



Privacy Commissioner
Te Mana Mātāpono Matatapu

MEDIA RELEASE

Parliament passes modernised Privacy Act

26.06.2020

Privacy Commissioner John Edwards welcomed Parliament passing the Privacy Act 2020 with unanimous support.

The new Act replaces the 27-year-old Privacy Act 1993. Many of the changes are based on recommendations from the Law Commission's comprehensive 2011 review of New Zealand's privacy laws.

"The new Privacy Act provides a modernised framework to better protect New Zealanders' privacy rights in today's environment," Mr Edwards said.

"I am grateful for the cross-party support of Parliament on this issue. It is an endorsement of the significance of privacy as a universal human right that the Bill was passed with the multi-party support of the House."

Key reforms in the new Privacy Act include:

- **Mandatory notification of harmful privacy breaches.** If organisations or businesses have a privacy breach that poses a risk of serious harm, they are required to notify the Privacy Commissioner and affected parties. This change brings New Zealand in line with international best practice.
- **Introduction of compliance orders.** The Commissioner may issue compliance notices to require compliance with the Privacy Act. Failure to follow a compliance notice could result a fine of up to \$10,000.
- **Binding access determinations.** If an organisation or business refuses to make personal information available upon request, the Commissioner will have the power to demand release.
- **Controls on the disclosure of information overseas.** Before disclosing New Zealanders' personal information overseas, New Zealand organisations or businesses will need to ensure those overseas entities have similar levels of privacy protection to those in New Zealand.
- **New criminal offences.** It will be an offence to mislead an organisation or business in a way that affects someone's personal information or to destroy personal information if a request has been made for it. The maximum fine for these offences is \$10,000.

- **Explicit application to businesses whether or not they have a legal or physical presence in New Zealand.** If an international digital platform is carrying on business in New Zealand, with the New Zealanders' personal information, there will be no question that they will be obliged to comply with New Zealand law regardless of where they, or their servers are based.

The Act comes into effect on 1 December 2020.

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