

30 April 2026

Hon Paul Goldsmith
Minister of Justice
Parliament Buildings
WELLINGTON

Dear Minister

**QUARTERLY REPORT OF THE PRIVACY COMMISSIONER FOR THE PERIOD
1 JANUARY 2026 TO 31 MARCH 2026**

Highlights

In January we initiated the *Inquiry into the Cyber Security Breach affecting the Manage My Health Limited Patient Portal*, which is being conducted in two phases. The first phase will be completed in May and is focused on preliminary issues relating to security safeguards and the respective responsibilities of Manage My Health, Health New Zealand and other users of the patient portal. The scope and timing of the second phase will be confirmed following the completion of the first phase.

We have continued to progress our changes to our public enquiries function, shifting it from a bespoke one-to-one advice service to a one-to-many self-help service. On 1 April we phased out the use of our enquiries@privacy.org.nz email address and are directing enquirers to our AskUs knowledge base and other guidance on our website. On 1 May our 0800 number will be answered with an automatic message providing a suite of options to help enquirers get answers to their questions.

In February we joined 60 other privacy and data protection authorities in issuing the *Joint Statement on AI Generated Imagery*. This Joint Statement was issued in response to serious concerns about AI systems generating realistic images and videos depicting identifiable individuals without their knowledge and consent. Agencies were reminded that AI content generation systems must be developed and used in accordance with privacy legislation and outlined four principles that agencies should follow when developing and using such systems.

Guidance on protecting children and young people's privacy

During this quarter we completed a comprehensive suite of guidance relating to child and young people's privacy.

Guidance for the education sector

This guidance has been developed to help frontline workers in the education sector make sure personal information is properly used and protected. It uses a range of real-world situations to help people working in education make good privacy decisions with confidence.

The areas that this guidance covers includes:

- The collection, use and sharing of the personal information of children and young people.
- The retention and disposal of personal information.
- How to manage information requests, privacy complaints and privacy incidents.

The guidance is available here: [guidance for the education sector](#)

Guidance for multi-agency information sharing meetings

This guidance is targeted at meetings where multiple agencies are working together to improve outcomes for children and young people. This includes situations such as Police-led multi-agency meetings to reengage youth offenders in education or employment. The objective of the guidance is to help promote greater information sharing in an authorised and protective manner.

The guidance helps agencies set up appropriate and safe information sharing at multi-agency meetings, and what should be considered before information sharing occurs. A template information sharing protocol has also been developed for use by agencies.

The guidance is available here: [multi-agency meeting guidance](#)

Guidance on photography and filming

This guidance was issued a year ago to help empower parents and caregivers to understand and exercise their privacy rights effectively when photos and videos of children and young persons are taken. The guidance provides information on the risks associated with photos and videos of children, and outlines how the information privacy principles apply protections to this information.

The guidance is available here: [photography and filming guidance](#)

Activities of our Office

Capability and guidance

We have continued our messaging to agencies on the new notification requirements for the indirect collection of personal information (the new Information Privacy Principle 3A) in advance of these coming into force on 1 May 2026. Thirteen presentations were given to public and private sector agencies in this reporting period, with the majority of these about the new privacy principle. These presentations supplement a new video we have produced to help agencies understand their IPP3A obligations. We have also been developing guidance on the application of this requirement in the Health Information Privacy Code to supplement the general guidance we had already released.

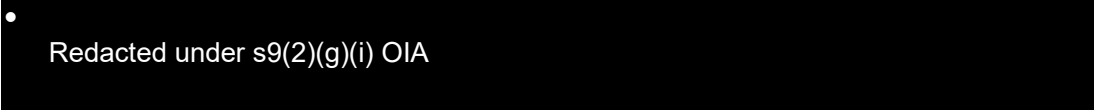
A variety of statutory consults occurred during this period, with a particularly high number of international arrangements sent to us. These international arrangements related to the New Zealand Customs Service, Ministry of Business, Innovation and Employment and New Zealand Police. The Privacy Commissioner is consulted during development to ensure that the privacy impacts of these arrangements are properly considered and proportionate.

We reviewed Privacy Impact Assessments for assorted public and private sector agencies, with themes including artificial intelligence and information disclosure.

Policy

During this quarter we finalised amendments to the Privacy Act Codes of Practice to account for the introduction of the new Information Privacy Principle 3A on the indirect collection of personal information. The Amendments, a paper on submitter feedback, and a report back on decisions taken following consultation has been published on our website.

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

-  Redacted under s9(2)(g)(i) OIA
- **Education sector:** engagement on establishment and transfer of polytechnics and regulatory changes for the Early Childhood Education sector.
- **Justice sector:** engagement on adoption legislative changes, remote participation in courts, sale and supply of alcohol amendment regulations.

We made submissions to Select Committees on the following issues:

- Arms Bill
- Telecommunications and Other Matters Amendment Bill
- Education and Training (System Reform) Amendment Bill
- A petition to implement CCTV cameras in all playgrounds and parks in New Zealand.

Compliance and enforcement

The recent cyber breach impacting the Manage My Health platform has generated an increase in privacy awareness and the reporting of serious harm privacy breaches to our Office. Similarly, the publication of our decision that two PAK'nSave stores were found in breach of the Privacy Act generated an increase in awareness of safe access and use of CCTV images, and an increase in the number of breaches resulting from unauthorised sharing of CCTV images.

The Global Privacy Enforcement Network reported on its 2025 global privacy 'sweep' on the topic of children's privacy, repeating a sweep from 10 years ago. In this sweep 27 data protection and privacy authorities, including our Office, examined almost 900 websites and apps that are used by children. The sweep noted practices that raised concerns about children's privacy and that more online services used by children were now requiring personal information to access the full functionality of the platform. More platforms also indicated in their privacy policies that they may share personal information with third parties. Overall, the sweep observed good practices to protect children and their personal information, such as notifications advising children not to use their real names or upload images, as well as having location sharing disabled by default.

Following a privacy breach notification, to improve agency awareness we published a Decision Note explaining how a lost USB stick became a privacy breach.

Communication and engagement

Media enquiries have far exceeded what we would expect for a quarter, with 76 received. Half of the media enquiries related to health sector privacy breaches, with others covering questions on topics such as cameras, drones, Privacy Act compliance, and policing.

In February we held the Sir Bruce Slane memorial lecture with Justice Christian Whata examining the concept of privacy through a tikanga lens anchored to the longstanding tension between the right to privacy, and freedom of speech and open justice. The Sir Bruce Slane Memorial Lecture is one of the highlights of our privacy events calendar and honours New Zealand's first Privacy Commissioner.

We have also worked with disabled peoples' organisations to help make our brochure '*Did you know you have privacy rights?*' more accessible. We are now offering this brochure in a range of media types and language types, including sign language, braille, audio, and Easy Read translations to ensure all New Zealanders can connect with their privacy rights.

Note that Privacy Week 2026 is being held on 11-15 May and we have established a great programme of webinars.

Investigations and dispute resolution

As noted in the highlights, during this quarter we progressed changes to our enquiries functions. The focus of our Investigation and Dispute resolution team has been on responding to the final 800 enquiries. Appendix A contains information on the key operational volumes for complaints and enquiries received this quarter.

We are now transitioning to a new intake process of triaging and responding to complaints as efficiently as possible. Note that a representative complaint involving more than 1,500 individuals has recently been closed and will affect total complaint numbers reported for the year end.

The Human Rights Review Tribunal recently issued two Privacy Act decisions that we are carefully reviewing.

The management of organisational risk

We continue to report on our organisation wide risks as well as team risks, with a high-risk rating, on a quarterly basis. 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.

The Senior Leadership Team continue to monitor cash reserves given the budgeted deficit (see below). Whilst the reserves remain healthy in the short term, use of them cannot continue indefinitely and, looking forward, further areas of savings will need to be discussed.

Financial report

For the 9 months ended 31 March 2026, the reported deficit was \$591k, against the budgeted deficit of \$471k. The unfavourable variance of \$120k is mainly as a result of a decrease in revenue due to a delay in signing the Funding Agreement for work in relation to the Customer and Product Data Act 2005. The agreement was subsequently signed in April.

We are currently forecasting a deficit of \$755k for the year to June 2026. This is unfavourable against the budgeted deficit of \$657k due to forecast additional expenses, mainly in relation to staff costs and anticipated costs in relation to the Manage My Health Inquiry. The Office will be utilising cash reserves to fund this deficit for the current financial year.

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

Yours sincerely

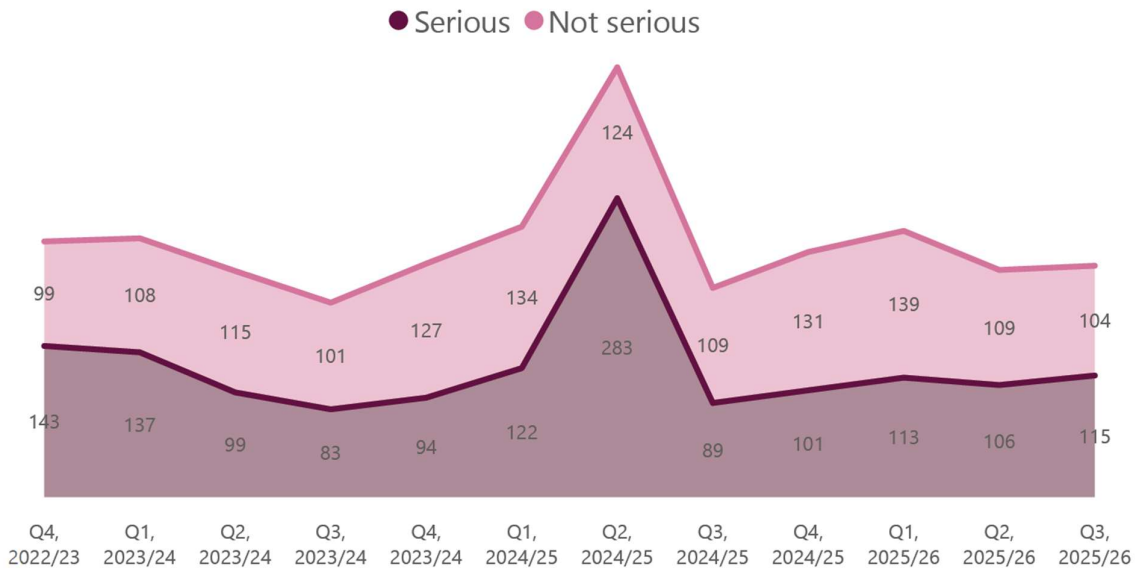
Michael Webster
Privacy Commissioner

Encl: Appendix A: Key operational volumes
 Appendix B: Financials for period ending 31 March 2026
 Appendix C: Performance against Statement of Performance Expectations - Year to Date

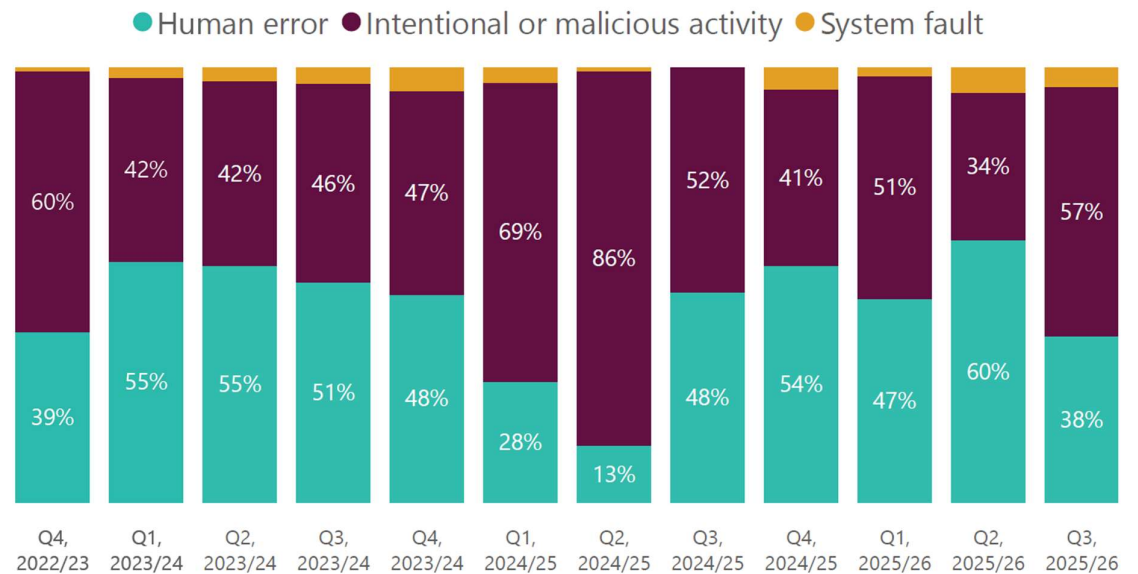
Appendix A: Key operational volumes

Agencies are required to notify OPC of serious/extreme harm data breaches. Note that the charts on this page count the Manage My Health and Medi-map breaches as singular breaches. If the number of individual agencies affected by these breaches was included then the number of serious breaches in Q3 2025/26 increases by over 1,200.

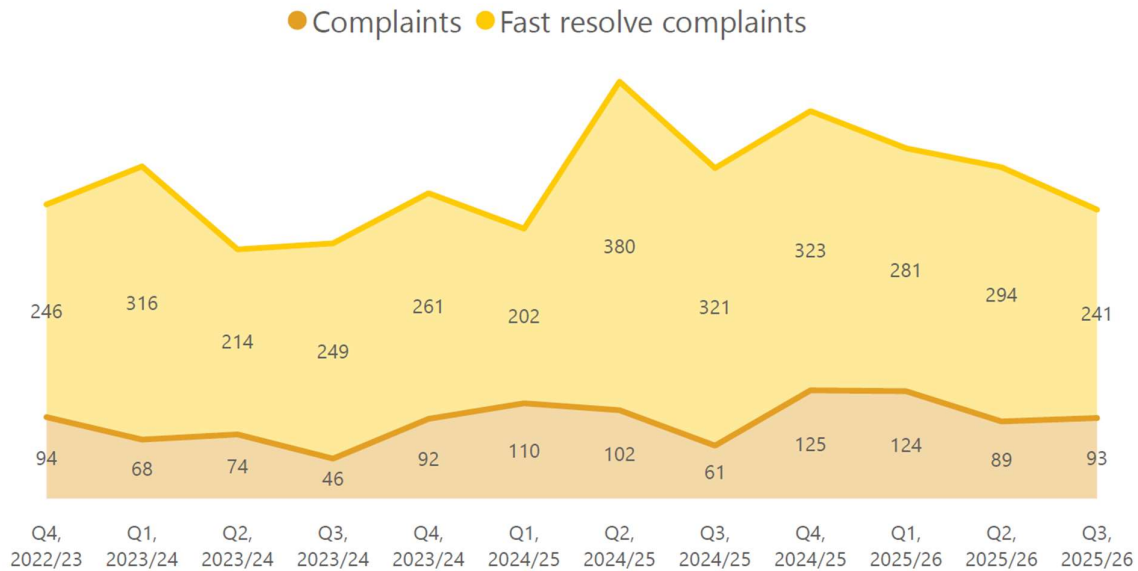
Privacy Breach Notifications (from agencies)



Serious harm breaches by primary cause



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

