

## **Data Protection Day statement**

28 January 2020

### **New Zealand is well overdue for new privacy law**

The Privacy Foundation of New Zealand marked International Data Protection Day 2020 with a statement emphasising the need to complete the modernisation of New Zealand’s privacy law.

“We open the New Year wondering when our 27-year old Privacy Act will finally be replaced” said Gehan Gunasekara, the Privacy Foundation’s Chair. “The new Privacy Bill was introduced to Parliament nearly two years ago and reported back from select committee in March last year.”

“Reform of privacy law seems to proceed at a glacial pace. Indeed, most of the bill’s reforms implement 9 year old Law Commission recommendations while some of the planned law changes can be traced back to a 1998 report. Given the risks to individuals and their privacy of today’s digital environment the need for improved privacy law is urgent.

“The Privacy Foundation looks forward in the coming months to seeing the Privacy Bill complete its final parliamentary stages. We understand that there may be further changes to be made by Government supplementary order paper which the Foundation will study with interest. We hope that the new law will become operational during 2020.

“However, the Privacy Bill must not be the final word on law reform. The bill does not take full account of the changes in the international environment that occurred after completion of the Law Commission’s review in 2011. In particular the Foundation would like New Zealand law to incorporate some of the new individual rights introduced in Europe by the GDPR.”

Gehan Gunasekara

**Chair, Privacy Foundation NZ**

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**Note:** The Law Commission published *Review of the Privacy Act 1993*, R 123, in 2011. The Privacy Commissioner published *Necessary and Desirable: Privacy Act 1993 Review* in 1998. The Privacy Bill was introduced to Parliament in March 2017 and reported back from select committee in March 2018. The EU General Data Protection Directive (GDPR) was adopted in May 2016.

In a statement of May 2019, on the report back of the bill from select committee, the Foundation strongly recommended that the Government conduct urgent policy work on further changes that would bring New Zealand's privacy legislation up to speed internationally. We encourage the government to maintain the momentum to continuously review and consult on international privacy and digital developments as they occur and to add updates to the legislation quickly. Areas where we believe further work is required include:

- a higher level of fines for serious and deliberate misuse of people's information
- making agencies actively show how they are complying with the law
- looking at risks with automated algorithms used to make decisions about us
- Data portability
- protecting people from being re-identified from supposedly anonymised data sets.