



Statement from the Privacy Foundation New Zealand

2 November 2020

Privacy Foundation New Zealand releases position paper on Privacy Act 2020

The Privacy Foundation New Zealand has today publicly released a position paper on the Privacy Act 2020 as a contribution to public discussion in Privacy Week.

The paper sets out where the Foundation stands on the new law which is due to come into force in a month's time on 1 December.

Foundation Chair, Gehan Gunasekara, commented that:

“The Privacy Foundation warmly welcomes the Privacy Act 2020 and which has the potential to do many good things”

“However, the law has a number of shortcomings, some of which can be addressed administratively and by vigorous implementation, but some gaps in the law will only be adequately addressed by amendment.

“As set out in the position paper, the Foundation particularly supports key reforms made by the 2020 Act such as:

- ✓ extended application to overseas agencies and the cross-border transfer principle;
- ✓ additional enforcement powers placed with the Privacy Commissioner together with mandatory breach notification and new offence provisions;
- ✓ the streamlined access determination and enforcement arrangements;
- ✓ new focus on cultural perspectives and on collection from children and young persons;

“The reforms will only achieve their potential if the new requirements are vigorously implemented by agencies and the new powers are fully and effectively exercised by the Privacy Commissioner.

“There are a number of areas identified in the paper where the Foundation considers the Act needs amendment or further reform. In particular, we call upon the Minister of Justice to commence reform work to address shortcomings in the law when measured against the European ‘gold standard’ privacy law.”

Note for editors

The position paper is available at www.privacyfoundation.nz.

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