

DRAFT FOR CONSULTATION



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Credit Reporting Privacy Code 2020 Amendment No 1

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

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Amendment to the Credit Reporting Privacy Code 2020

1 Title

This is the Credit Reporting Privacy Code 2020 Amendment No 1.

2 Commencement

This amendment comes into force on 1 May 2026.

3 Interpretation

In this amendment,—

Code means the Credit Reporting Privacy Code 2020

Schedule refers to a Schedule of the Code.

4 Heading inserted

Insert "Part 1: Preliminary provisions" as a heading before clause 1 of the Code.

5 Clause 4 (Interpretation) amended

In clause 4(1) of the Code—

- (a) definition of **access agreement**, after "assessments", insert "that complies with Schedule 4":
- (b) definition of **credit information**, paragraph (a)(iii), replace "sex" with "gender":
- (c) definition of **direct marketing**, paragraph (d), after "electronic mail," insert "SMS,".

6 Clause 5 (Credit reporting privacy rules) rule 3 amended

In clause 5 of the Code, credit reporting privacy rule 3,—

- (a) after "individual", insert "concerned" in the heading above subrule (1):
- (b) in subrule (2), after "for which it", insert "directly".

7 Clause 5 (Credit reporting privacy rules) rule 3A inserted

In clause 5 of the Code, after credit reporting privacy rule 3, insert credit reporting privacy rule 3A:

Rule 3A

Collection of credit information other than from individual concerned

- (1) If a credit reporter collects credit information about an individual other than from the individual concerned, the agency must take any steps that are, in the circumstances, reasonable to ensure that the individual concerned is aware of—
 - (a) the fact that the information is being collected; and
 - (b) the purpose for which the information has been collected; and
 - (c) the intended recipients of the information; and

- (d) the name and address of—
 - (i) the agency that has collected the information; and
 - (ii) the agency that is holding the information; and
 - (e) if the collection of the credit information is authorised or required by or under the law, the particular law by or under which the collection of the information is authorised or required; and
 - (f) the rights of access to, and correction of, credit information provided by rules 6 and 7.
- (2) A credit reporter must conspicuously display on the credit reporter's website a statement that sets out the purposes for which it indirectly collects credit information and the purposes for which the information will be used and disclosed.
- (3) The steps referred to in subrule (1) must be taken as soon as is reasonably practicable after the credit information has been collected (unless taken sooner).
- (4) A credit reporter is not required to take the steps referred to in subrule (1) in relation to the collection of credit information if the individual concerned has previously been made aware by any means of all of the matters specified in subrule (1) in relation to the credit reporter's collection of the information.
- (5) It is not necessary for a credit reporter to comply with subrule (1) if the credit reporter believes, on reasonable grounds,—
- (a) that non-compliance would not prejudice the interests of the individual concerned; or
 - (b) that the credit information is publicly available information; or
 - (c) that non-compliance is necessary—
 - (i) to avoid prejudice to the maintenance of the law by any public sector agency, including prejudice to the prevention, detection, investigation, prosecution, and punishment of offences; or
 - (ii) for the enforcement of a law that imposes a pecuniary penalty; or
 - (iii) for the protection of public revenue; or
 - (iv) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
 - (d) that compliance would prejudice the purposes of the collection; or
 - (e) that compliance is not reasonably practicable in the circumstances of the particular case; or
 - (f) that compliance would cause a serious threat to—
 - (i) public health or safety; or
 - (ii) the health or safety of another individual; or
 - (g) that the credit information—

- (i) will not be used in a form in which the individual concerned is identified; or
 - (ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.
- (6) It is not necessary for a credit reporter to comply with subrule (1) if compliance would be likely to prejudice—
 - (a) the security or defence of New Zealand, the Cook Islands, Niue, Tokelau, or the Ross Dependency; or
 - (b) the international relations of the Government of New Zealand, the Cook Islands, or Niue; or
 - (c) the relations between any of the Governments of—
 - (i) New Zealand; or
 - (ii) the Cook Islands; or
 - (iii) Niue; or
 - (d) the entrusting of information to the Government of New Zealand on a basis of confidence by—
 - (i) the Government of any other country or any agency of the Government of any other country; or
 - (ii) any international organisation.
- (7) It is not necessary for a credit reporter to comply with subrule (1) if compliance would—
 - (a) disclose a trade secret; or
 - (b) be likely to unreasonably prejudice the commercial position of—
 - (i) the person who supplied the information; or
 - (ii) the individual concerned.
- (8) Rule 3A does not apply to credit information collected before 1 May 2026.

8 Clause 5 (Credit reporting privacy rules) rule 11 amended

In clause 5 of the Code, credit reporting privacy rule 11(6), after "commencement of this rule", insert ", subject to any applicable requirements in Schedule 9".

9 Clause 5 (Credit reporting privacy rules) rule 12 amended

In clause 5 of the Code, credit reporting privacy rule 12—

- (a) subrule (1)(e), after "country", insert "and the disclosure is not precluded by any limitation or qualification prescribed in respect of that country under section 214(3) of the Act";
- (b) subrule (1)(g), delete "that":

- (c) subrule 12(3), **prescribed country**, delete "that are made without any qualification or limitation relating to a class of person that includes B, or to a type of information that includes credit information".

10 Clause 6A (Suppression of information) inserted

After clause 6, insert clause 6A:

An individual who reasonably believes that they may be likely to become a victim of fraud (including identity fraud) may request a credit reporter suppress credit information in accordance with Schedule 8.

11 Schedule 3 (Subscriber Agreement) amended

In Schedule 3, insert a guidance note at the beginning of the schedule below the title:

Guidance note

The requirements in this Schedule do not limit or replace a credit reporter's obligations under rule 3A.

12 Schedule 5 (Summary of Rights) amended

In Schedule 5, **Contact information**, Office of the Privacy Commissioner—

- (a) Delete "Enquiries line: 0800 803 909";
- (b) Delete "Email address: enquiries@privacy.org.nz";
- (c) Delete "Web address:";
- (d) Delete "Postal address: PO Box 10094, Wellington 6143".

13 Schedule 8 (Suppression of Credit Information where Individual may be a Victim of Fraud) amended

In Schedule 8—

- (a) in the opening paragraph, replace "he or she" with "they".
- (b) in clause 1.1, replace "he or she has" with "they have".
- (c) in clause 4.2, in order to correct the numbering within the clause—
 - (i) replace (c) with (a)
 - (ii) replace (d) with (b).

14 Schedule 11 (Tracing to facilitate the return of money owed to individuals) amended

In Schedule 11, insert "(Rules 2 and 10)" below the title of the schedule.

Explanatory note

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

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

Additional minor or technical amendments are also made.

This is secondary legislation issued under the authority of the Legislation Act 2019 .	
Title	Credit Reporting Privacy Code 2020 Amendment No 1
Principal or amendment	Amendment
Consolidated version	No
Empowering Act and provisions	Privacy Act 2020, section 37
Replacement empowering Act and provisions	Not applicable
Maker name	Privacy Commissioner
Administering agency	Office of the Privacy Commissioner
Date made	16 March 2026
Publication date	19 March 2026
Notification date	19 March 2026
Commencement date	1 May 2026
End date (when applicable)	Not applicable
Consolidation as at date	Not applicable
Related instruments	Credit Reporting Privacy Code 2020 insert website address for consolidated act