception in the TIPC as it is included in both existing rule 2 and IPP3A.
<b>Non-compliance is necessary – IPP3A(4)(c)</b>	TIPC rule 3 does not include the general IPP3 exceptions IPP3(4)(b)(ii) (enforcement of a law imposing a pecuniary penalty) or IPP3(4)(b)(iii) (protection of public revenue). We propose not to include these exceptions in rule 3A to align with TIPC rule 3.
<b>Compliance would prejudice the purposes of collection – IPP3A(4)(d)</b>	We propose to include this exception in the TIPC as it is included in both existing rule 3 and IPP3A.
<b>Compliance is not reasonably practicable in the circumstances – IPP3A(4)(e)</b>	We are proposing to include this exception in the TIPC as it is included in both existing rule 3 and IPP3A.

Issue	Proposed approach
<p><b>Serious threat to health or safety – IPP3A(4)(f)</b></p>	<p>We are proposing to carry over the serious threat exceptions in IPP3A into TIPC rule 3A. This exception provides that an agency would not be required to comply with notification requirements if compliance would cause a serious threat to public health or safety, or the health or safety of another individual.</p> <p>This exception does not apply to Schedule 4 of the TIPC which provides specific rules for notification by emergency service providers who have accessed location information. There may be other situations where a serious threat exception to notification obligations is needed for other telecommunications information.</p>
<p><b>De-identified or statistical and research purposes – IPP3A(4)(g)</b></p>	<p>We propose to include this exception in the TIPC, as the use of de-identified information is not likely to trigger the policy concerns which notification under IPP3A is intended to address.</p>
<p><b>Public interest archiving – IPP3A(5)</b></p>	<p>Some universities are covered by the TIPC as “network operators”. We have assumed that universities are unlikely to be undertaking public interest archiving activity of telecommunications information. We have not included this exception in the draft amendment but would like to hear views from universities on whether it is needed.</p>
<p><b>Security and defence – IPP3A(6)</b></p>	<p>We propose to include this exception in the TIPC because we think it is likely that some information regulated by the code will involve sensitive material that may justify the exception.</p>

Issue	Proposed approach
<p><b>Disclosure of trade secret or prejudice commercial position – IPP3A(7)</b></p>	<p>We propose not to include this exception in the TIPC, as none of the existing TIPC rules include a similar exception, and are not aware of use-cases or situations where it would be required in the TIPC context. We are interested in submitters' views on potential use-cases.</p>
<p><b>Preventing or investigating threats to network security or integrity – aligning to TIPC rule 3</b></p>	<p>TIPC rule 3 provides an exception 3(4)(b)(iii) where non-compliance is necessary for the purpose of preventing or investigating an action or threat that may compromise network security or integrity. We propose to include this exception in rule 3A for consistency and because there will be situations where a notification requirement could undermine work to uphold network security and integrity (which in itself is important to protect privacy interests).</p>
<p><b>Interconnection or delivery of a call management system (CMS) – rule 3(4)(f)</b></p>	<p>We are proposing to carry over the rule 3(4)(f) exception to allow for interconnection or provision of a CMS. We think that it is not likely to be practical or useful to require agencies to notify individuals in respect of every interconnection event involved in use of a modern telecommunications network. We are interested in hearing from submitters whether this exception remains fit for purpose in the context of changes in technology.</p>
<p><b>Schedule 4 – Emergency location information</b></p>	<p>Indirect collection of location information and notification to individuals is already covered by Schedule 4. We think these notification requirements achieve the same purpose as rules under IPP3A for this specific context do not require amendment.</p>

## Questions on proposed changes for the TIPC

### **T1. Do you agree with our proposed approach to rule 3A and exceptions as set out above?**

We are keen to hear from stakeholders to understand if what we have proposed meets the intent of IPP3A and is workable and is consistent with existing exceptions under the TIPC. You can comment on one, a few, or all points we have identified, as well as points you think we may have missed. If you disagree with a proposed approach, it would be useful if you can provide detail or evidence, such as describing a specific situation, about why you disagree. This will help us to consider whether we need to make changes to what we are proposing to incorporate into the TIPC.

### **T2. Do you agree with the proposed approach to drafting, including technical and language changes?**