

TELECOMMUNICATIONS INFORMATION PRIVACY CODE 2003

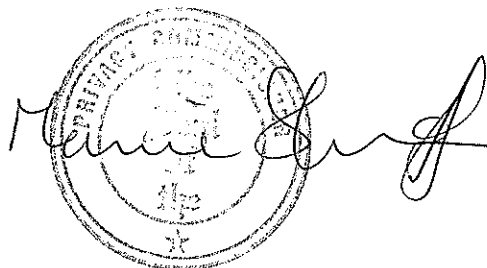
AMENDMENT NO 3

I, MARIE SHROFF, Privacy Commissioner, now issue under section 51 of the Privacy Act 1993, this amendment to the Telecommunications Information Privacy Code 2003.

Issued by me at Wellington on 3 June 2004

The seal of the Privacy Commissioner
was affixed to this amendment to the
Telecommunications Information Privacy
Code 2003 by the Privacy Commissioner

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1. Title

This amendment may be referred to as the Telecommunications Information Privacy Code 2003 Amendment No 3.

2. Commencement

This amendment will come into force on 1 August 2004.

3. Revocation of Amendment No 2 (Temporary)

Amendment No 2 (Temporary) is revoked.

4. Amendment to clause 1

Clause 1 is amended in the following manner:

Omit: Telecommunications Privacy Code 2003
Substitute: Telecommunications Information Privacy Code 2003

5. Amendment to clause 3

The definition of "foreign telecommunications law" is omitted.

6. Amendment to rule 2(2)(d)

Rule 2(2)(d) is amended in the following manner:

Omit: subparagraphs (ii), (iii) and (iv) (as originally issued)
Substitute: (ii) for the conduct of proceedings before any court or tribunal
(being proceedings that have been commenced or are reasonably in contemplation); or

(iii) for the purpose of preventing or investigating an action or threat that may compromise network or service security or integrity;

7. Amendment to rule 3(4)(b)

Rule 3(4)(b) is amended in the following manner:

Omit: subparagraphs (ii), (iii) and (iv) (as originally issued)
 Substitute: (ii) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
 (iii) for the purpose of preventing or investigating an action or threat that may compromise network or service security or integrity;

8. Amendment to rule 10(1)(c)

Rule 10(1)(c) is amended in the following manner:

Omit: subparagraphs (ii), (iii), (iv) and (v) (as originally issued)
 Substitute: (ii) for the protection of the public revenue;
 (iii) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
 (iv) for the purpose of preventing or investigating an action or threat that may compromise network or service security or integrity;

9. Amendment to rule 11(1)(f)

Rule 11(1)(f) is amended in the following manner:

Omit: subparagraphs (ii), (iii), (iv), (v) and (vi) (as originally issued)
 Substitute: (ii) for the enforcement of a law imposing a pecuniary penalty;
 (iii) for the protection of the public revenue;
 (iv) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
 (v) for the purpose of preventing or investigating an action or threat that may compromise network or service security or integrity;

10. Amendment to Schedule 2

(1) Clause 3 of Schedule 2 is amended in the following manner:

Omit: paragraph (a)
 Substitute: (a) To search for a subscriber's telephone number:

- (i) using a directory enquiry service, an enquirer is required to provide both the approximate name and approximate address of the subscriber being sought;
- (ii) using an electronic directory, a searcher is required to provide the approximate name of the subscriber being sought;

(2) Clause 6 of Schedule 2 is amended in the following manner:

Omit: the phrase “at the date of commencement of clause 3”
Substitute: as at 1 April 2005

(3) The following clause 10 is to be inserted in Schedule 2:

10. Without limiting clause 9, a telecommunications agency that publishes a directory on the Internet must:
- (a) take such steps as are, in the circumstances, reasonable to ensure that affected subscribers are aware that information about them is published in this manner and the implications for the accessibility of the information by other people (for example, any significant differences from the way in which the information may otherwise be made available in non-electronic directories);
 - (b) promptly act to remove information relating to a subscriber from the Internet directory where that subscriber withdraws his or her authorisation for inclusion.