



Privacy Commissioner
Te Mana Mātāpono Matatapu

Code of Conduct

Date: March 2026

Table of Contents

The Three Principles	3
Introduction	4
Public Service Code of Conduct	
Values	4
Principles	5
First Principle	
Obligations to Privacy Commissioner	6
Stewardship	6
Public and Media Comment	7
Staff as Private Individuals	7
Communications with Ministers and Other Political Representatives	8
Participation in Public Bodies or Voluntary Associations	8
Standing as a Member of Parliament	8
Personal Liability	8
Second Principle	
Performance of Duties	9
Secondary Employment	10
Respect for the Right of Others	10
Organisation Performance and Efficiency	11
Merit-based Appointments	11
Integrity and Avoidance of Conflicts of Interest.....	11
Offers of Gifts or Gratuities	12
Third Principle	
Personal Behaviour	12

Office of the Privacy Commissioner

Code of Conduct

The Three Principles

First Principle

Staff should fulfil their lawful obligations to the Privacy Commissioner with professionalism and integrity

Second Principle

Staff should perform their official duties honestly, faithfully, efficiently and collaboratively, respecting the rights of the public and their colleagues

Third Principle

Staff should not bring the Office of the Privacy Commissioner into disrepute through their private activities

Introduction

The Office of the Privacy Commissioner is an independent Crown entity established under the Privacy Act 2020 and is publicly funded. The public, Parliament and government expect high standards of professionalism and integrity from the Privacy Commissioner and their staff. They expect official decisions to be made fairly and impartially, public money to be spent wisely, and public assets to be used and cared for responsibly. They expect your conduct to be above reasonable reproach, and your official duties to be performed conscientiously and competently at all times, and in accordance with general law and the Privacy Act 2020. As the work of the office centres on issues of individual privacy, you are specifically required to maintain secrecy in respect of all matters that come to your knowledge in the exercise of your duties and responsibilities. Likewise, you are expected to act impartially and in a politically neutral manner in all your official dealings.

This Code of Conduct defines the standards of behaviour required of you as a member of the Privacy Commissioner's staff. It is modelled on the Public Service Code of Conduct (as updated in 2026), and is based on three underlying principles:

- Staff should fulfil their lawful obligations to the Privacy Commissioner with professionalism and integrity;
- Staff should perform their official duties honestly, faithfully and efficiently, respecting the rights of the public and their colleagues; and
- Staff should not bring the office of the Privacy Commissioner into disrepute through their private activities.

The Code applies to all staff of the Privacy Commissioner and those undertaking work for the Office e.g. contractors. You should familiarise yourself with it and use it as an ongoing reference. Failure to comply with it may result in disciplinary action, including dismissal.

Public Service Code of Conduct

The PSC Code of Conduct was updated in early 2026, following a period of consultation, and is applicable to all staff at OPC and contractors. It sets out the standards for integrity and conduct, across the whole public sector, and sits at the heart of our work.

The code is set around a framework of values and principles. These PSC values and principles are summarised below, and they are reflected in the three underlying OPC Principles as set out in this document.

Values

Trustworthy – to act with integrity and be open and transparent

Respectful – to treat all people with dignity and compassion and act with humility.

Impartial – to treat all people fairly, without personal favour or bias

Accountable – to take responsibility and answer for our work, actions, and decisions

Responsive – to understand and meet people's needs and aspirations

Principles

Political Neutrality – to act in a politically neutral manner

Free and frank advice – when giving advice to Ministers, to do so in a free and frank manner

Merit-based appointments – to make merit-based appointments (unless an exception applies under the Act)

Open government – to foster a culture of open government

Stewardship – to proactively promote stewardship of the Public Sector

You should talk with your Manager if at any time you are uncertain about any aspect of the Code of Conduct, or if you think you may be at risk of breaching it.

First Principle

Staff should fulfil their lawful obligations to the Privacy Commissioner with professionalism and integrity

Obligations to the Privacy Commissioner

Your first obligation as a member of the Privacy Commissioner's staff is to assist the Commissioner to carry out his statutory functions, and to serve the aims and objectives of his office. You are expected to do so to the best of your ability; with professionalism and integrity; in a manner that will bear the closest public scrutiny; and in accordance with general law and the Privacy Act 2020. You are specifically required under section 206 of the Act to maintain secrecy in respect of all matters that come to your knowledge in the exercise of your duties and responsibilities. You are also required to act in an impartial and politically neutral manner in all your official dealings. You need to ensure that your personal interests and activities do not at any time interfere with, or appear to interfere with, your official obligations to the Privacy Commissioner.

You are expected to provide honest and diligent service to the Privacy Commissioner. Once the Commissioner has made a decision, it is your duty to implement it within the law and to the best of your ability, whether or not you personally agree with it. If your conscience or personal beliefs constrain you from doing so, you should discuss your options with your manager. You must not do anything to circumvent or undermine the Commissioner's policies.

Stewardship

Where relevant in our role, we will adopt forward thinking planning and management practices to ensure we are helping to protect the public sector, and the role of the Privacy Commissioner in particular, into the future.

We will preserve and protect our institutional knowledge and use our resources wisely whilst working towards our strategic objectives and long-term goals. This will include ensuring we have structured planning processes in place and strong financial management systems to ensure that our core services are maintained.

We will ensure that we regularly share knowledge across the organisation to build capability and develop our internal systems and we will continue to develop the office's engagement with Maori and take account of cultural perspectives of privacy as per Section 21c of the Privacy Act.

Public and Media Comment

All contact with the media is to be made by or through the Privacy Commissioner. The Commissioner may also from time to time authorise particular staff to respond to media enquiries on his behalf. Unless you are so authorised, you must immediately refer any enquiry from the media to the communications and engagement manager, or the Commissioner.

Staff authorised to make public or media comment are expected to exercise discretion and common sense, and to respect the confidentiality, legal privilege and/or sensitivity of the information they are handling.

Staff as Private Individuals

You have the same rights of free speech and independence in the conduct of your private affairs as other members of the public. However, you must ensure that your private activities and any contribution you make to any public debate or discussion are consistent with the need for you to maintain the trust of the Privacy Commissioner and the integrity of his office. In particular, you must not:

- make unauthorised use or disclosure of any information to which you have, or have had, official access;
- purport to express or imply an official view of the Commissioner or his office, when you are expressing a personal view;
- express your political or other personal views, or participate in any political or other event, in a way that compromises your ability to be seen as being impartial and politically neutral in your official dealings, or compromises the integrity, impartiality or political neutrality of the Commissioner's office, or its ability to be seen as such.

The extent to which your private activities or public comment as a private individual might have an impact on the integrity, impartiality or political neutrality of the office will depend on the nature of your specific duties and responsibilities. It will also depend on the seniority of your position and the extent to which you are authorised to represent, or are perceived to represent, the official views of the office of the Privacy Commissioner.

You have the same rights of private access to Ministers and other political representatives as other members of the public. However, given the requirement for you to remain impartial and politically neutral in your work, you should exercise care and judgement before making any such communications.

As a general guide, you may communicate privately with any Minister, Member of Parliament or other political representative about matters outside your official duties.

Official Communications with Ministers and Other Political Representatives

Given the likely political sensitivities and the need for the Commissioner's office to remain impartial and politically neutral, all official communications with Ministers, Members of Parliament, and other political representatives are to be made only by or through the Privacy Commissioner. Unless you are so authorised, you must immediately refer any enquiry from any political representative to your manager, the Commissioner or his authorised staff.

The provision of free and frank advice supports Ministers to make good decisions and gives the public confidence that those decisions are well informed. Any free and frank advice to the Minister, about matters concerning the Office, must first have been raised with the Commissioner, or come direct from the Commissioner.

Participation in Public Bodies or Voluntary Associations

You are free to stand for, or be appointed to, any office or position on a public body or voluntary association. However, you need to ensure that any such participation does not result in a conflict of interest with your official duties and responsibilities or compromise the trust the Privacy Commissioner has vested in you or the integrity, impartiality or political neutrality of his office. If you are in any doubt, you should first check with your manager. If the Commissioner considers at any time that a conflict does exist with any office or position you propose to hold or already hold, it will need to be avoided or resolved.

Standing as a Member of Parliament

You may offer yourself as a candidate for Parliament in a general election, or by-election. If you wish to do so, you must disclose your intent to your manager.

The Privacy Commissioner will apply the provisions of the Electoral Act 1993 as if you were a public servant as defined by the Act. In accordance with section 52 dealing with the candidacy and election of state servants, you will be placed on leave of absence for the duration defined in the Act. During this period of leave, you will not be required or permitted to carry out any of your official duties or be entitled to any salary or other remuneration from the Commissioner's office.

Personal Liability

You must at all times act in good faith when you are performing the functions of the office of the Privacy Commissioner. The law provides you protection from civil liability when you do so. However, if you have acted in bad faith, you will not gain that protection and may be at risk of being personally liable.

Second Principle

Staff should perform their official duties honestly, faithfully, efficiently and collaboratively, respecting the rights of the public and their colleagues

Performance of Duties

You have a legal obligation to properly perform the duties for which you are paid. This obligation includes the following requirements:

- to obey the law;
- to comply with all lawful and reasonable instructions and to work as directed;
- to carry out your duties in an efficient and competent manner;
- to comply with the policies of the Privacy Commissioner, and such practices or procedures as may be adopted by his office from time to time;
- to adhere to your delegations, and not exploit or abuse any power or authority vested in you;
- to inform your manager if you become aware that anyone to whom you are related or with whom you are having, or previously had, any personal or financial relationship, becomes part of an investigation with which you are involved;
- not to give any false information or make any false declaration;
- to refrain from conduct (such as the use of intoxicants) which might impair your work performance (refer to the Drug, Alcohol and Substance impairment policy);
- to show reasonable care for office property, resources and funds, and neither use nor allow their use for anything other than authorised purposes;
- to take proper care with viewing, using, storing and releasing any information which you handle as part of your job, to ensure it remains secure at all times and is only accessed or used for authorised purposes;
- to refrain from accessing any personal information other than for the purpose of your role;
- to keep accurate records of your decisions and actions to support scrutiny and accountability, and to enable information to be retrievable in response to official information requests or for proactive release (as required, and in line with our policies, our obligation of secrecy and other legislation) to aid in improving transparency;
- to comply with your obligation under section 206 of the Privacy Act 2020 to maintain secrecy in respect of all matters that come to your knowledge in the exercise of your functions under the Act;
- to incur no liability on the part of the Commissioner or his office, without proper delegation or authorisation;
- to be absent from the workplace only with proper authorisation;
- to maintain the standard of dress and personal presentation appropriate to a professional office.

Secondary Employment

You are required to obtain written approval from the Privacy Commissioner before undertaking any secondary employment. The Commissioner will consider if the proposed employment may adversely affect the performance of your duties, and/or lead to any conflict of interest. Secondary employment includes company directorships or a business that you own or have an interest in.

If you are already undertaking secondary employment and have not already done so, you must inform your manager. Depending on the circumstances, you may be required to give up the secondary employment.

Respect for the Rights of Others

You are expected to treat with courtesy and respect, your colleagues and anyone with whom you have official dealings. This includes an expectation that you will:

- avoid any behaviour which might endanger or cause distress to your colleagues, or otherwise contribute to disruption in the workplace;
- refrain from allowing workplace relationships to adversely affect the performance of official duties, whether your own or others';
- respect the privacy of individuals and the confidentiality, legal privilege and/or sensitivity of their personal information, consistent with your obligations under the Privacy Act 2020 to maintain secrecy;
- not discriminate against any person because of their sex, marital status, colour, race, ethnic or national origins, age, political opinion, employment status, family status, sexual orientation, ethnicity, disability or religious or ethical beliefs;
- not abuse, bully, harass or otherwise intimidate your colleagues or anyone else with whom you have official dealings;
- respect the cultural background of others in all official dealings;
- adopt safe working practices and actively contribute to a safe and positive workplace;
- take time to listen and understand people's circumstances and needs so we can respond with appropriate advice and services.;
- provide opportunities for engagement, and feedback, with stakeholders, partners and communities when undertaking work that will impact on them.

Organisation performance and efficiency

You will work collaboratively with others, be open to discuss ways to improve processes and systems and embrace innovation (e.g. new technologies) responsibly and where safe to do so.

Where new technologies are identified, you will ensure you follow the Office's applicable policies and processes prior to using it in your work. This is likely to include undertaking a Privacy Impact Assessment and discussing your proposal with the Privacy Officer and Manager Corporate Systems and Information.

Merit-based appointments

The Office will conduct fair and robust recruitment and selection processes and will ensure that preference is given to the person who is best suited to the position. This process will ensure that we have the best people to work in the Office and the best people to assist in delivering our services to New Zealanders.

Our processes will be open and contestable and free from patronage, favouritism or prejudice.

Integrity and Avoidance of Conflicts of Interest

You must perform your duties honestly and impartially, and avoid any situation that might compromise, or be perceived to compromise, your integrity or the integrity of the office of the Privacy Commissioner.

You must observe the principles of fairness and impartiality in all aspects of your work. You should ensure that no individual or organization with whom you are personally involved is given preferential treatment over any other individual or organization, whether by access to opportunities, goods or services, or access to "inside information".

You should avoid any interest or undertaking that could directly or indirectly compromise the performance of your duties, or the standing of the Commissioner's office. This would include any situation where your actions in an official capacity could be seen to influence, or be influenced by, your private interests (e.g. company directorships, membership or office of other organizations, shareholdings or offers of outside employment).

You must inform your manager if any actual or potential conflict of interest arises that impairs the full, effective and impartial discharge of your official duties. The Commissioner will determine the nature and degree of the conflict and decide upon the best course of action to resolve it.

Any perceived conflicts of interest are to be recorded in the Formal Interests Register.

Offers of Gifts or Gratuities

You must not abuse your position for personal gain. You must not solicit or accept gifts, rewards or benefits that might compromise, or be seen to compromise, your integrity or the integrity of the office of the Privacy Commissioner.

As a general rule, a gift should not be accepted, whatever its nature or value, if it could be seen by others as either an inducement or a reward which might place a staff member, or the Commissioner's office, under an obligation to a third party.

If you receive an offer of a gift or inducement, you must report this immediately to your manager. The Privacy Commissioner will then determine the appropriate response, or final disposal of any gift already received.

Third Principle

Staff should not bring the Office of the Privacy Commissioner into disrepute through their private activities

Personal Behaviour

You should avoid any activities, whether connected with your official duties or otherwise, which might bring the office of the Privacy Commissioner into disrepute, or jeopardise its relationships with the public, Parliament, government and other stakeholders. Whether such activities constitute misconduct will depend on the circumstances of the case and may vary according to the position you hold.

You should inform your manager if you have committed a minor offence against the law. Some minor offences may be of no concern if they do not involve breaches of trust or otherwise impair your ability to fulfil your official duties. Others may be of greater concern, particularly if some degree of publicity identifies your actions with your employment. Parking and other minor traffic infringements need not be reported.

You must inform your manager immediately:

- of any criminal charge laid against you in a criminal court, and any convictions you receive;
- if you apply for bankruptcy or become bankrupt

If you are convicted of a criminal offence, your continued employment will be subject to the discretion of the Privacy Commissioner.

This Code of Conduct applies to all staff and contractors of the Privacy Commissioner. It is to be read in conjunction with individual employment agreements, and such other specific policies or guidelines as may be adopted by the Office of the Privacy Commissioner from time to timeⁱ.

RESPONSIBILITIES	
Persons/ Areas Affected	ALL OPC Staff & Contractors
Contact	General Manager
Approval Authority	Privacy Commissioner
Last Review Date	August 2025

¹ Other specific policies refer to OPC office wide policy which include but are not limited to; Fraud policy, Speaking up policy, Conflicts of Interest policy, Gifts and Hospitality and Sensitive Expenditure policies