

Comparing the Privacy Acts – 1993 and 2020

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
11	Short Title and commencement	1	Title
	Part 1	2	Commencement
	Preliminary provisions		
2	Interpretation	7	Interpretation
3	Information held by agency	10, 11	Personal information held by agency if held by officer, employee, or member of agency / Personal information treated as being held by another agency in certain circumstances
4	Actions of, and disclosure of information to, staff of agency, etc	12	Actions of, and disclosure of information to, staff of agency, etc
5	Act to bind the Crown	6	Act binds the Crown
	Part 2		
	Information privacy principles		
6	Information privacy principles	22, 63, 64	Information privacy principles / Decision on request to correct personal information / Decision on request to attach statement of correction
7	Savings	24, 29	Relationships between IPPs and other New Zealand law / IPPs 6 and 7 do not apply to certain information
8	Application of information privacy principles	25, 26	IPPs 1 to 4 do not apply to personal information collected before 1 July 1993 / Restricted application of IPP 13 to unique identifiers assigned before 1 July 1993
9	Postponement of application of principle 11 to lists used for direct marketing		
10	Application of principles to information held overseas	23	Application of IPPs in relation to information held overseas
11	Enforceability of principles	31	Enforceability of IPPs
	Part 3		
	Privacy Commissioner		
12	Privacy Commissioner	13	Privacy Commissioner

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
13	Functions of Commissioner	17, 20	Functions of Commissioner / Duty to act independently
14	Commissioner to have regard to certain matters	21	Commissioner to have regard to certain matters
15	Deputy Commissioner	14	Deputy Privacy Commissioner
16	Term of office [Repealed]		
17	Continuation in office after term expires [Repealed]		
18	Vacation of office [Repealed]		
19	Holding of other offices	15	Holding of other offices
20	Powers relating to declaratory judgments	204	Powers relating to declaratory judgments
21	Directories of personal information		
22	Commissioner may require agency to supply information	202	Commissioner may require agency to supply information
23	Privacy officers	201	Privacy officers
24	Annual report		
25	Further provisions relating to Commissioner		
26	Review of operation of Act	17, 19	Functions of Commissioner / Responsible Minister must present copy of report on operation of Act to House of Representatives
	Part 4		
	Good reasons for refusing access to personal information		
27	Security, defence, international relations, etc	49, 51, 53	Protection, etc, of individual as reason for refusing access to personal information / Security, defence, international relations as reasons for refusing access to personal information / Other reasons for refusing access to personal information
28	Trade secrets	52	Trade secret as reason for refusing access to personal information
29	Other reasons for refusal of requests	49, 50, 53	Protection, etc, of individual as reason for refusing access to personal information / Evaluative material as reason for refusing access to personal information / Other reasons for refusing access to personal information

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
30	Refusal not permitted for any other reason	46	Decision to refuse access to personal information
31	Restriction where person sentenced to imprisonment [Repealed]		
32	Information concerning existence of certain information	47	Decision to neither confirm nor deny personal information is held
	Part 5		Part 4
	Procedural provisions relating to access to and correction of personal information		
33	Application	39	Interpretation
34	Individuals may make information privacy requests	40, 59	Individuals may make IPP 6 request / Individuals may make correction requests
35	Charges	66	Charges
36	Commissioner may authorise public sector agency to charge	67	Commissioner may authorise public sector agency to impose charge
37	Urgency	41, 60	Urgency
38	Assistance	42, 61	Assistance
39	Transfer of requests	43, 62	Transfer of IPP 6 request / Transfer of correction request
40	Decisions on requests	45, 63, 64, 66	Decision to grant access to personal information / Decision on request to correct personal information / Decision on request to attach statement of correction / Charges
41	Extension of time limits	48, 65	Extension of time limits
42	Documents	56	Ways personal information in document may be made available
43	Deletion of information from documents	55	Withholding personal information contained in document
44	Reason for refusal to be given	46	Decision to refuse access to personal information
45	Precautions	57	Responsibilities of agency before giving access to personal information
	Part 6		Part 3
	Codes of practice and exemptions from information privacy principles		

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
	Codes of practice		
46	Codes of practice	32	Codes of practice in relation to IPPs
47	Proposal for issuing of code of practice	33	Issue of code of practice
48	Notification of intention to issue code	33	Issue of code of practice
49	Notification, availability, and commencement of code	35	Notification, availability, and commencement of codes of practice
50	Application of Legislation Act 2012 to codes	36	Application of Legislation Act 2012 to codes of practice
51	Amendment and revocation of codes	37	Amendment and revocation of codes of practice
52	Urgent issue of code	34	Urgent issue of code of practice
53	Effect of code	38	Effect of codes of practice
	Specific exemptions		
54	Commissioner may authorise collection, use, or disclosure of personal information	30	Commissioner may authorise collection, use, storage, or disclosure of personal information otherwise in breach of IPP2 or IPPs 9 to 12
55	Certain personal information excluded	29	IPPs 6 and 7 do not apply to certain information
56	Personal information relating to domestic affairs	27	Restricted application of IPPs to personal information collected or held for personal or domestic affairs
57	Exemption for intelligence and security agencies	28	IPPs 2, 3, and 4(b) do not apply to personal information collected by intelligence and security agencies
	Part 7		
	Public register personal information		
58	Interpretation		
59	Public register privacy principles		
60	Application of information privacy principles and public register privacy principles to public registers		
61	Complaints relating to compliance with principles		
62	Enforceability of principles		

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
63	Codes of practice in relation to public registers		
64	Effect of code	38	Effect of codes of practice
65	Power to amend Schedule 2 by Order in Council		
	Part 8		Part 5
	Complaints		
	Interpretation		
66	Interference with privacy	69	Interference with privacy of individual
	Complaints		
67	Complaints	71	Who may make complaint / Form of complaint
68	Mode of complaint	72	Form of complaint
	Investigations by Commissioner		
69	Investigation of interference with privacy of individual		
70	Action on receipt of complaint	73	Procedure on receipt of complaint
71	Commissioner may decide to take no action on complaint	74	Commissioner may decide not to investigate complaint
72	Referral of complaint to Ombudsman	75	Referral of complaint to another person
72A	Referral of complaint to Health and Disability Commissioner	75	Referral of complaint to another person
72B	Referral of complaint to Inspector-General of Intelligence and Security	75	Referral of complaint to another person
72C	Referral of complaint to overseas privacy enforcement authority	76	
	Proceedings of Commissioner		
73	Proceedings of Commissioner	80	Commencing investigation
74	Settlement of complaints	77,83	Exploring possibility of settlement and assurance without investigating complaint / Exploring possibility of settlement and assurance during investigation
75	Parties to be informed of result of investigation	81, 93, 94	Conducting investigation / Procedure after completion of investigation relating to charging / Procedure after completion of other investigations

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
76	Compulsory conferences	85	Compulsory conferences of parties to complaint
77	Procedure after investigation	94	Procedure after completion of other investigations
78	Procedure in relation to charging	77, 93	Exploring possibility of settlement and assurance without investigating complaint / Procedure after completion of investigation relating to charging
79	Breaches of certain principles occurring before 1 July 1996		
80	Commissioner to report breach of duty or misconduct	96	Commissioner to report breach of duty or misconduct
	Special procedure relating to intelligence and security agencies		
81	Special procedure relating to intelligence and security agencies	95	Special procedure relating to intelligence and security agency
	Proceedings before Human Rights Review Tribunal		
82	Proceedings before Human Rights Review Tribunal	97	Director may commence proceedings in Tribunal
83	Aggrieved individual may bring proceedings before Human Rights Review Tribunal	98	Aggrieved individuals may commence proceedings in Tribunal
84	Remedies that may be sought	102	Remedies in respect of interference with privacy
85	Powers of Human Rights Review Tribunal	102, 110, 133	Remedies in respect of interference with privacy / Costs / Remedies, costs, and enforcement
86	Right of Director of Human Rights Proceedings to appear in proceedings	99, 110	Right of Director to appear in proceedings commenced under section 98 / Costs
87	Proof of exceptions	101	Onus of proof
88	Damages	103	Damages
89	Certain provisions of Human Rights Act 1993 to apply	111	Certain provisions of Human Rights Act 1993 to apply
	Part 9		Part 5
	Proceedings of Commissioner		
90	Procedure	81, 82, 128	Conducting investigation / Commissioner may regulate own procedure / Commissioner's power to obtain information

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
91	Evidence	86, 87	Power to summon persons / Power to require information and documents /
92	Compliance with requirements of Commissioner	87	Power to require information and documents
93	Extension of time limit	87	Power to require information and documents
94	Protection and privileges of witnesses, etc	89	Protection and privileges of persons required to provide information, etc
95	Disclosures of information, etc	88	Disclosure of information may be required despite obligation of secrecy
96	Proceedings privileged	90	Disclosed information privileged
	Part 9A		Part 7
	Information sharing		
	Subpart 1—Preliminary matters		
96A	Purpose of Part	136	Purpose of this subpart
96B	Relationship between Part 9A and other law relating to information disclosure	137	Relationship between subpart 1 and other law relating to information disclosure
96C	Interpretation	138	Interpretation
	Subpart 2—Information sharing agreements		
	Authority for information sharing		
96D	Information sharing between agencies	139	Information sharing between agencies
96E	Information sharing within agencies	140	Information sharing within agencies
	Parties		
96F	Parties to information sharing agreement	141	Parties to information sharing agreement
96G	Representative parties	142	Agreement may apply to classes of agencies
	Lead agency		
96H	Determining which party is lead agency	143	Lead agency
	Form and content		
96I	Form and content of information sharing agreement	144	Form and content of information sharing agreement

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
	Approval of information sharing agreements		
96J	Governor-General may approve information sharing agreement by Order in Council	145	Governor-General may approve information sharing agreement by Order in Council
96K	Requirements for Order in Council	146	Requirements for Order in Council
96L	Further provisions about Order in Council	147	Further provisions about Order in Council
96M	Application of Legislation Act 2012	148	Status of Order in Council
	Procedure for recommending Order in Council		
96N	Matters to which relevant Minister must have regard before recommending Order in Council	149	Matters to which relevant Minister must have regard before recommending Order in Council
96O	Consultation on proposed information sharing agreement	150	Consultation on proposed information sharing agreement
	Commissioner's report on approved information sharing agreement		
96P	Commissioner may prepare and publish report on approved information sharing agreement	151	Commissioner may prepare and publish report on approved information sharing agreement
	Subpart 3—Matters relating to operation of approved information sharing agreements		
	Notice of adverse action		
96Q	Requirement to give notice of adverse action	152	Requirement to give notice of adverse action
96R	When requirement to give notice of adverse action applies	153	When requirement to give notice of adverse action applies
	Responsibilities of lead agency		
96S	Responsibilities of lead agency	154	Responsibilities of lead agency
96T	Report of lead agency	155	Report of lead agency
96U	Commissioner may specify frequency of reporting by lead agency	156	Commissioner may specify frequency of reporting by lead agency
	Amendment of approved information sharing agreements		
96V	Amendment of approved information sharing agreement	157	Amendment of approved information sharing agreement

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
	Review of approved information sharing agreement		
96W	Review of operation of approved information sharing agreement	158	Review of operation of approved information sharing agreement
96X	Report on findings of review	159	Report on findings of review
96Y	Relevant Minister must present to House of Representatives copy of report under section 96X(1) and report setting out Government's response	160	Relevant Minister must present copy of report under section 159(1) and report setting out Government's response to House of Representatives
	Subpart 4—Miscellaneous		
96Z	Power to amend Schedule 2A	161	Power to amend Schedule 2 by Order in Council
	Part 10		Part 7
	Information matching		
	Interpretation		
97	Interpretation	177	Interpretation
97A	Relationship between Part 10 and other law relating to information disclosure	176	Relationship between this subpart and other law relating to information disclosure
	Information matching guidelines		
98	Information matching guidelines		
	Authorised information matching programmes		
99	Information matching agreements	178	Information matching agreements
100	Use of results of information matching programme	179	Use of results of information matching programme
101	Further provisions relating to results of information matching programme		
102	Extension of time limit	180	Extension of time limit
103	Notice of adverse action proposed	181	Notice of adverse action proposed
104	Reporting requirements	182	Reporting requirements
105	Information matching programmes to be reported on in annual report	183	Reports on authorised information matching programmes
106	Review of statutory authorities for information matching	184, 185	Reports on information matching provisions / Responsible Minister must present copy of report under section 184

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
			and report setting out Government's response to House of Representatives
107	Amendment of information matching rules	189	Power to amend Schedule 6 by Order in Council
	Avoidance of controls on information matching		
108	Avoidance of controls on information matching through use of exceptions to information privacy principles	186	Avoidance of controls on information matching through use of exceptions to information privacy principles
109	Avoidance of controls on information matching through use of official information statutes	187	Avoidance of controls on information matching through use of official information statutes
	Part 10A		Part 7
	Identity information		
109A	Purpose of Part	162	Purpose of this subpart
109B	Relationship between Part 10A and other law relating to information disclosure	163	Relationship between this subpart and other law relating to information disclosure
109C	Interpretation	164	Interpretation
109D	Access by agencies to identity information	165	Access by agencies to identity information
109E	Manner and form of access	166	Manner and form of access
109F	Annual reporting requirement	167	Annual reporting requirement
109G	Amendment of Schedule 4A	168	Power to amend Schedule 3 by Order in Council
	Part 11		Part 7
	Law enforcement information		
110	Interpretation	171	Interpretation
110A	Relationship between Part 11 and other law relating to information disclosure	170	Relationship between this subpart and other law relating to information disclosure
111	Access by accessing agencies to law enforcement information	172	Access by accessing agencies to law enforcement information
112	Local authorities may be authorised to have access to law enforcement information		
113	Amendment of Schedule 5 [Expired]		

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
114	Expiry of power to amend Schedule 5 by Order in Council		
	Part 11A		Part 8
	Transfer of personal information outside New Zealand		
114A	Interpretation	192	Interpretation
114B	Prohibition on transfer of personal information outside New Zealand	193	Prohibition on transfer of personal information outside New Zealand
114C	Commissioner's power to obtain information	128, 194	Commissioner's power to obtain information
114D	Transfer prohibition notice	195	Transfer prohibition notice
114E	Commissioner may vary or cancel notice	196	Commissioner may vary or cancel transfer prohibition notice
114F	Offence in relation to transfer prohibition notice	197	Offence in relation to transfer prohibition notice
114G	Appeals against transfer prohibition notice	198	Appeals against transfer prohibition notice
114H	Application of Human Rights Act 1993	199	Application of Human Rights Act 1993
	Part 12		Part 9
	Miscellaneous provisions		
	General		
115	Protection against certain actions	205	Protection against certain actions
116	Commissioner and staff to maintain secrecy	206	Commissioner and staff to maintain secrecy
117	Consultation with Ombudsmen	208	Consultation
117A	Consultation with Health and Disability Commissioner	208	Consultation
117B	Consultation with Inspector-General of Intelligence and Security	208	Consultation
118	Corrupt use of official information [Repealed]		
119	Exclusion of public interest immunity	209	Exclusion of public interest immunity
120	Adverse comment	210	Adverse comment
	Delegations		

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
121	Delegation of functions or powers of Commissioner [Repealed]		
122	Delegate to produce evidence of authority [Repealed]		
123	Revocation of delegations [Repealed]		
124	Delegation of powers by local authority		
125	Delegation of powers by officers of local authority		
	Liability and offences		
	Liability of employer and principals	211	Liability of employers, principals, and agencies
126	Offences	212	Offences
127	Regulations		
128	Regulations	215	Other regulations
	128A	200	Power to amend Scheduled 8 by Order in Council
	Amendments, repeals, and revocations		
129	Amendments, repeals, and revocations	216	Repeal and revocation
129A	Amendment relating to Legislation Act 2012		
129B	New section 96M substituted		
	Transitional provisions and savings		
130	Final report of Wanganui Computer Centre Privacy Commissioner		
131	Privacy Commissioner to complete work in progress of Wanganui Computer Centre Privacy Commissioner		
132	Savings	5	Transitional, savings, and related provisions
133	Transitional provision	5	Transitional, savings, and related provisions
Schedule 1	Provisions applying in respect of Commissioner	16	Superannuation or retiring allowances

Section	Privacy Act 1993 (No. 28)	Section	Privacy Act 2020 (No. 31)
Schedule 2	Public registers	Sch 2	Approved information sharing agreements
Schedule 2A	Approved information sharing agreements		
Schedule 3	Information matching provisions	Sch 5	Information matching provisions
Schedule 4	Information matching rules	Sch 6	Information matching rules
Schedule 4A	Identity information	Sch 3	Identity information
Schedule 5	Law enforcement information	Sch 4	Law enforcement info
Schedule 5A	Basic principles of national application set out in Part Two of the OECD Guidelines	Sch 8	Basic principles of national application set out in Part Two of OECD Guidelines
Schedule 6	Enactments amended	Sch 7	Amendments to other enactments related to subpart 4 of Part 7
Schedule 7	Enactments repealed		
Schedule 8	Orders revoked		

