The Privacy Act 2020

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



Cavell Leitch | NZCFI | Privacy Act changes in the credit context | March 2021

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



Personal Information

"Information about an identifiable individual"





- 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?

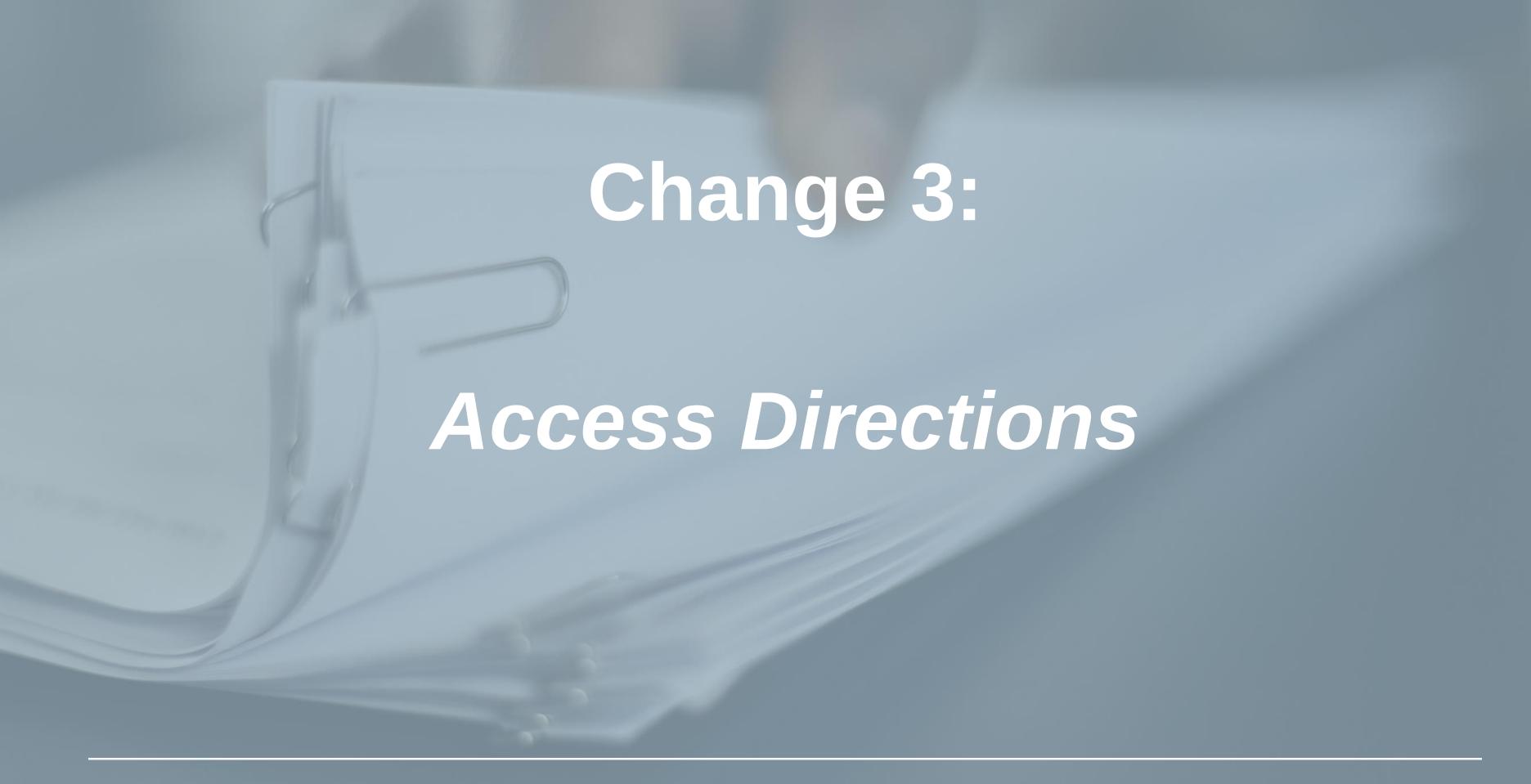














Change 4:

Overseas applications



Change 5:

New Criminal Liability





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



SOPHIE CARTER

Senior Associate +64 22 176 7758



KENDAL COSGROVE

Solicitor +64 339 5636

