

3 February 2026

Hon Paul Goldsmith  
Minister of Justice  
Parliament Buildings  
WELLINGTON

Dear Minister

## **QUARTERLY REPORT OF THE PRIVACY COMMISSIONER FOR THE PERIOD 1 OCTOBER 2025 TO 31 DECEMBER 2025**

### **Highlights**

During this quarter we published comprehensive guidance for agencies on the new Information Privacy Principle 3A (on notifying individuals if their personal information will be indirectly collected by an agency) that commences on 1 May 2026. We supported this guidance with regular presentations to public and private sector organisations and have strong engagement and positive feedback on our guidance.

As a part of the government work to respond to the Dame Karen Poutasi review, the Privacy Commissioner communicated a clear expectation to all agencies that personal information should be shared where there are concerns about the safety of a child. Our efforts in this area included a press release stating there are no legislative barriers to information sharing where there is a wellbeing or safety concern for a child. We also released new guidance on information sharing (whether under the Privacy Act 2020, Oranga Tamariki Act 1989 or Family Violence Act 2018) and launched [www.whatcanishare.org.nz](http://www.whatcanishare.org.nz) as an easy way to access our guidance.

While just outside of this reporting period, on 1 January 2026 Manage My Health notified us of a serious cyber security breach of its platform. We immediately began working with Manage My Health and other relevant agencies as they contained and investigated the size and scope of the breach, and notified affected health agencies and individuals. On 21 January the Privacy Commissioner announced that he was initiating a formal inquiry into the privacy breach.

## **Review of enquiries and privacy complaints processes completed**

*High volumes have been increasing pressure on our complaint and enquiries functions*

The 1<sup>st</sup> of December 2025 marked five years since the commencement of the Privacy Act and key operational volumes have been steadily increasing over this period while resources have been constrained. As an example of the increases, between the financial years 2023/24 and 2024/25:

- the number of privacy breach notifications received from agencies increased by 26.5%, with serious harm breach notifications increasing by 43%
- total privacy complaints received from individuals increased by 21%
- general enquiries from the public and agencies (public and private sector) increasing by 7%.

Over the past five years we have been continually refining our operating model to address the volume increases. For example, privacy complaints are now aggressively triaged, with simple complaints put through a 'fast resolve' process where New Zealanders are provided with information on their privacy rights and the obligations of agencies so that their complaints can be addressed directly with the agency.

While we met all of our key performance indicators in 2024/25, there have been early signs that we will fail to meet the timeliness measures for general enquiries and privacy complaints.

*The independent review has recommended significant changes to our enquiries function*

In the prior reporting period we commissioned an independent review of our public complaints and enquiries functions. This review considered the growing demand for our services, our constrained resources, the increasing psychosocial risks to staff, and new technological developments (such as AI).

The independent review was completed on 1 December and we have begun implementing some of the key recommendations. A key recommendation is to move our enquiries function towards a one-to-many self-help service that utilises our existing website and AskUs knowledge base. Our online AskUs knowledge base contains over 650 responses to popular privacy questions. A public 0800 phone number will help enquirers find their way to our website self-service tools (including a call-back function for individuals with accessibility issues). Individuals will of course still be able to submit a privacy complaint using our online form service. This approach will allow us to focus our highly skilled investigators on complaint investigation and resolution, rather than responding to more general enquiries.

Another significant review recommendation is to invest in a modern workflow management system. We will be investigating the available options given our constrained resources.

## Activities of our Office

### *Investigations and dispute resolution*

The high volume of complaints and enquiries we have been experiencing were such that during this quarter we placed a banner on our website warning about delays in response.

Appendix A contains information on the key operational volumes for complaints and enquiries received. These figures should be regarded as provisional only as the high volumes and Christmas / New Year holiday period created a significant queue that needs to be cleared. Our intention is to address these delays through implementing the recommendations of the independent review (as outlined in the previous section).

### *Capability and guidance*

As a part of our work following up on the new Biometrics Processing Privacy Code we have been developing draft guidance for the retail sector on sharing facial recognition watchlist information and sector proportionality assessments<sup>1</sup>. We are reviewing and amending the guidance following feedback from key stakeholders, including the Ministerial Advisory Group on Retail Crime, Law Society, Retail NZ and the Ministry of Justice. We have continued to update our existing guidance on the Biometric Processing Privacy Code of Practice to respond to common questions received from the sector since its release.

Other guidance issued included new questions and answers for our AskUs knowledge base, such as providing advice to individuals on social media account issues and charging for access to health information. We have also updated our guidance on section 30 authorisations (where the Privacy Commissioner can authorise the collection, use or storage of personal information that would otherwise not be allowed).

We reviewed Privacy Impact Assessments for assorted public and private sector agencies, with themes including artificial intelligence and information sharing to mitigate safety risks.

We are continuing to work closely with our colleagues at the Ministry of Business, Innovation and Employment on the implementation of the Consumer Data Right.

### *Policy*

During this quarter we began developing amendments to the Privacy Act Codes of Practice to account for the introduction of the new Information Privacy Principle 3A. We began publicly consulting these draft amendments in January.

A reoccurring topic across the quarter was the Government's work on abuse in care. [REDACTED]

[REDACTED]  
Redacted under s9(2)(g)(i) OIA

[REDACTED] We also made a submission to the Social Services and Community Committee of Parliament on the Redress System for Abuse in

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<sup>1</sup> A sector proportionality assessment is where multiple agencies seeking to use biometrics systems in the same way and for the same purposes can undertake a single proportionality assessment under the Biometrics Processing Privacy Code.

Care Bill. Our submission recommended the introduction of additional safeguards to better protect the personal information of survivors.

The issues in the Government's policy programme we were consulted on included:

- **Retail crime:** continued engagement with the Ministerial Advisory Group on Retail Crime, focusing on the use of facial recognition technology by small retailers and the threshold before individuals can be added to a biometric system's watchlist.
- **Law enforcement:** continued to work constructively on the proposed changes to the Policing Act 2008 relating to Police collecting personal information in public spaces.

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### *Compliance and enforcement*

In December, the Privacy Commissioner publicly named two PAK'nSAVE stores for failing to have adequate oversight of their third-party providers who were providing security services to the stores. During the incidents third-party security guards shared images of customers accompanied by allegations of theft or criminal activity. We also worked with Foodstuffs North Island Limited (as the Co-op lead for the two stores) to adopt remedial actions, including training and requiring stores to have written agreements in place with contractors who process personal information on behalf of stores.

We have also been working proactively with NZ Transport Agency Waka Kotahi (NZTA) on the privacy uplift programme they have initiated in response to several serious harm privacy breaches relating to the Motor Vehicle Register. We are receiving quarterly updates on this uplift programme, which is proposing significant changes to NZTA's regulatory approach to safeguarding personal information held on both the Motor Vehicle and Driver Licence Registers. These changes include:

- strengthening portal-related privacy controls and verification measures with the Driver License Register
- undertaking compliance assessments across 600+ entities who have authorisation to access the Motor Vehicle Register
- delivering privacy and compliance training for NZTA staff in March, with external training expected by mid-2026
- reviewing NZTA operational policies, frameworks and standards regarding privacy expectations
- developing ongoing audit and assurance mechanisms, along with a capability and assurance model
- monitoring reported or detected issues to identify emerging risk areas and breach patterns.

## *Communication and engagement*

In December, the Privacy Commissioner gave a keynote presentation at the International Association of Privacy Professionals Australia New Zealand Summit in Sydney. The theme of the Commissioners address<sup>2</sup> was to outline privacy changes in New Zealand (such as those related to biometrics) and the direction and priorities of our Office.

A full refresh of our Ask Us knowledge base was completed, with more than 600 privacy questions and answers updated to ensure our information was contemporary and correct and that all links to other pages worked.

To promote New Zealanders' understanding and use of their privacy rights we published a new suite of free, downloadable posters. These posters are often asked for by medical centres and hospitals and making them print-your-own options ensures people can choose the design and size they need while not adding cost to us.

## **The management of organisational risk**

We report on our organisation wide risks as well as team risks, with a high-risk rating, on a quarterly basis. The Senior Leadership Team also reviewed and discussed the risks in detail at a meeting in October 2025. This discussion, and our most recent review has continued to highlight that the key organisation wide risks facing our Office remain the same, with long-term financial sustainability, staff resourcing to meet increased demand and complexity and the wellbeing of our people continuing to be priorities.

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As noted below, while our cash reserves will enable the budgeted deficit to be funded in the short term, this is not a situation that can continue indefinitely.

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## **Financial report**

For the 6 months ended 31 December 2025, the reported deficit was \$464k, closely aligned with the budgeted deficit of \$457k. The unfavourable variance in revenue was offset by favourable variances across several expenses, primarily relating to staff costs.

We are currently forecasting a deficit of \$844k for the year to June 2026. This is unfavourable against the budgeted deficit of \$657k due to forecast additional expenses, including in relation to staff costs. The Office will be utilising cash reserves to fund this deficit for the current financial year.

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<sup>2</sup> <https://www.privacy.org.nz/tuhono-connect/statements-media-releases/privacy-commissioners-keynote-speech-iapp-australia-new-zealand-summit-2025/>

In October 2025 we received an unmodified audit opinion from our external auditor, Deloitte, for the period ended 30 June 2025. There were some minor process improvements recommended by the auditors which have been implemented. No significant issues were identified as a result of the audit.

Further details of financial information and performance against the Statement of Performance Expectations are included as Appendices B and C.

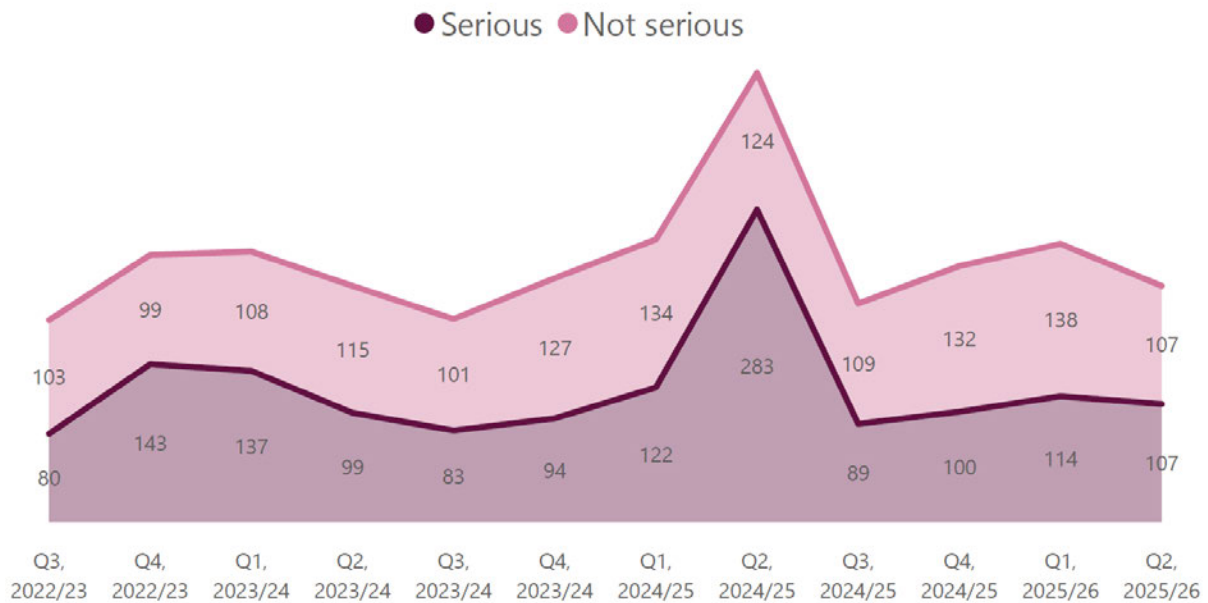
Yours sincerely

Michael Webster  
**Privacy Commissioner**

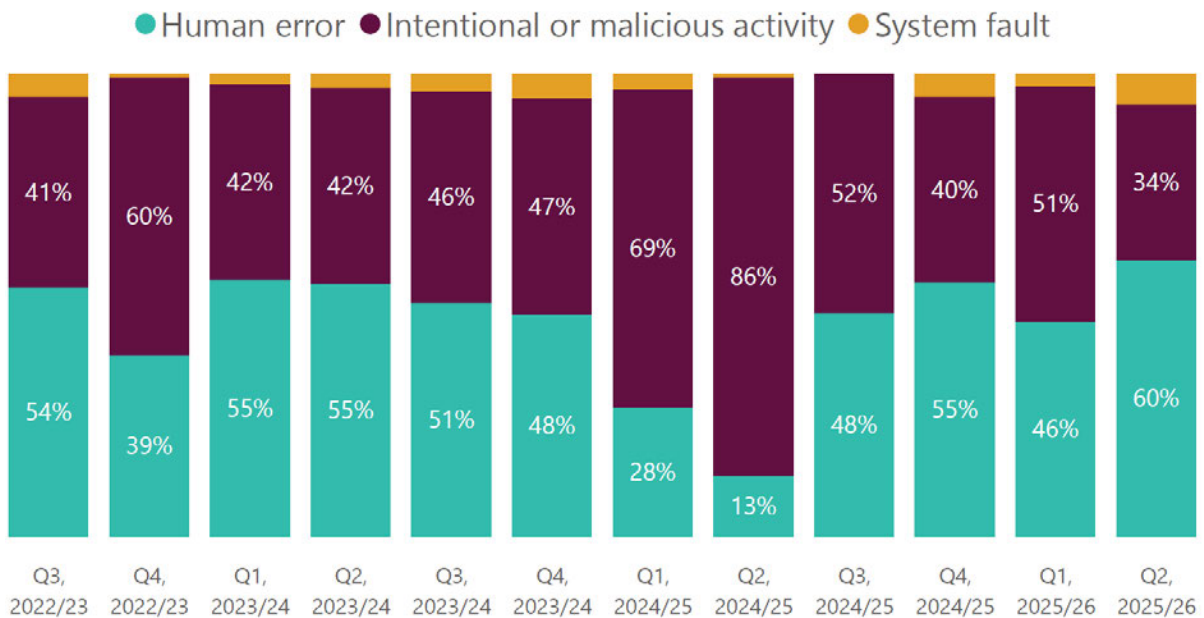
Encl:   Appendix A:   Key operational volumes  
          Appendix B:   Financials for period ending 31 December 2025  
          Appendix C:   Performance against Statement of Performance Expectations - Year to Date

## Appendix A: Key operational volumes

### Privacy Breach Notifications (from agencies)

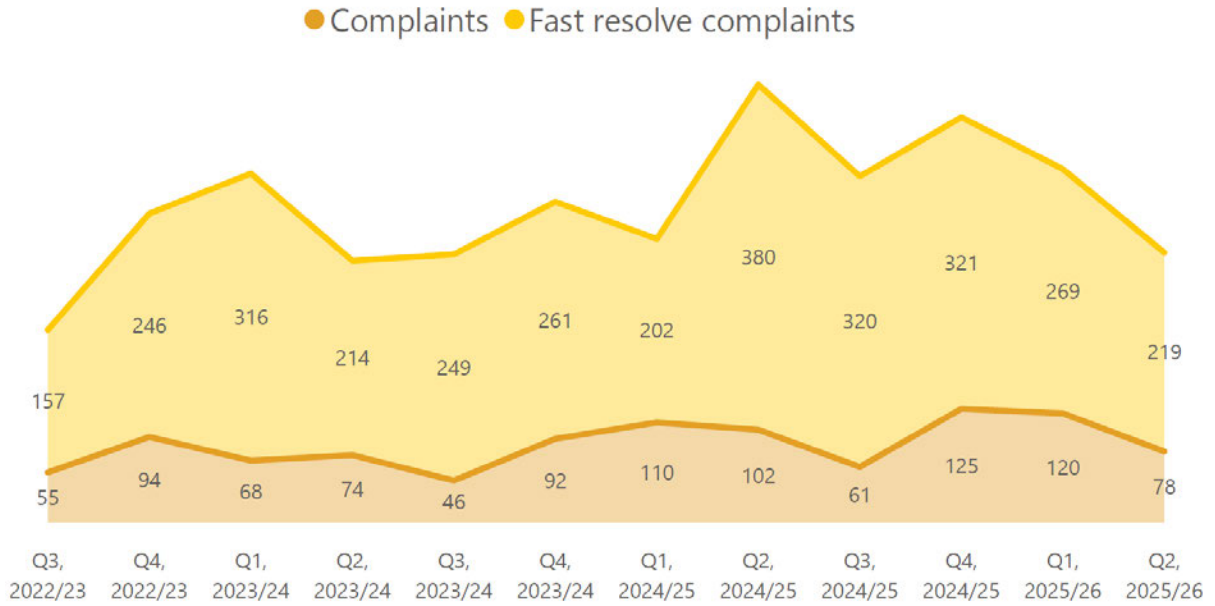


### Serious harm breaches by primary cause



Agencies are required to notify OPC of serious/extreme harm data breaches. A single breach can impact a number of individuals, for example the Latitude Financial data breach impacted over 1 million New Zealanders. Note that the volumes for quarter 2 of 2024/25 have been revised to reflect a large number of manual notifications from one agency.

## Privacy complaints (from individuals)



Note: An updated figure for fast-resolve complaints has been provided for Quarter 1 2025/26. The previous quarterly report stated that only 214 fast-resolve complaints had been received.

## Enquiries to our Office

