

## **The Privacy Act has some changes which come into effect 1 December 2020**

Please refer to the Privacy Commissioner's [website](#) for more information.

**What is the Privacy Act?** The Privacy Act 2020 (Privacy Act) governs how individuals, organisations and businesses collect, use, disclose, store, and give access to personal information.

**What is personal information?** Personal information is any information which tells us something about a specific individual. The information does not need to name the individual, as long as they are identifiable in other ways, like through their home address. The Privacy Act is concerned with the content of personal information, rather than the specific form that content is in. This means that all sorts of things can contain personal information, including notes, emails, recordings, photos, text messages and scans, whether they are in hard copy or electronic form.

**Who does the Privacy Act apply to?** The Privacy Act applies to 'agencies'. Almost every business, organisation, and individual that handles personal information is considered an agency under the Privacy Act – whether they are a government department, a private company, religious group, school, or even an individual person in some cases.

**What do I need to know ?** As an NSO, a sport club, an RST or any other organisation you need to be aware of the new requirements and how they apply to you. If you breach the Privacy Act there can be a substantial financial cost to your organisation or potentially cause harm to others. The Privacy Commissioner has created a short video to help you understand the changes. We recommend that you watch this [video](#)

### **Summary of the main changes**

- A requirement to report a serious privacy breach to the Privacy Commissioner and in most cases those users that are affected.
- The need to ensure that when collecting information from young people it is collected fairly and reasonably using language they understand.

- The ability for the Privacy Commissioner to issue Compliance Notices and Access Directions to agencies.
- New offences and increased penalties for misleading an agency to get someone's personal information.
- A new principle on what to do when sharing personal information with overseas companies and a requirement for overseas companies who do business in New Zealand to comply with the Privacy Act.

## Resources

- [Privacy Commissioner's Resources](#)  
Free resources to better understand your obligations
- [Privacy Statement Generator](#)  
Get your privacy statement sorted with this free online tool
- [Fact Sheet on Changes](#)  
Summary on key changes

## Summary of the 12 Principles of the Privacy Act

- **Principle 1 – Purpose for collection:** Organisations must only collect personal information if it is for a lawful purpose connected with their functions or activities, and the information is necessary for that purpose. When asking people for their personal information, you should carefully consider why you are collecting it. If the personal information you are asking for is not necessary to achieve something closely linked to your organisation's activities, you should not collect it.
- **Principle 2 – Source of information:** The personal information should be collected directly from the person it is about. The best source of information about a person is usually the person themselves. Collecting information from the person concerned means they know what is going on and have some control over their information.
- **Principle 3 – What to tell an individual:** The organisation should be open about why they are collecting personal information and what they will do with it. When an organisation collects personal information, it must take reasonable steps to make sure that the person knows.

- **Principle 4 – Manner of collection:** Personal information must not be collected by unlawful, unfair, or unreasonably intrusive means. When an organisation collects information about a person, it must do so in a way that is fair and legal. If you break a law when collecting information, then you have collected information unlawfully. What is fair depends a lot on the circumstances.
- **Principle 5 – Storage and security:** Organisations must ensure there are safeguards in place that are reasonable in the circumstances to prevent loss, misuse, or disclosure of personal information.
- **Principle 6 – Access to personal information:** People have a right to access their own personal information. Generally, an organisation must provide access to the personal information that it holds about someone if the person in question asks to see it. People can only ask for information about themselves. The Privacy Act does not allow you to request information about another person unless you are acting on that person's behalf and have written permission. In some situations, an organisation may have good reasons to refuse access to personal information. For example, the information may involve an unwarranted breach of someone else's privacy or releasing it may endanger someone's safety.
- **Principle 7 – Correction of personal information:** A person has a right to ask an organisation or business to correct information about them if they think it is wrong. If an organisation does not agree that the information needs correcting, it must attach a statement of correction that clearly shows the individual asked to have it changed.
- **Principle 8 – Accuracy of personal information:** An organisation must check before using personal information that it is accurate, complete, relevant, up to date and not misleading.
- **Principle 9 – Retention of personal information:** An organisation should not keep personal information for longer than it is required for the purpose it was collected.
- **Principle 10 – Use of personal information:** Organisations can generally only use personal information for the purpose it was collected. Sometimes other uses will be allowed, such as if the new use is directly related to the original purpose, or if the person in question gives their permission for their information to be used in a different way.

- **Principle 11 - Disclosure of personal information:** An organisation may only disclose personal information in limited circumstances
- **Principle 12 – Unique identifiers:** An organisation can only use unique identifiers when it is necessary. An organisation cannot assign a unique identifier to a person if that unique identifier has already been given to that person by another organisation. Unique identifiers are individual numbers, references, or other forms of identification allocated to people by organisation's, such as driver's license numbers, passport numbers, or IRD numbers.

**For more information on these principles** [click here](#)

**Recommendation** Organisations watch the Privacy Commissioner's video about the changes and to read the information on the Privacy Commissioner's website. The website contains some great resources including the e-portal learning site which helps the organisation understand the Privacy Act requirements and obligations.