

The code will come into force at the same time as the Privacy Act 2020. The Superannuation Schemes Unique Identifier Code 1995 will continue to apply until it is revoked and replaced by this code under the new Privacy Act.

Noted.

Some copies of the codes of practice on our website include a note, which sets out that words and expressions that are defined in the Privacy Act are used in the relevant code.

Question for submitters: Would you find it helpful to add a new subclause, which expressly provides that a term or expression defined in the Privacy Act and used but not defined in this code has the same meaning as the Act?

We think this would be a useful clarification.

Clauses 4(2) and (3) reflect section 26 of the Privacy Act 2020.

Clause 4(2) ensures that subrules 13(1), (2)(a), (2)(e) and (5)(a) apply only to the assignment of unique identifiers after the Privacy Act 1993 was in force.

Clause 4(3) clarifies that agencies subject to this code cannot, after 1 July 1993, assign a unique identifier previously assigned to that individual, whether the previous assignment was before or after 1 July 1993.

Question for submitters: Do you agree that the application of rule 13 to agencies subject to this code should reflect section 26 of the Privacy Act 2020?

1. We note the previous Code reflected section 8 of the Privacy Act 1993 which set out the application of information privacy principles and associated timing. Therefore, there does not appear to be any reason for the new Code not to reflect section 26 of the Privacy Act 2020.
2. The wording appears to be incorrect – subclause 4(2) states that the relevant subrules “do not apply to unique identifiers assigned after 1 July 1993.” Assume this is meant to say “before 1 July 1993” or “only apply to unique identifiers assigned after 1 July 1993”.
3. Why does clause 4(2) only apply to (5)(a) and not (5)(b)? We see the corresponding application clause in the Privacy Act 2020 (section 26) only applies to (4)(a) and not (4)(b). We assume the intention is to remain consistent with the Act.
4. New subrule 13(6) is not specified as applying to any unique identifiers, whether assigned before or after 1 July 1993. We note the corresponding subrule (5) in the 1995 Code and the equivalent IPP (12(4)) in the Privacy Act 1993 were set out as applying to any unique identifiers, whether assigned before or after 1 July 1993 and query the change.
5. Query why subrules (4)(b), (c), (d) and (3) are not limited to only applying after 1 December 1995 (when the current Code commenced). The previous Code set this out in subrule 4(3).

The wording of this subrule has been updated to reflect information privacy principle 13(1) of the Privacy Act 2020.

Noted.

Subrule 13(2)(e) is new. It implements information privacy principle 13(2) of the Privacy Act 2020, which includes an exception where a unique identifier is used for statistical or research purposes and no other purposes.

Noted.

Subrule 13(4) is new. It implements new information privacy principle 13(3) of the Privacy Act 2020, which clarifies that an agency that simply records a unique identifier assigned by another agency to locate its records is not assigning the unique identifier for use in its own operations.

Noted.

Subrule 13(5) is new. It implements new information privacy principle 13(4) of the Privacy Act 2020, which requires that, before disclosing a unique identifier, agencies must take all reasonable steps. to minimise the risk of misuse of that identifier.

Noted.

The wording of this subrule has been updated to reflect information principle 13(5) of the Privacy Act 2020.

Noted.