

PRIVACY FORUM SPEECH NOTES

Keynote Speech by Privacy Commissioner John Edwards

Privacy Forum

9.00am Wednesday 7 May 2014

Intercontinental Hotel

Wellington

Good morning and welcome to the 2014 Privacy Forum. Thank you for attending what I hope will be a fruitful and stimulating morning. It is encouraging to have such a large and interested audience.

This is my first Privacy Forum as Privacy Commissioner and I'm encouraged by your desire to know more about the current privacy environment and how that is likely to change in the months and years ahead.

I hope the morning ahead will canvas some of the current privacy challenges and themes and renew your commitment to highlighting good privacy practice as a priority in your workplaces.

I want to acknowledge the support of Symantec as a sponsor of this event. The morning tea that you will refresh you later is thanks to them.

But first, I'd like to point out a few miscellaneous and housekeeping items.

- We will be videoing the conference and some of that content may end up on our website so please bear in mind that you may be recorded if you ask a question.
- There is Wi-Fi in here and the password is **privacy2014**.
- If you are using Twitter, we encourage you to use #PAW2014 and we'll be able to see your comments throughout the morning.
- The men's and women's toilets are outside the room and to the right.
- Finally, in the unlikely event of an emergency, please follow the instructions of the hotel staff.

PRIVACY FORUM SPEECH NOTES

Let me begin.

Privacy climate

This feels like a crucial time to be taking up the role of Privacy Commissioner. There's unprecedented public interest in privacy and heightened anxiety over and concern with privacy and its seeming diminution in the public and private sphere. Why is this?

We've seen how Edward Snowden and the NSA have put privacy on the global agenda and it has prompted a raft of questions about how safe and private is our information, especially the information that we share and store online.

Meanwhile, in New Zealand, a clutch of other acronyms such as GCSB, ACC, EQC and MSD has ensured privacy has rarely been out of the headlines at home.

It isn't just a government thing. The private sector has also been playing its part in keeping privacy on the front pages of news websites and newspapers, and near the top of news bulletins and programmes. We've seen the Telecom-Yahoo email breach, hacks at LinkedIn and Adobe, and we've all come to live with Facebook's mercurial privacy settings.

These shocks and changes are coming at us every day and, cumulatively, many commentators and journalists are reporting it as an endless recycling of the "Is privacy dead?" story.

I don't think privacy is dead in any shape or form. But we can perhaps make it easier to maintain.

Making privacy easy

I want to make privacy easy. It should be easy for government and business to comply with best privacy practice. I also want to make it easy for consumers to choose the privacy option, and for the wronged or the harmed to access remedies.

There is plenty of evidence to show that organisations that have put good privacy practices in place gain the respect and trust of the public.

PRIVACY FORUM SPEECH NOTES

The opposite is also true. People become cynical of organisations that get found out time and time again for breaching public trust. When people lose faith and confidence, they start to give as little of their truthful information as possible. And, if possible, they look for another provider that can give them greater security and peace of mind.

UMR survey results

The protection of people's personal information has become an important distinguishing feature of the way many organisations do business.

This is borne out in our latest UMR survey about individual privacy and personal information which was released on Monday.

The results of the survey show that New Zealanders are increasingly aware and concerned about privacy, especially information held about them by government agencies, by businesses and online providers.

- **One in two New Zealanders** now say they are becoming **more concerned** about privacy issues. This is the highest yet recorded level in our two yearly tracking survey.
- Meanwhile, **four out of five New Zealanders** say they are concerned about the security of their own information on the internet.

Young people

We know that people are concerned about the amount and type of information that young people put online. We know this intuitively – and the survey results have backed that up consistently over the years. In this year's findings:

- **Four out of five New Zealanders** say they are concerned about information children put on the internet about themselves.

We know that young people share much of their lives online. We've drawn the assumption that young people are less concerned about privacy. But is that a mistaken assumption? These results indicate that young people *do care* about protecting their personal information.

PRIVACY FORUM SPEECH NOTES

- The proportion of young people under 30 who report becoming *more concerned* about privacy has jumped from **17 percent in 2012, to 50 percent two years later.**

And in a recent American study, 60% of the 14-18 year olds studied told the researchers that they didn't like things that last forever online.

Lack of control

One theme that has emerged from the survey is a feeling of lack of control: -

- 37% do not feel in control of the way businesses use their information.
- a third of New Zealanders (33%) say they do not feel in control of the way government agencies use and protect their information.

In qualitative research that we undertook, participants made comments about interacting with government:

"You don't have a choice because if you want to get what you want then you have to share your information and hope they won't release it."

And another participant:

"I think you are basically stuck there because you are in a position where you need to give them the information if you want their service."

And the picture is worse in terms of online social networking:

- 54% do not feel in control of the way social networking services use their information.
- And social networking providers came right at the bottom of a list of organisations that respondents trusted.

A focus group participant said:

"You almost feel that people get caught out because they change the privacy settings so many times that they are almost trying to deceive people because it is quite complicated to really nail it down."

PRIVACY FORUM SPEECH NOTES

And yet Facebook's growth has been from 14 percent in 2007 to 61 percent in 2014. Three out of five respondents are now using Facebook. But there is a further change. There is a growing level of social media literacy among New Zealanders:

- Three out of four New Zealanders (77%) say they have changed the privacy settings on their Facebook page.

Later this morning, we'll be discussing some other themes in social networking and online behaviour. I look forward to hearing more from Martin Cocker of Netsafe and Val Hooper from Victoria University.

This is a field of work that couldn't have been envisaged by the architects of the Privacy Act when it was enacted in 1993. Almost no one used the internet in 1993 and today, 21 years on, almost everyone does. In that time, we have seen huge technology-driven changes and challenges to privacy.

Privacy law reforms

The Privacy Act was reviewed by the Law Commission in recent years and it made comprehensive and well-founded recommendations on changing the law. We are hopeful that the Government will advance those recommendations, and believe we are close to a much needed renewal of the Privacy Act.

I expect the overall impact of the proposed changes will be to give my office

- stronger investigative powers
- the authority to order that information be given to people
- the power to order agencies to fix privacy problems.

One other significant change is a likely shift to mandatory breach notification.

- Currently, the Privacy Commissioner depends on voluntary breach notification and on the goodwill and compliance of agencies to alert us if there's been a data breach.
- A law change may not mean the end of spreadsheets going to the wrong recipients, but we'll have to be notified when it does happen.

GCPO

PRIVACY FORUM SPEECH NOTES

As well as the law reform, there's another significant development in the privacy policy environment. The new role of the Government Chief Privacy Officer is a very positive step for the public sector. For the first time, there will be centralised leadership across government.

We will hear more about the GCPO role in our final session this morning with Colin MacDonald, who together with Ryan Ko of Waikato University and Ruth Russell of Ernst and Young, will discuss managing information security and privacy.

The kiosk breach at MSD was the subject of a GCIO report that revealed systemic weaknesses in the way privacy and security has been managed across the government sector. The consequences of bad management of information are self evident - hostile media coverage, reputational damage, loss of public trust and harm caused to people.

The success of the Government Chief Privacy Officer will depend on the extent of support and uptake by other government departments. I, for one, am looking forward to working with the GCPO. We both have an important role and they complement and reinforce our highly compatible agendas.

GCSB

Before that session should be a fascinating insight on security and surveillance by the director of the Government Communications Security Bureau, Ian Fletcher.

I applaud Ian's willingness to be here today to talk about the GCSB and its work. This is against a backdrop of heightened suspicion about intelligence agencies and the legal framework they work within.

I mentioned the NSA and Edward Snowden earlier and they will no doubt be a feature in that discussion. The balance between the need for security with respect for personal privacy has been an evolving one and this is a terrific opportunity to get a first hand New Zealand perspective.

E-Government and transparency

In the first session today, *Information sharing and data privacy*, we'll be looking at the emergence of e-government as a force in people's lives. As governments

PRIVACY FORUM SPEECH NOTES

increasingly move towards engaging with their public online, people need to have confidence and trust that the systems that hold their information are secure and that their information is respected.

Trust and confidence is an essential foundation of a well functioning public sector and economy. Respect for privacy and personal information is essential for the maintenance of that trust and confidence.

Miriam Lips of Victoria University will tell us about the work of the Data Futures Forum, and her own recent research on New Zealanders' attitudes to managing their online information.

Nowhere is trust more important than in the health sector. Health information is about as personal and private as it gets.

One of the issues is that patients and the public have little idea about what is being done with their health information. Privacy needs transparency. The longer that public uncertainty and ignorance persist, the worse the potential fallout.

I think the New Zealand Health Information Strategy's idea of keeping 'rich' information where it is collected, in primary care, and passing anonymised information up the chain for analysis is a good one. But it relies on keeping the trust of the primary care sector, and of the public. I'm looking forward to hearing more about how this happens from Graeme Osborne of the National Health IT Board.

New resources

We are taking the opportunity during Privacy Week to launch a couple of new privacy resources.

Our **Data Safety Toolkit** is a new online resource which has guidance, case notes and tips points on how to prevent and deal with data breaches. It goes live on our website today.

The **International Privacy Law Library** is a collection of privacy law resources is a remarkable and comprehensive online space that all privacy professionals should have a look at.

PRIVACY FORUM SPEECH NOTES

You can find information about both the Data Safety Toolkit and the International Privacy Law Library on our home page (www.privacy.org.nz).

Thank you again for attending the Privacy Forum. I hope you have an enjoyable and informative time.

ENDS