

The Privacy Act 2020

What's new and how to comply
in a debt collection
environment.



cavell leitch

What we will discuss today:

- Overview of the Privacy Act
- Key changes
- Relevant cases and practical tips

Overview of the Privacy Act

- Personal information
- Privacy principles
- Enforcement

A top-down view of a desk with a laptop, a notebook, a pen, and a small container. The laptop is on the left, and the notebook is on the right. A pen is lying on the desk. A small container is in the center. The background is a light blue color.

Personal Information

“Information about an identifiable individual”

The Privacy Principles

- Collection
- Use
- Disclosure

Enforcement

- Office of the Privacy Commissioner
- Human Rights Review Tribunal
- Employment Relations Authority

When is the Act enforced?

- Was there a breach?
- Was harm caused?

The new Act - What has changed?

CHANGE

Change 1: *Notifiable Privacy Breaches*

Change 2: *Compliance Notices*

Change 3:

Access Directions

Change 4:

Overseas applications

Change 5: *New Criminal Liability*

Summary of Changes

Privacy Law in the Credit Context

- Case studies
- Practical tips

Case study 1: Case note 291313 [2019] NZPriv Cmr 5

Woman harassed at work over a disputed debt

Case study 2: Case note 312145 [2021] NZPrivCmr 1

Man suffers harm due to incorrect debt records

Case study 3: *Taylor v Orcon* [2015] NZHRRT 15

Warning: Awards can be high

Hammond v Credit Union Baywide [2015] NZHRRT 6

Takeaways

- Be prepared
- Don't overshare
- Ensure accuracy
- Think about the meaning of personal information.

Contact us



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