Information Paper 1 of 5

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

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), Credit Reporting Privacy Code 2020 (CRPC), Health Information Privacy Code 2020 (HIPC) and 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 themself.
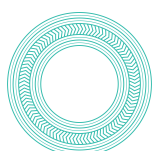
1.2. The codes in scope have 13 rules which reflect all of the existing information privacy principles (IPPs). We are proposing to add a new rule 3A to each of these codes to implement IPP3A, with exceptions that make sense in the context of the particular code of practice.

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. 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.
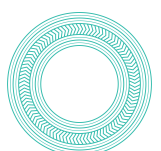
IPP3A creates new requirements for indirect collection

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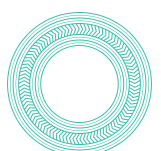
1.11. In this process we will not be reviewing the codes except for how to incorporate IPP3A, though we are not ruling out wider reviews of each of the codes in the future. While this process is limited to implementing IPP3A, we are also interested in more general comments to inform our overall approach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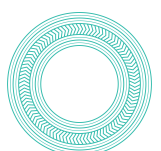
We are proposing to amend the codes to incorporate IPP3A

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.
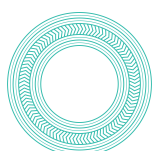
- [The Health Information Privacy Code (HIPC)](#) deals with sensitive health information and some of its rules require a higher level of transparency and authorisation than the Privacy Act. We are proposing adding a rule to clarify how IPP3A applies in this context.

- [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.
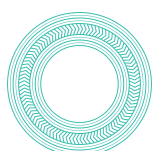
We have tested our approach in informal engagement

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.
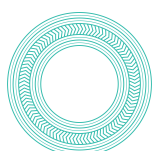
Approach: include IPP3A exceptions and align to existing rules

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[A]	HIPC	TIPC	CRPC	BPPC
3A(3) The individual is already aware	✓	✓	✓	✓
3A(4)(a) No prejudice to the individual	✓[B]	✓	✓	✗[c]
3A(4)(b) Publicly available	✓	✓	✓	✗[D]
3A(4)(c) Maintenance of the law	✓[E]	✓[F]	✓	✓
3A(4)(d) Prejudice to purposes of collection	✓[B]	✓	✓	✓
3A(4)(e) Not reasonably practicable	✓	✓	✓	✗[G]
3A(4)(f) Serious threat to health or safety	✓	✓	✓	✓
3A(4)(g) Will not identify the individual	✓[H]	✓	✓	✓[I]
3A(5) Public interest archiving	✗	✗[J]	✗	✓[K]
3A(6) Defence and international relations	✗	✓	✓	✓
3A(7) Trade secrets and commercial position	✗	✗	✓	✓
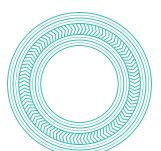
A: Numbering here is based on IPP3A in the Privacy Amendment Act, numbering in codes will differ.

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 rule3 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.
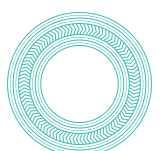
1.29. For more detail, see the code-specific information papers which are linked above.

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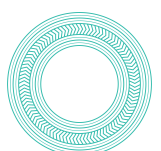
General questions on which, if any, codes we need to amend

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?