

PRIVACY REFORM: WHERE WE ARE, WHERE WE'RE GOING

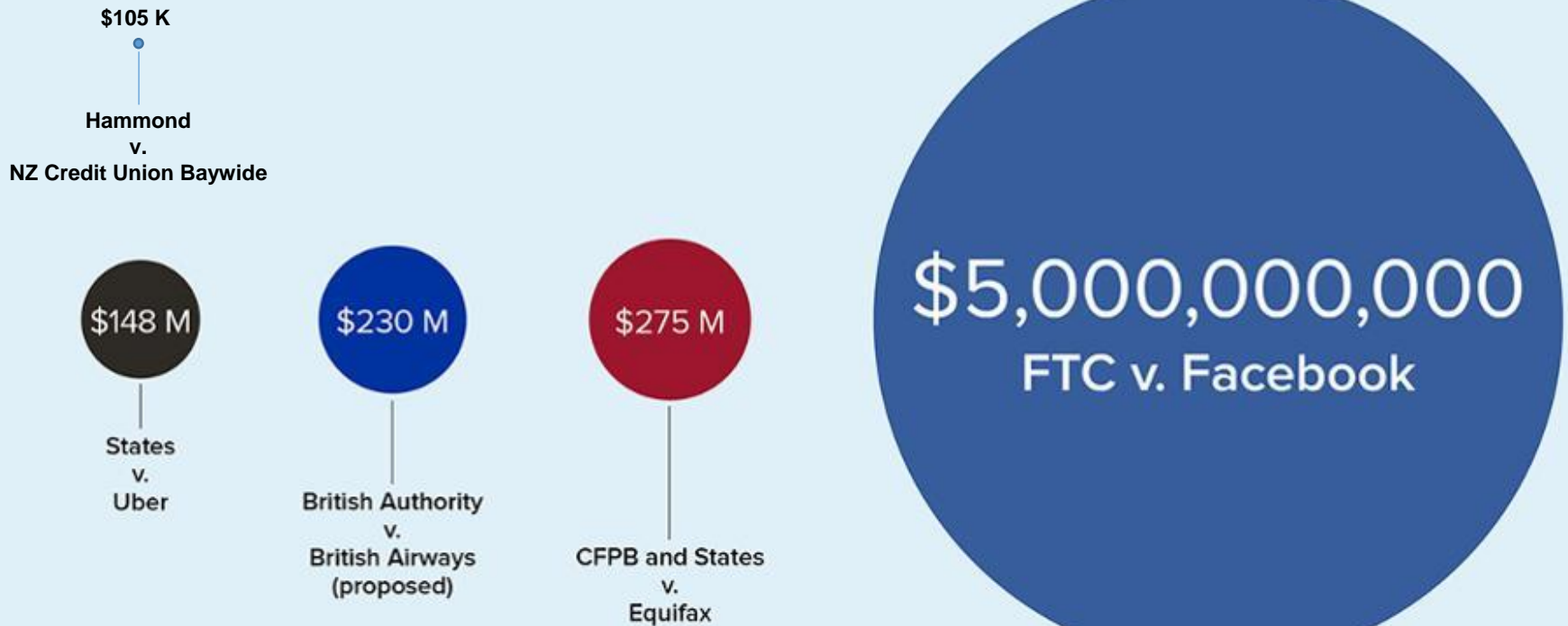
John Edwards
Privacy Commissioner

WHY IS PRIVACY IMPORTANT?



CURRENT PRIVACY LANDSCAPE

Highest Penalties in Privacy Enforcement Actions



Source: Federal Trade Commission | [FTC.gov](https://www.ftc.gov)

Reviewing the Privacy Act:

- Necessary and Desirable (1998)
- Law Commission Review (2011)
- Privacy Commissioner's Section 26 Report to Government (2017)
- Privacy Bill Introduced to parliament (2018)

Considerations for our submission on Privacy Bill

- Do the provisions in the Privacy Bill enhance or retain privacy rights for New Zealanders?
- Is any compliance burden on agencies justified?

Privacy Bill 2019 – key changes

- Mandatory data breach notification – threshold “significant harm”
- Compliance notices
- New criminal offences
- Binding decisions on access requests
- Media exemption

Privacy Bill

Home » Parliamentary Business » Bills and Laws » Bills (proposed laws)

Metadata

This bill repeals and replaces the Privacy Act 1993, as recommended by the Law Commission's 2011 review of the Act. Its key purpose is to promote people's confidence that their personal information is secure and will be treated properly.

Get notifications

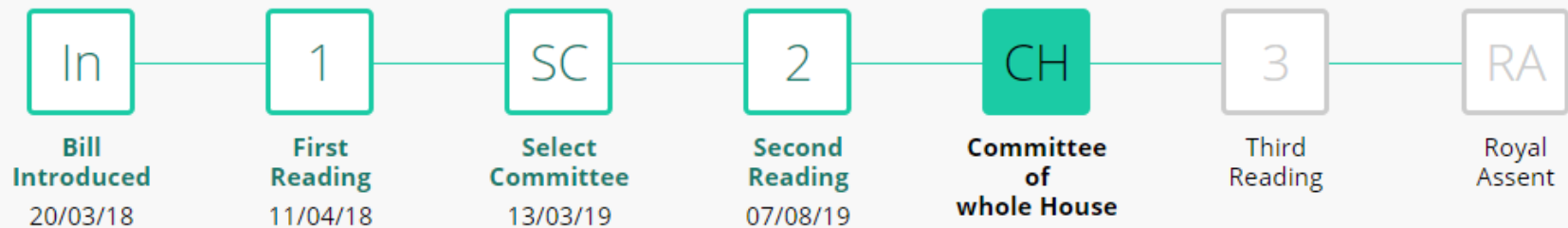


MP in charge

Little, Andrew

Progress of the bill

What do the symbols mean?



European Union GDPR

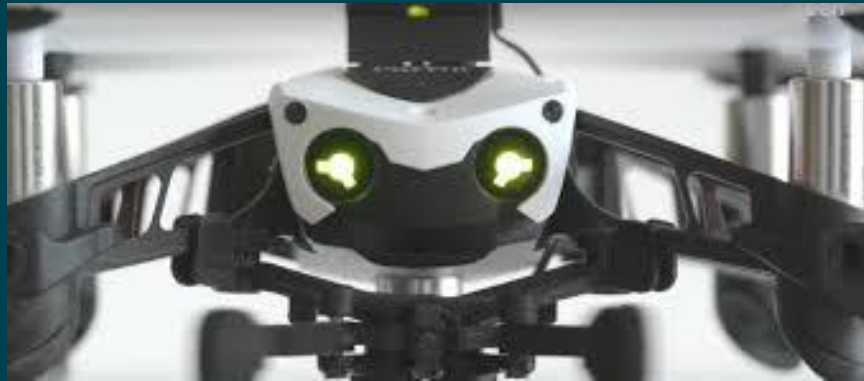
A gold standard for data privacy

- Fines 4% of global turnover
- Right to be Forgotten
- Mandatory PIA requirements
- Enhanced Privacy by Design requirements
- Accountability requirements
- Algorithmic transparency
- Data portability
- More stringent consent requirements.



Challenges for privacy in future

- Machine-learning and AI
- Powerful social media networks
- Brain-reading headsets
- Deepfakes
- Facial recognition technology and drones



Future focus for privacy in NZ

- **Greater Penalty powers**
- **Data portability**
- **Protection against reidentification**
- **Narrowing the defences available to agencies**
- **Reforming the public register principles**
- **Justice Minister acknowledges there may need to be future work on privacy reform**

Alsford decision

IN THE SUPREME COURT OF NEW ZEALAND

SC 12/2016
[2017] NZSC 42

BETWEEN

THE QUEEN
Appellant

AND

GREGORY JOHN ALSFORD
Respondent

PRIVACY COMMISSIONER
Intervener

Hearing: 16 June 2016

Court: Elias CJ, William Young, Glazebrook, Arnold and O'Regan JJ

Counsel: M J Lillico and P D Marshall for Appellant
J H M Eaton QC and F E Geiringer for Respondent
J C Edwards (Privacy Commissioner) with J M Hayward

Judgment: 29 March 2017

Hager v Westpac

Nicky Hager gets payout and costs from Westpac after personal information released to police

Joel MacManus and Bonnie Flaws · 13:24, Mar 07 2019



CAMERON BURNELL/STUFF.

Nicky Hager has been given an apology from Police

MSD s11 investigation

MSD investigators systematically misused their powers hunting down fraudsters – privacy commissioner

Debrin Foxcroft · 06:00, May 16 2019



SUPPLIED

Our resources



Have a privacy question?

Ask Us



Can I record a meeting with my boss or employee?

If you are intending to tape record a conversation with your employer, you should have clear reasons for doing so. Likewise if you are an employer intending to record a conversation with an employee...

Can an employer record workplace phone calls?

Yes. But if an employer records phone calls, they should make sure staff and customers have been advised at some point that the calls are being recorded. That's because the Privacy Act say...

Can I record a meeting with a client?

You can record a meeting with a client or an employee, but you need to be upfront and tell him or her that you would like to do that. Employers should seek legal advice before using covert...

E-learning

Learning check one



Read the scenarios below and decide if they would be privacy breaches.

A hospital employee looks at her neighbour's medical records.

Yes

No



A person takes her daughter's mail and reads it.

Yes

No

Select Yes or No for each scenario.



FOR MORE INFO

Check out our website: www.privacy.org.nz.

Find us on Twitter, Facebook, LinkedIn and YouTube

Post a question on AskUs

Or give us a call - 0800 803 909

QUESTIONS?