

## **Privacy Commissioner's Submission to the Health Select Committee on the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill (310 – 1)**

1. I am pleased to provide a submission on the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill. One of my functions under the Privacy Act 2020 is to examine legislation before Parliament and to consider any matters affecting individuals' privacy. The Privacy Act is New Zealand's main privacy law. It governs the collection, use, storage and disclosure of personal information and provides a mandate for my Office to consider wider developments or actions that affect personal privacy.
2. The Bill provides a regulation-making power to set up safe areas around specific abortion facilities on a case-by-case basis and defines the type of behaviour that is prohibited in safe areas.
3. The Bill will reintroduce provisions as drafted from the 164-2 version of the Abortion Legislation Bill, as reported from the Abortion Legislation Committee in February 2020.
4. I supported the then-Abortion Legislation Bill in my submission to the Committee in 2020 and had no concerns with it as introduced. I note that there have been minor drafting changes to the drafting since my submission, however I continue to support the introduction of these provisions.
5. I specifically consider that new section 13A of the Contraception, Sterilisation and Abortion Act 1977 which is proposed to be added by clause 5 of the Bill is privacy protective. Visually recording a person in a manner that an ordinary reasonable person would know would cause emotional distress to a protected person will become a prohibited behaviour. I consider that prohibiting this conduct is a privacy-preserving measure for protected persons.
6. I trust my comments will assist the Committee. I do not wish to appear in person but would be happy to, should the Committee find that helpful in its consideration of the Bill.



John Edwards  
**Privacy Commissioner**  
28 April 2021