



**TCF Submission to
Office of the Privacy Commissioner
Regarding proposed revocation and replacement of the Telecommunications Information
Privacy Code under the Privacy Act 2020
26 August 2020**

A. Introduction

1. Thank you for the opportunity to comment on the revocation and replacement of the Telecommunications Information Privacy Code under the Privacy Act 2020 (TIPC 2020).
2. This submission is provided by the New Zealand Telecommunications Forum (TCF). The TCF is the telecommunications sector's industry body which plays a vital role in bringing together the telecommunications industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. TCF member companies represent 95 percent of New Zealand telecommunications customers. The forum facilitates the development of consensus-based, self-regulatory codes, that set standards and specifications for the way members follow procedures internally, and for the way industry interconnects on industry-wide issues. The TCF enables the industry to work together and to discuss issues and topics collaboratively, to reach acceptable solutions that can be developed and implemented successfully.
3. The TCF supports the aims of the revisions to the TIPC 2020. For reasons of expediency, we have kept our comments short, and are prepared to elaborate on any of the points raised if you would like to contact us.

B. TCF Comments

The TCF supports the proposed changes to TIPC 2020 to implement the Privacy Act 2020 and would like to make some general points as follows:

- a) Clause 4 (Interpretation) - TCF supports a new subclause which expressly provides that a term or expression defined in the Privacy Act 2020 (the Act) and used but not defined in the TIPC 2020 has the same meaning as in the Act. This will assist in avoiding any confusion as to a definition.
- TCF proposes amendments to correct erroneous cross-references as follows:
1. **telecommunications agency** - delete cross-reference to subclause 4(2) and replace with *subclause 5(2)*;
 2. **telecommunications information** – delete cross-reference to subclause 4(1) and replace with *subclause 5(1)*.
- b) Rule 2 (Source of Telecommunications Information) - TCF supports express reference to section 54 (now section 30 of the 2020 Act) being retained in Rule 2 on the basis that authorisation can still be granted by the Privacy Commissioner.
- c) Rule 7 (Correction of Telecommunications Information) – TCF proposes an amendment to Rule 7 (6) to ensure consistency with other TIPC 2020 provisions as follows: *‘When a telecommunications agency ~~receives~~ refuses a request under subrule (1), it must advise ...’*
- d) Rule 10 (Limits on use of Telecommunications Information) - TCF supports an express reference to section 54 (now section 30 of the 2020 Act) to be retained in Rule 10, even though it has been removed from Information Privacy Principle 10 for the same reason as (b) above.
- e) Rule 11 (Limits on Disclosure of Telecommunications Information) – TCF supports an express reference to section 54 (now section 30 of the 2020 Act) being retained in Rule 11, for the same reason as (b) above.
- f) Rule 12 (Disclosure of Telecommunications Information outside New Zealand) - TCF supports the way that new information privacy principle 12 is proposed to be implemented into the TIPC 2020.
- g) Rule 13 (Unique Identifiers) – TCF agrees that the application of Rule 13 to telecommunications agencies should reflect section 26 of the Act.
- h) TCF supports the inclusion of explanatory notes and commentary in TIPC 2020, as was the case in the current version of the TIPC. TCF considers that such notes and commentary assist with interpretation.

The TCF is happy to answer any questions the Privacy Commissioner might have on the views set out in this submission.

Yours sincerely,



Geoff Thorn
Chief Executive Officer
New Zealand Telecommunications Forum (TCF)