

Draft guidance on IPP3A



For consultation only – not OPC’s final position

Released 29 April 2025



The Privacy Amendment Bill is coming soon – have your say on the draft guidance

Although the Bill has not passed yet, Parliament has indicated that IPP3A will come into force on 1 May 2026, and all organisations will need to have their systems in place to meet the new requirements by then. We're aiming to have the guidance developed and published on our website to allow organisations plenty of time to implement the requirements of the new Act.

We aren't expecting to see further changes to the Bill before it passes, but if there are any changes we'll update the guidance to reflect this.

After the consultation period has ended, the guidance may change before we release the final version. This guidance is only a draft.

Guidance

One of the important changes in the Bill is adding Information Privacy Principle (IPP)3A. We've developed some draft guidance for organisations on the requirements of IPP3A, which is now ready for targeted engagement.

The draft guidance is in a PDF format for the purpose of consultation, but it will be published as web content once it's finalised.

We've tried to keep the language as simple as possible while still aligning to the wording of the Bill. Let us know if anything isn't clear.

Have your say on the draft IPP3A guidance

We're listening between 30 April – 25 June 2025.

Previously we asked agencies to email us if they would like to be on the list for this. Due to a significant amount of interest in the draft guidance, we've decided to publish it on our website for the duration of the consultation period, as well as send it directly to everyone who signed up to our list.



We're asking agencies to have their say about our draft guidance on IPP3A. We'd like you to consider:

- Is the guidance fit for purpose? If not, how could it be improved?
- Are there any parts of the guidance that need more clarity, or are hard to understand?
- Are there more key terms we need to define or concepts that need more clarity?
- Are the examples provided meaningful for you? If not, what kinds of examples would you want to see instead?
- Any other relevant feedback or comment

These questions are a guide for what we'd like to know, but you don't have to answer all of them. You can share other feedback you have on the guidance too.

When providing feedback, please keep in mind that OPC cannot amend the Privacy Amendment Bill or make changes to the wording or concepts defined in the Bill itself. We cannot change what the law requires, but we hope that this guidance helps you understand the requirements.

Email your thoughts to IPP3A@privacy.org.nz

If you want to hear more, or have specific questions to ask us, we're doing a webinar on IPP3A as part of Privacy Week 2025. You can sign up here: [IPP3A – discussing the indirect notification requirement coming soon to the Privacy Act.](#)

Release of information

OPC may choose to make submissions made on the consultation document public or may be asked to release them under the Official Information Act 1982. We will not release your contact details or your name if you are a person submitting in a private capacity. If you don't want your submission, or part of your submission, to be released publicly, please let us know and explain why you don't want it published. If you make a submission, you have a right under the Privacy Act to request the information OPC holds about you and to ask for that information to be corrected.

[Read about your privacy rights and how to contact us.](#)



IPP3A – notification requirements for indirect collection of personal information

One of the important changes in the Privacy Amendment Act is the addition of Information Privacy Principle (IPP) 3A. IPP3A changes an agency’s obligations when they collect personal information indirectly. Collecting personal information indirectly means that the agency collected the personal information from someone other than the individual themselves.

This new rule came into force on 1 May 2026.

Under IPP3A, if an agency collects an individual’s personal information indirectly, that agency is required to notify the individual, unless one of the listed exceptions applies.

Being open about how personal information is collected, used, and shared is not only the law, but it’s a critical part of building trust in the way an agency will handle personal information.

In this guidance we use “collecting agency” to mean the agency that is indirectly collecting the information and “disclosing agency” to mean the agency that is providing the collecting agency with the personal information. The disclosing agency may or may not be the agency that originally collected the personal information. IPP3A applies to all personal information agencies indirectly collect from any source. This means that whether the collecting agency gets the information from a person or another agency, they will still need to tell the individual concerned.



Throughout the guidance we have used fictional examples to demonstrate how IPP3A and the exceptions may be used in practice. These examples are focused on the notification requirements of IPP3A after an agency has determined they have a lawful purpose under IPPs 2 and 11 to collect and/or disclose the personal information.

What is an ‘indirect collection’ of personal information?

An indirect collection is when an agency collects personal information about an individual from someone other than the individual themselves. Previously, the collecting agency was not required to tell an individual that they had collected their information from someone else.

For example, Trusted Insurance Co collects personal information about an individual from Mater’s Motors as part of an insurance claim, so that Mater’s Motors can fix the individual’s vehicle. IPP3A requires Trusted Insurance Co to tell the individual that they have collected their information, unless an exception applies.

It’s important to note that Mater’s Motors still needs to make sure they have a lawful basis to disclose information to Trusted Insurance Co under IPP11 of the Privacy Act, or that the disclosure is allowed or required by another New Zealand law.

What if I’m using a third-party provider?

If you’re using a third-party provider, then [section 11 of the Privacy Act](#) will apply.

Example

Swiftstart NZ is responsible for a wide range of personal information that it holds on behalf of its clients through its cloud-based application. This includes contact information, sales records, customer correspondence, marketing preferences, invoices, and billing information.

Swiftstart does not collect and use the information for its own purposes. This means Swiftstart is not obligated to notify its client’s customers. Any company or



organisation that's contracting with Swiftstart is responsible for meeting any IPP3A requirements.

However, to make it as easy as possible for their clients, Swiftstart work with an external legal advisor to help draft template wording that their clients can use. At the same time, they ask their lawyer to review their standard client services agreement to make it crystal clear that the client will be responsible for providing any required notifications to their customers.

Read our detailed [guidance on third-party providers](#).

Can I collect personal information indirectly?

Before you collect personal information indirectly, you still need to assess whether you can under IPP2. Agencies should be collecting personal information from an individual directly, unless an exception under IPP2(2) applies.

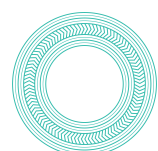
Once you have decided that you can collect the personal information indirectly, then you will need to assess how to comply with the IPP3A requirements.

You can use the [decision flowchart](#) to help you.

What are the requirements of IPP3A?

If an agency has collected personal information indirectly, IPP3A requires them to take reasonable steps to make sure that the individual concerned is aware of:

- the fact that the information has been collected
- the purpose of the collection
- the intended recipients of the information
- the name and address of the agency that is collecting the information and the agency that holds the information
- whether the collection is authorised or required by law and which particular law
- their right to access and correct their information.



An agency is required to inform an individual as soon as reasonably practical after the information has been collected, unless the notification steps have already been taken.

Timing of notification

What does ‘as soon as reasonably practical after the information has been collected’ mean?

The IPP3A requirements only apply to personal information collected after 1 May 2026.

If you haven’t taken the notification steps before collecting information indirectly, you will need to take them as soon as reasonably practical after the information has been collected.

What is reasonably practical will depend on the circumstances of the indirect collection, taking into consideration the available knowledge, cost, and effort involved. For example, if you would need to hire additional staff to meet the notification requirements within two weeks but you know you could do it with existing staff within four weeks, then what is reasonably practical would be to do it within the four weeks.

We’ve provided two examples below that show notification being done within days, and notification being done within three months, given the specific circumstances of each situation.

Example – notification within days

Reach High is a charity that provides mentoring, counselling, and other support services to at-risk young people and their families. It receives referrals from schools,



health agencies, or other government agencies, and young people and their families can also directly approach Reach High for assistance. Reach High collects personal information directly from clients and their families, but also indirectly from other organisations that refer clients.

As part of their work with schools, Reach High often give presentations or talks to students. These sessions are voluntary and afterwards Reach High sends resource packs via email to the students that attended. Reach High collects the students' names and email addresses from the school, and they include all the notification requirements in the email when they send the student their resource pack. Reach High sends the notification along with the resource pack within two days of receiving the students' personal information.

Example – notification within three months

As a small charity, Reach High often has high volumes of referrals and a long waitlist. The referral waitlist is organised by priority of need, so Reach High decides that it will take the required notification steps at the point it contacts the person concerned to arrange an appointment or provision of services. This enables Reach High to streamline their referral process and keep their waitlist time under three months. Reach High also assessed whether they could take the notification steps when a person is added to the referral waitlist, but the time and resource involved meant they wouldn't be able to meet their waitlist target of under three months, so they considered it would not be reasonably practical.

Notification steps

What you need to tell people	Guidance or example
The fact that the information has been collected	Tell people you are collecting their personal information and specify exactly what kind of information you are collecting or have already collected.



	<p>Explain it in plain terms wherever possible. For example, “we have collected your enrolment information from x organisation.”</p>
<p>The purpose of the collection</p>	<p>Tell people why you are collecting their information.</p> <p>Your purpose should be specific enough so the individual can understand what their information is being used for e.g. “to confirm that you are a member of x organisation to check that you are eligible for this discount”. It is not enough to say, “for business purposes.”</p>
<p>The intended recipients of the information</p>	<p>Tell people who you will be sharing their information with.</p> <p>If you know you will be sharing the information, you need to tell the individual who you’re sending it to. It’s not enough to only say the type or class of agency, such as “we may share your information with a credit reporting agency”.</p> <p>For example, a bank is collecting the information and plans to send it on to a</p>



	<p>financial services company. The bank needs to tell the individual the name of the company it is sending the information to.</p>
<p>The name and address of the agency that is collecting information and the agency that holds the information</p>	<p>Tell people who has collected their information.</p> <p>If the agency has their address publicly available, you could provide a link to their website instead, if you have clearly named the agency.</p>
<p>Whether the collection is authorised or required by law and which law</p>	<p>For example, “the collection of this information is authorised under section 8 of the Citizenship Act 1977.”</p>
<p>Their right to access and correct their information</p>	<p>Tell people about their right to access the information your organisation holds about them, and their right to correct it if they think it’s wrong.</p> <p>You should include a clear process for individuals to follow, such as contact details to send their request to, or an online form that they can complete and submit.</p> <p>We have more guidance on access and correction requests.</p>



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What are the exceptions?

The same exceptions that exist under IPP3 still apply, but IPP3A introduces additional exceptions specifically for indirect collections. It's important to note that the exceptions apply to the act of notification, not to the act of the indirect collection.

An agency isn't required to notify the relevant individual if:

- The individual has already been made aware.
- The information won't be used in an identifiable form.
- The information will be used for research and statistics and publishing will not identify the individual.
- Non-compliance wouldn't prejudice the interests of the individual.
- The personal information is already [publicly available](#).
- Telling the individual would prejudice the purposes of the collection.
- Telling the individual is not reasonably practical in the circumstances.
- The agency collects personal information to determine whether the information is of enduring value for general public interest and should be archived, and compliance is likely to seriously impair the agency's achievement of this.
- Compliance would prejudice the security or defence of New Zealand (or the Cook Islands, Niue, Tokelau, or Ross Dependency), or the international relations of the Government of New Zealand.
- Compliance would reveal a trade secret.
- Telling the individual would cause a serious threat to public health or safety, or to the health and safety of another individual.
- Non-compliance is necessary for:
 - maintenance of the law
 - enforcement of the law that imposes a pecuniary penalty
 - protection of public revenue
 - conduct of court/tribunal proceedings.

IPP3A(3): Individual has already been made aware

Just like IPP3, an agency doesn't have to take the notification steps if the individual has already been made aware of:



- The fact that the information has been collected
- the purpose of the collection
- the intended recipients of the information
- the name and address of the agency that is collecting the information and the agency that holds the information
- whether the collection is authorised or required by law and which particular law
- their right to access and correct their information.

This may have been done at the time the disclosing agency originally collected the personal information. If the collecting agency is relying on this exception, they will need to have a sound basis for believing that the disclosing agency has informed the individual. This should be based on evidence rather than an assumption that the individual has already been made aware. The collecting agency will also need to have reasonable grounds for believing that the specific individual was made aware – rather than just relying on evidence that other individuals were made aware.

One way that disclosing and collecting agencies can ensure this is to make the notification requirements part of their contractual arrangement. For example, both agencies may agree that the organisation that originally collects the information from the individual concerned will make them aware of everything in the list above, so that the collecting agency doesn't need to notify again. The collecting agency should still ensure it has reasonable grounds to believe that the disclosing agency is informing individuals as required. This could be achieved by receiving and filing a copy of a form signed by an individual, or through regular contract reporting requirements.

If the disclosing agency is going to be responsible for the notification requirements, they will need to be specific about who is indirectly collecting the personal information. It's not enough to say, "we may share your information with a credit reporting agency". However, if you know that in certain situations you will always share information with specific agencies, you could tell individuals the circumstances in which you would always send to these agencies. We've provided some examples of how an agency could notify in these circumstances.



Example One

Green Gardens is a small local gardening business. Occasionally it gets a request for a service it can't fulfil and passes on the client details to one of its partner providers. For example, Green Gardens doesn't employ any qualified arborists, so if the customer wants them to, they pass these requests to a local qualified arborist.

Green Gardens (the disclosing agency) updates their client form to say they don't provide arborist services themselves, but they can pass on the client's details if they require this service. They add a question and opt-in tick box for clients to confirm they need arborist services, and they are happy for Green Gardens to share their details with the arborist company (the collecting agency). The client form includes the arborist company's name and address. If the client ticks 'yes' then Green Gardens forwards a copy of this to the arborist company as part of the request for services. This process satisfies the arborist company that the client has been made aware of the collection. In this case, the arborist company doesn't need to notify the client again of the collection.

Example Two

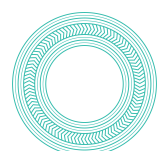
Green Gardens decide they want to offer more services than they currently provide. They don't have the expertise themselves, so they decide to connect with a range of local businesses to outsource requests for more services. Green Gardens updates their client form and website with the following statement:

"We work with a variety of local businesses that we outsource certain requests for service to. If you select any of the following services when completing our client form, we will share your name, contact details, and anything else you provide in your request with the business listed:

Arborist services: Trees 'N Things Ltd

Bark or soil delivery: Earthy Business, Local Terrain Ltd

Topiary and Hedging: The Plant Co."



IPP3A(4)(a): Non-compliance won't prejudice the interests of the individual

What does 'won't prejudice' mean?

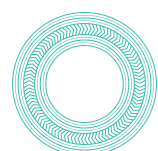
Generally, this means that the individual concerned wouldn't suffer any detriment or lose important information because of not being notified. What may be considered detrimental will often depend on the individual concerned. However, the intention of IPP3A is to give people more information and control over who has their personal information, so this exception should only be used for common, low risk cases. It's important to note that the exception relates to the act of notification, not to the act of the indirect collection. The collection may be for the benefit of the individual, but this doesn't mean you shouldn't tell them about it.

'No surprises' test

A good test to keep in mind is the 'no surprises' test. In other words, would the person be surprised that you have collected their personal information, given what they consented to, or have been informed about? If the answer is yes, it's likely you need to notify them of the collection, unless you can confirm with the disclosing agency that the individual has already been made aware.

Example One

The People's Bank collects emergency contact information from its employees. Under IPP10, the bank can only use these details for the purpose they were collected. Under IPP3A, it's likely there would be no detriment to the person listed as the emergency contact if the company didn't tell them they had collected their personal information for this purpose. Generally, emergency contacts have an existing relationship with the employee and are aware that they are the employee's emergency contact.



Example Two

City Property Management passes on a tenant's details to Pop's Plumbing, a maintenance company, so they can organise a time with the tenant to come to the property. It's reasonable that the tenant would expect to be informed about the fact that Pop's Plumbing has their details, and the purpose for which the details were collected. In this circumstance, notification to the tenant could include:

- An email from the property manager letting the tenant know they have passed on their details to Pop's Plumbing, including the name and contact details of Pop's Plumbing and the reason for sharing the information.
- A phone call from Pop's Plumbing to the tenant letting them know who they got their details from and the reason why. This may be followed up by providing the tenant with a business card when someone from Pop's Plumbing comes to the property.

Agencies should be applying a common-sense approach to the purpose for which the information is being collected or shared when assessing whether to rely on this exception. OPC takes a risk-based approach to enforcing notification requirements under IPP3A, in line with our [Compliance and Regulatory Action Framework](#).

IPP3A(4)(d): Telling the individual would prejudice the purposes of the collection

In some cases, the purpose for collecting personal information indirectly may be undermined if the agency collecting it were to tell the individual concerned.

For example, an agency may be conducting an internal fraud investigation and have a legitimate purpose for collecting personal information about an individual from their bank. If the agency's purpose is to find out objectively what happened, as part of an investigation, then letting the individual know of the indirect collection may undermine the investigation. For example, notifying the individual concerned may give them an opportunity to destroy evidence, or try and influence what information the bank gives to the investigator. It's important to note that the agency must still have a legitimate reason under IPP2 for collecting this information from a third-party,



rather than from the individual concerned, and only collect information that is relevant to the fraud investigation.

Take great care if you plan to rely on this exception and be sure to seek advice before doing so. OPC has previously [undertaken an inquiry](#) into (amongst other things) an agency collecting information about an individual indirectly without proper reason.

IPP3A(4)(e): Telling the individual is not reasonably practical in the circumstances

In some cases, notifying the individual of an indirect collection will not be practical. However, it's important to note that inconvenience, cost, or administrative burden doesn't automatically mean notification is 'not reasonably practical'.

Cost may be a factor if notification would be so expensive that the cost would be disproportionate to the benefits.

Generally, the assessment of whether it's not practical will depend on the nature of the personal information that's being indirectly collected. For example, if the information is sensitive, then the threshold of 'not reasonably practical' will be higher. Similarly, if you've collected a large amount of personal information about a person indirectly, it is more likely you will need to go to greater lengths to notify the individual concerned.

Agencies need to consider how IPP3A notification requirements will be met as part of any plans or proposals for collecting a large amount of personal information, or sensitive personal information. For example, having an incompatible system or process is not a valid reason to rely on this exception.

It may not be practical for an agency to notify the individual if they don't hold any contact details for them, or if they have reason to believe the contact details are incorrect or out of date. In this situation, the collecting agency wouldn't be expected to collect contact details for the individual solely for the purpose of notifying them.



However, there may be some additional steps to take before deciding that notification is not practical in these cases. These are demonstrated in the examples below.

Example One

Cha-Cha Entertainment holds several photos of people from events it has held over the years. Rydell University is hosting an alumni event and wants to collect the photos from Cha-Cha Entertainment to create a visual timeline to display at the event. The photos don't have the individuals' names on them, and there were no contact details collected at the time the photos were taken. Rydell University doesn't have a purpose for collecting the names and contact details of the people in the photos, other than to notify them of the indirect collection, so they assess that it would not be reasonably practical to try and notify them. Instead, Rydell University creates a public notice which they post on their alumni Facebook page, saying that they have collected photos from Cha-Cha Entertainment which will be displayed at their upcoming event.

Example Two

Cha-Cha Entertainment holds several photos of people from events it has held over the years. At the time the photos were taken, Cha-Cha Entertainment collected the individuals' names and contact details so they could send them a copy of any photos they were in. Rydell University is hosting an alumni event and wants to collect the photos from Cha-Cha Entertainment to create a visual timeline to display at the event. Rydell University decides that, although it will be time consuming to contact each of the individuals in the photos, they should notify them because their names and contact details are available and were collected and held for a legitimate purpose by Cha-Cha Entertainment. Since Cha-Cha Entertainment already has a relationship with the individuals concerned, Cha-Cha Entertainment and Rydell University agree that Cha-Cha Entertainment will send an email to these individuals to let them know about the collection.



IPP3A(4)(h): Telling the individual would cause a serious threat to public health or safety, or to the health and safety of another individual

Whether a threat is serious depends on three criteria. Not all three factors must be present for a threat to be serious. The test is what a reasonable person would consider to be serious in the circumstances.

The three factors to consider are:

1. The likelihood of the threat occurring – is there a good chance this thing will happen?
2. The severity of the consequences if the threat occurs – if it happens, how bad will it be?
3. The time at which the threat might occur – how soon could this happen?

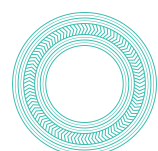
Example

A social worker has collected personal information about a parent from a teacher, after a student disclosed that they were harmed by that parent. The student is fearful that the parent will react badly if they are notified. The social worker decides not to notify the parent until appropriate safeguards are in place to protect the child. Once these are in place, the social worker notifies the parent of the indirect collection.

IPP3A(5): Archiving in the public interest

This exception applies to the Gallery, Library, Archives, and Museum (GLAM) sector. Agencies indirectly collecting personal information don't have to comply with IPP3A if:

- The collection of the information is 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, and
- Compliance is likely to seriously impair the agency's achievement of this purpose.



What is considered ‘archiving in the public interest’?

The term ‘public interest’ is not fixed or defined, as it’s likely that the interpretation of it will change over time. Some general criteria used by the GLAM sector for what may be considered archiving in the public interest include:

- Purpose – the purpose for archiving is to enable research; long-term accountability; discovery and availability of personal and community identity, memory and history; educational use; to establish and maintain rights, obligations and precedents.
- Activities – the organisation undertakes activities to obtain, preserve, assess, arrange, describe, communicate, promote, distribute, and provide access to records of enduring value.
- Enduring value – the archiving relates to records that have been selected for permanent preservation; assessment of records and activities designed to secure their permanent preservation, such as safekeeping, preparation for transfer, arrangement and description of selected records.
- Transparency – the organisation is open about the nature of its archiving of personal information, how it manages the information, and how those whose information it is can contact the organisation. Examples of this could include – displaying information about archiving on its website, including archiving in relevant policies, privacy notices, or online catalogues and guidance.
- Standards – the organisation adheres to relevant sector standards for archiving activities and has internal policies and procedures for these.
- Access – the organisation provides some form of public access to archives that are permitted to be viewed publicly, or otherwise to a limited audience with a public interest purpose. For example, academic researchers, regulators or official investigators. Are the archives used for purposes other than the organisation’s own commercial gain or private interest?

What is considered likely to ‘seriously impair’ an agency’s achievement of this purpose?

The time, resources and administrative burden that would be associated with the notification requirements of IPP3A for the GLAM sector are considered the most likely to seriously impair their purpose. These institutions play a unique role in preserving and promoting New Zealand’s cultural heritage and identity. This exception is to ensure that the purpose and activities of these institutions is not impacted to a point where they cannot achieve them.



It's important to note that, like the other exceptions to IPP3A, this exception applies to the act of notification, not to the act of the indirect collection.

We've provided some common examples below that demonstrate when and how this exception can be relied on.

Example One - Photographs

Jane Jones is a retired professional photographer with a large collection of photos that she wants to donate to national archives. The photos are of people participating in marathons across New Zealand, dating from the 1960s to 2000. The archiving institution assesses her collection and decides that it should be archived to preserve personal and community identity, memory and history of these events. Jane Jones doesn't hold any names or contact details for the people in the photos, and if she was required to find and collect these for the purposes of notifying them, it's likely she wouldn't be able to donate her collection to national archives. The archiving institution decides to rely on the IPP3A(5) exception. Given the large number of photos, and the fact there are no names or contact details for the individuals available, having to notify would seriously impair the archives' ability to collect and preserve Jane Jones' photo collection.

Example Two – Photographs

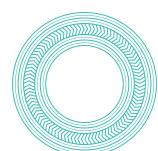
Sunnydale community archives hold a number of historical class photos from local schools. The schools discharge these photos to the community archives once they're no longer required by the school for administrative or reference purposes. The photos are then archived, digitised, and made available in Sunnydale community archives' online digital collections. Although the class photos have the names of the individuals listed, Sunnydale community archives relies on the IPP3A(5) exception, and doesn't notify the individuals concerned. This is because they don't hold contact details for the individuals, or have a relationship with them, therefore it wouldn't be practical. If Sunnydale community archives did have to notify all the individuals in the class photos, this would take a significant amount of time and resource, which would seriously impair their ability to collect and preserve the photos. However, Sunnydale



community archives does occasionally receive requests from individuals for their photo to be removed from their online digital collection. In these situations, the community archives decides it is in the individual's best interests to remove the photo, and that this outweighs the photo's value as historical information. Although the community archives rely on the IPP3A(5) exception, both the archives and the local schools ensure that their public privacy statements outline what personal information they collect and what is transferred to archives or discharged to a local authority to meet their Public Records Act obligations.

Example Three – Oral Histories

Polly Potter is an oral historian researching a nationally significant historical event. Over the course of her research, Polly interviews around 40 people; these include the family, friends, and colleagues of people who witnessed the event, as well as some first-hand accounts from people who are still alive. At the beginning of each interview, Polly follows her standard process to ensure privacy safeguards are in place. This includes reading a privacy statement to the interviewee at the beginning of each interview, and treating the interview as a confidential conversation until the recording is archived and available for research or published by agreement from both parties. In these interviews, 20 other people were mentioned, as the interviewees discussed the event, relevant themes, and their lives in the context of others. The National Library wants to collect and archive these oral histories as they relate to a nationally significant historical event. Neither Polly Potter nor the National Library have the knowledge or resources to find and contact the other 20 people mentioned in the interviews or find and contact their family members in the event they have passed. The National Library and Polly Potter rely on the IPP3A(5) exception, as notification would seriously impair the library's ability to collect and archive Polly Potter's recordings.



Exception examples

Exception to IPP3A You don't need to take the notification steps if:	Guidance or example
The individual has already been made aware of them	<p>Exception may apply:</p> <ul style="list-style-type: none"> You know that the disclosing agency has already told the individual about all the matters. You have previously collected this information about the individual from the same third party and you let them know all the information already, and the purpose of collection has not changed. <p>Exception would not apply:</p> <ul style="list-style-type: none"> You assume that the individual would probably already know, but you don't have any good evidence to confirm that.
The information won't be used in a way that identifies the individual, or the information will be used for research and statistics, and publishing this will not identify the individual	<p>Exception may apply:</p> <ul style="list-style-type: none"> You're using the personal information as part of a research study and only aggregated information that doesn't identify anyone will be published. <p>Exception would not apply:</p> <ul style="list-style-type: none"> You have removed someone's name from their personal information, but they can still be identified in other ways. The audience of the publication may have additional knowledge to help them identify an individual in the research.



	<p>We have more guidance on what makes a person identifiable.</p>
<p>It wouldn't prejudice the interests of the individual concerned</p>	<p>Exception may apply:</p> <ul style="list-style-type: none"> You're collecting emergency contact information from an employee and can reasonably presume that the employee has an existing relationship with their emergency contact and has made them aware that they are their emergency contact. <p>Exception would not apply:</p> <ul style="list-style-type: none"> You're collecting loyalty card information to create shopping profiles of individuals and generate targeted ads, for marketing purposes.
<p>The personal information is already publicly available</p>	<p>Exception may apply:</p> <ul style="list-style-type: none"> You are collecting personal information from a publication such as a book, newspaper, or public register. You are collecting personal information from a website or public social media page. <p>Exception would not apply:</p> <ul style="list-style-type: none"> You are collecting personal information from social media that requires you to have additional permission to view (such as being a friend or follower of the social media account).



<p>Telling the individual would prejudice the purposes of the collection</p>	<p>Exception may apply:</p> <ul style="list-style-type: none"> You are collecting personal information for a fraud investigation and notifying the individual concerned would undermine your investigation. <p>Exception would not apply:</p> <ul style="list-style-type: none"> It is less practical for you to notify the individual concerned, so you don't want to. You're worried about losing or upsetting the customer, so you don't want to notify.
<p>Telling the individual is not reasonably practical in the circumstances</p>	<p>Exception may apply:</p> <ul style="list-style-type: none"> You don't hold contact details for the relevant individual, and neither does the disclosing agency. <p>Exception would not apply:</p> <ul style="list-style-type: none"> You have accurate contact details for the relevant individuals, but notifying each one individually would be time consuming. There will be some cost associated with notifying all relevant individuals, but it is not excessive.
<p>Your agency collects personal information for archiving purposes, and notification is likely to seriously impair your achievement of this</p>	<p>Exception may apply:</p> <ul style="list-style-type: none"> You are taking an oral history from someone as part of research into a historic event, and they disclose the names and personal information of other people as part of this. Notifying all the individuals mentioned



	<p>would seriously impair your ability to record and preserve the oral history.</p> <p>Exception would not apply:</p> <ul style="list-style-type: none"> Your agency is not part of the Gallery, Library, Archives, and Museum (GLAM) sector, and you are not collecting the information to determine whether it is of enduring value for general public interest and should be archived for public reference, study, or exhibition.
<p>It would prejudice the security or defence of New Zealand, or the international relations of the Government</p>	<p>Exception may apply:</p> <ul style="list-style-type: none"> You have collected personal information from an overseas government agency about an individual. Telling the individual you have collected their information would risk deterring foreign Governments from giving New Zealand information in the future. You have collected personal information about individuals to be able to detect and track a terrorist cell, and notifying the individuals concerned would prejudice the security or defence of New Zealand. <p>Exception would not apply:</p> <ul style="list-style-type: none"> When there is no risk to the security or defence of New Zealand, or the international relations of the government.
<p>It would reveal a trade secret</p>	<p>There is no definition of 'trade secret' in the Privacy Act. Whether information is</p>



	<p>or is not a trade secret has to be determined objectively on the facts and circumstances of each case.</p> <p>Examples include processes of manufacture such as chemical formulae, and designs or special methods of construction.</p>
<p>It would cause a serious threat to public health or safety, or to the health and safety of another individual</p>	<p>Exception may apply:</p> <ul style="list-style-type: none"> You have collected personal information from a teacher about a student’s parent, after the student discloses they have been harmed by that parent. Notifying the parent of the collection may cause a serious threat to the safety of the student, so you decide not to notify until appropriate safeguards for the child are in place. <p>Exception would not apply:</p> <ul style="list-style-type: none"> You have collected personal information from another agency about an individual who has a contagious disease, but no immediate action is required. You have assessed the three factors (likelihood, severity, and time) and determined that notifying the individual concerned would not cause a serious threat to public health or safety. <p>We have more guidance on assessing a serious threat.</p>



<p>It's necessary for:</p> <ul style="list-style-type: none"> • Maintenance of the law. • Enforcement of the law that imposes a financial penalty. • Protection of public revenue. • Conduct of court/tribunal proceedings. 	<p>Exception may apply:</p> <ul style="list-style-type: none"> • A public sector agency is investigating an offence and needs to collect information about an individual from someone else to adequately investigate the offence, and the agency has followed all other relevant laws that apply to gathering evidence. It's important to note that collection must still be allowed under IPP2, even when relying on this exception. <p>Exception would not apply:</p> <ul style="list-style-type: none"> • You are not a public sector agency, but you want to collect information about an individual from someone else to do your own investigation of a suspected fraud. (Note – in this scenario, you may be able rely on other exceptions under IPP3A, for example, if telling the individual would prejudice the purpose of the collection).

How long can you rely on an exception for?

Generally, once you can no longer rely on an exception, you should notify the individual that you have collected their information indirectly.

Agencies should be reassessing the situation as it unfolds and revisit the application of any exceptions.



Example

Agency C has collected personal information from Agency D about an individual who has a contagious disease. Agency C needs to take immediate action to contain the spread of the disease. Agency C does not have to notify the individual concerned if Agency C believes that the delay caused by notifying would cause a serious threat to public health or safety. However, once the spread of the disease is contained, and there is no longer a serious threat to public health or safety, Agency C can no longer rely on this exception and should notify the individual concerned.

Do you need to notify?

Our [decision flowchart](#) can help you figure out if you need to notify individuals about your collection of their personal information.

Although you may not be required to notify individuals of indirect collections, it doesn't mean that you shouldn't. Notifying people when you're collecting information about them supports open and transparent collection practices and any later use of their information.

We have [more guidance on being transparent about your organisation's privacy practices](#).

