

Telecommunications and Other Matters

Amendment Bill 210—1

Submission by the Privacy Commissioner to the Economic Development, Science and Innovation Committee

- 1.1 The Privacy Act 2020 is the main legislation governing how organisations collect, use, and share personal information in New Zealand.
- 1.2 I welcome the approach to provisions on information sharing in the Bill, which achieve their purpose of (in part) creating a mechanism to ensure that overseas telecommunications providers are subject to appropriate regulatory obligations and enforcement, while upholding the normal operation of the Privacy Act in respect of personal information.
- 1.3 Clause 5 of the Bill inserts a new s 65I into the Radiocommunications Act 1989, enabling a surveillance agency (meaning a law enforcement agency or an intelligence and security agency) to provide the Secretary with information. This provision is subject to important privacy protections. In particular:
 - a) CI 65I(2)(b) requires the agency providing information to be satisfied there are appropriate protections to maintain confidentiality.
 - b) CI 65I(5) preserves the operation of information privacy principle 11. This means that any disclosure of personal information from a surveillance agency to the Secretary must meet the thresholds in the Privacy Act.
- 1.4 My Office worked with officials on these provisions and I support them.
- 1.5 I do not seek to be heard on this submission but am happy to appear before the Committee if it would be of use.



Michael Webster

Privacy Commissioner

