

The Government is Local, the Privacy is global

Alex Robertson and Steph Gregor for Privacy Week 2025

15 May 2025

Today, we will cover:

- An overview of the Privacy Act
- What is a privacy breach, and how can you avoid it?
- What unique privacy challenges does local government face?
- Power dynamics and the need for transparency
- How to find out more info



Privacy Commissioner
Te Mana Mātāpono Matatapu

Who does the Privacy Act regulate?

‘Agency’ is defined in the Act as any public or private sector agency that collects or holds personal information.

The actions of these agencies, both within New Zealand and outside of it.

It can include an individual where an individual undertakes those activities, such as a sole trader or landlord.

It does not apply to individuals acting in connection to their personal or domestic affairs, unless their actions would be highly offensive to a reasonable person.

Further exceptions include:

- News media in relation to news gathering activities
- Judicial functions of the Court/Tribunals
- Governor-General
- Parliament
- Ombudsman Offices

The Information Privacy Principles

Collecting Personal Information

IPP

- | | |
|----|-------------------------------------------------------|
| 01 | Only collect information you need |
| 02 | Get it directly from the person where possible |
| 03 | Be open about what you are going to do with it |
| 04 | Be fair about what you do with it |

Holding Personal Information

IPP

05

Keep the information **secure**

06

Let people **access** their own information

07

Correct the information if it's wrong

Using and Disclosing Personal Information

IPP

- | | |
|----|---------------------------------------------------------|
| 08 | Make sure it is accurate before using it |
| 09 | Only retain it for as long as you need it |
| 10 | Only use it for the reason it was collected |
| 11 | Only disclose it for the reason it was collected |
| 12 | Only send it overseas if it will be protected |
| 13 | Only use unique identifiers when permitted |

What is a privacy breach, common examples

Privacy Breaches

A privacy breach is:

Unauthorised or accidental access to, or disclosure, alteration, loss, or destruction of, the personal information; or

An action that prevents the agency from accessing the information on either a temporary or permanent basis

Some are notifiable:

A privacy breach that has caused, or is likely to cause, **serious harm** to an individual is a notifiable privacy breach

If a notifiable breach occurs:

Legally required to notify the Commissioner as soon as practicable

Must notify affected individuals as soon as practicable, unless an exception applies

Information may be provided incrementally

Considering serious harm and sensitive information

Serious Harm includes:

- Emotional harm - where the action has resulted in, or may result in, significant humiliation, significant loss of dignity or significant injury to the individual's feelings
- Financial fraud or theft
- Physical harm or intimidation
- Identity theft

Section 113 of the Privacy Act outlines things to consider when assessing if serious harm has occurred

Sensitive information includes

- Health information
- Financial information
- Biometric information
- Information about young people

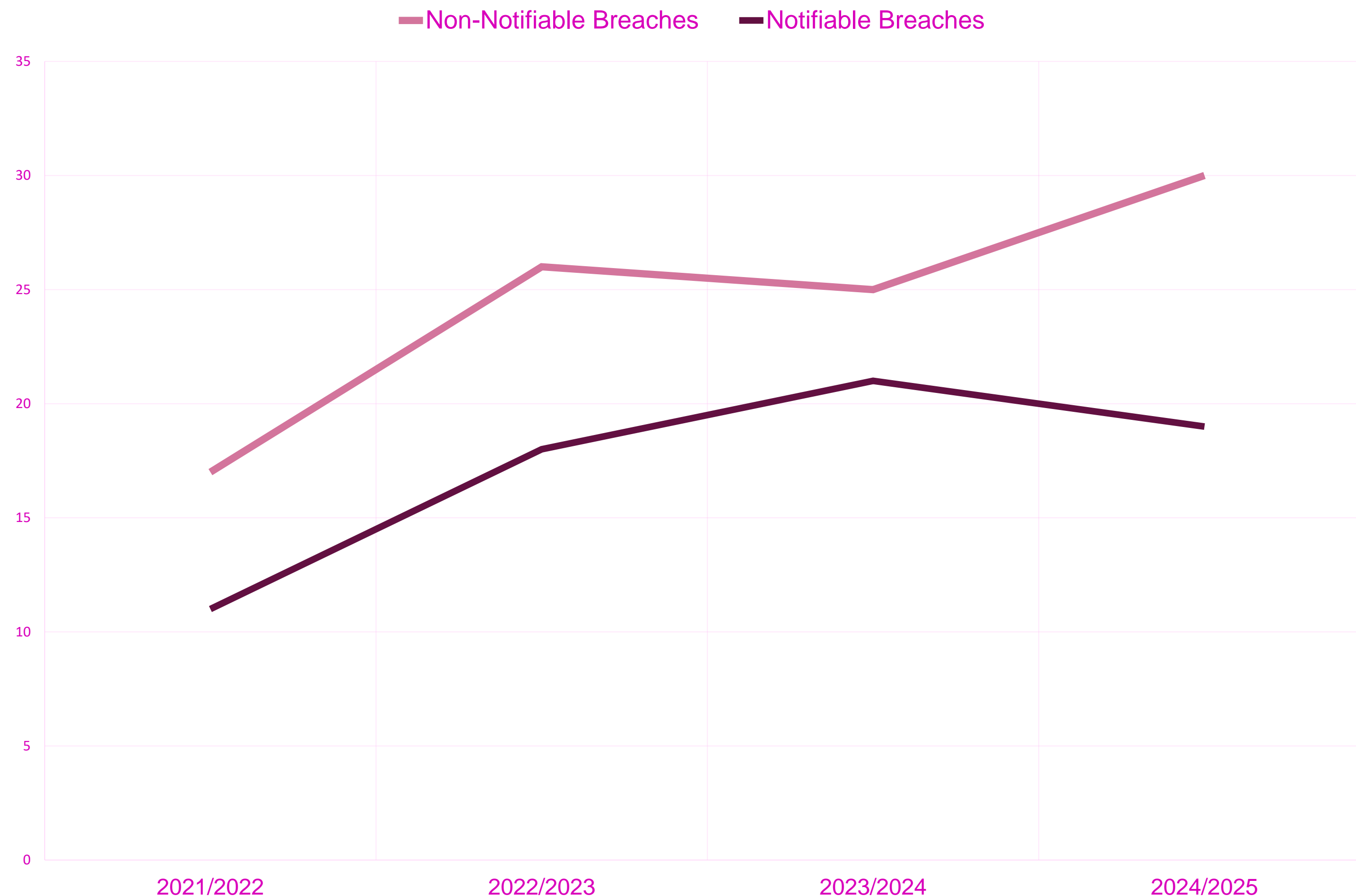
Context can provide sensitivity

The number of reported privacy breaches is increasing

Dec 2020 – April 2025: 189 local govt privacy breaches

- 80 of these (42%) were likely to, or did, cause serious harm
- 45 (24%) related to rates, invoices, or submissions

Higher numbers of reporting can be a good thing.



Common types of breaches

- Unauthorised/accidental sharing
- Email errors - sending information to the wrong person
- Website/IT system error
- Postal error
- Employee browsing
- Cyber-attacks

The media love a good story


Home / New Zealand

Wellington City Council data breach: Investigation launched, Mayor Tory Whanau disappointed, frustrated



By **Georgina Campbell**
Senior Multimedia Journalist · NZ Herald · 21 Jun, 2023 05:00 AM ⌚ 4 mins to read

Liquor licence objectors’ details accidentally shared



Janine Rankin | **ManawatuStandard**

September 28, 2024 [Share](#)

Private info of ratepayers divulged after council hit by phishing scam








Marty Sharpe

March 4, 2025 · 7:48pm [Share](#)

NEW ZEALAND / LOCAL DEMOCRACY REPORTING

Māhia resident upset at council over privacy breach


7:55 pm on 12 August 2022

Share this     

INFRASTRUCTURE

Police officers and vulnerable families ‘exposed’ by Watercare privacy breach

As a plan to pump treated wastewater into the Manukau Harbour is notified today, locals are furious at Watercare publishing private details of about 120 submitters and misrepresenting their positions



by **Jonathan Milne** 13/10/2023

[Share](#)

Computer hacker steals sensitive information from 20,000 Christchurch hot pools customers

Liz McDonald

September 7, 2022 · 8:13pm [Share](#)

Common privacy issues faced by local government

Common issues

- Interplay with other legislation, including the LGOIMA
- IPP6 access requests
- Employee browsing



Privacy Commissioner
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Privacy

A guide to section 9(2)(a) of the OIA and section 7(2)(a) of the LGOIMA

One reason for withholding information that has been requested under the OIA is the protection of personal privacy.

Section 9(2)(a) of the OIA¹ applies where withholding is necessary to 'protect the privacy of natural persons, including that of deceased natural persons'.

This guide explains how section 9(2)(a) works, and what factors to consider in deciding whether it is necessary to withhold official information on privacy grounds.

Section 9(2)(a) is subject to a public interest test. See our [Public interest](#) guide for more information about how to apply that test.

You can also find information about section 9(2)(a) in our [Names and contact details of public sector employees](#) guide.

Power dynamics and the need for transparency

Power dynamics and the need for transparency

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- Councils are positioned in a regulatory capacity
 - Authority or legislative requirement to use, and disclose personal information
 - Need for very clear privacy **statements**
 - Clear processes and policies for individuals to engage and contact Council about the use of their personal information
 - Reasonable safeguards to protect personal information

Privacy is for everyone

- Privacy is not just for the privacy nerds
- From the frontline staff to the back office
 - Over 50 breaches involve ratepayers information, submissions, or LGOIMA issues
 - Over 16 breaches involves dog infringements or dog registrations
- Bake privacy into the processes that staff use – this is part of privacy being ‘on purpose’

How to find out more information

Poupou Matatapu doing privacy well



Section 201 of the Privacy Act

Requirement to have a privacy officer

Each organisation must appoint 1 or more people whose responsibilities include:

Encouraging the organisation to comply with the information privacy principles

Dealing with requests made to the organisation under the Act

Working with OPC during investigations

Ensuring the organisation complies with the provisions of the Act



Thank you – any questions?

