

Reprint  
as at 3 June 2017



## Year 2000 Information Disclosure Act 1999

Public Act	1999 No 25
Date of assent	4 May 1999
Commencement	see section 1(2)

Year 2000 Information Disclosure Act 1999: repealed, on 3 June 2017, by section 3(1) of the Statutes Repeal Act 2017 (2017 No 23).

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Ministry of Business, Innovation, and Employment.**

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### **An Act to provide protection from civil liability for statements relating to Year 2000 date processing**

#### **1 Short Title and commencement**

- (1) This Act may be cited as the Year 2000 Information Disclosure Act 1999.
- (2) This Act comes into force on 15 May 1999.

#### **Part 1 Preliminary provisions**

#### **2 What this Act is about**

- (1) This Act relates to Year 2000 information disclosure statements.
- (2) A Year 2000 information disclosure statement is a statement about the problems associated with the electronic processing of information relating to dates occurring in the period commencing on 15 May 1999 and ending with the close of 30 June 2001.
- (3) If a Year 2000 information disclosure statement is made in accordance with the Act, no person who makes or republishes the statement is under any civil liability for anything in the statement. Also, a Year 2000 information disclosure statement cannot be given in evidence in civil proceedings involving the person who made or republished the statement. However, the Act contains exceptions to the protection from civil liability and the prohibition against admitting statements in evidence.

- (4) The object of providing this protection is to reduce the risk of legal proceedings for persons wishing to give or share information about what is commonly called “Y2K compliance” or “the Millennium bug”, and, as a result, to encourage the giving and sharing of that information.

### 3 Interpretation

- (1) In this Act, unless the context otherwise requires,—

**acquire** has the same meaning as in section 2 of the Consumer Guarantees Act 1993

**consumer** means a person who—

- (a) acquires from a supplier goods or services of a kind ordinarily acquired for personal, domestic, or household use or consumption; and
- (b) does not acquire the goods or services, or hold himself or herself out as acquiring the goods or services, for the purpose of a business, including for the purpose of—
  - (i) resupplying them in trade; or
  - (ii) consuming them in the course of a process of production or manufacture; or
  - (iii) in the case of goods, repairing or treating in trade other goods or fixtures on land

**goods** has the same meaning as in section 2 of the Fair Trading Act 1986

**services** has the same meaning as in section 2 of the Fair Trading Act 1986

**Year 2000 date processing** means the electronic processing, transmitting, or receiving of information relating to dates occurring in the period commencing on 15 May 1999 and ending with the close of 30 June 2001

**Year 2000 date processing matter** means—

- (a) Year 2000 date processing; or
- (b) detecting problems relating to Year 2000 date processing; or
- (c) preventing problems relating to Year 2000 date processing; or
- (d) remedying problems relating to Year 2000 date processing; or
- (e) the consequences or implications, for the supply of goods or services, of problems relating to Year 2000 date processing; or
- (f) arrangements (including contingency planning, risk management, and remedial action) for dealing with the consequences or implications referred to in paragraph (e); or
- (g) the consequences or implications, for the activities or capacity of a person, of problems relating to Year 2000 date processing; or

- (h) arrangements (including contingency planning, risk management, and remedial action) for dealing with the consequences or implications referred to in paragraph (g).
- (2) In this Act, references to **consequences**, **implications**, and **problems** include references to potential consequences, implications, or problems, as the case may require.

Compare: Year 2000 Information Disclosure Act 1999 ss 4, 8(1)(a) (Aust)

#### 4 Act binds the Crown

This Act binds the Crown.

## Part 2

### Year 2000 information disclosure statements

#### 5 Year 2000 information disclosure statements

For the purposes of this Act, a **Year 2000 information disclosure statement** means—

- (a) an original Year 2000 information disclosure statement; or
- (b) a republished Year 2000 information disclosure statement.

Compare: Year 2000 Information Disclosure Act 1999 s 7 (Aust)

#### 6 Original Year 2000 information disclosure statements

- (1) For the purposes of this Act, an **original Year 2000 information disclosure statement** is a statement that—
  - (a) relates solely to 1 or more Year 2000 date processing matters; and
  - (b) includes words to the effect that the statement is a Year 2000 information disclosure statement for the purposes of this Act; and
  - (c) includes words to the effect that a person may be protected by this Act from civil liability for the statement in certain circumstances; and
  - (d) is made on or after 15 May 1999, but before the close of 30 June 2001; and
  - (e) identifies the person who made the statement; and
  - (f) is made in 1 or more of the following forms:
    - (i) writing;
    - (ii) a data storage device from which the statement is capable of being reproduced in writing (for example, a computer floppy disk or Internet website);
    - (iii) writing communicated electronically (for example, a fax or email); and
  - (g) is not made in a contract.

- (2) A statement complies with subsection (1)(b) and (c) if the statement includes the following words:

This statement is a Year 2000 information disclosure statement for the purposes of the Year 2000 Information Disclosure Act 1999. A person may be protected by that Act from civil liability for this statement in certain circumstances.

- (3) Subsection (2) does not prevent other words being used to comply with subsection (1)(b) and (c).

Compare: Year 2000 Information Disclosure Act 1999 s 8 (Aust)

## 7 **Republished Year 2000 information disclosure statements**

For the purposes of this Act, a **republished Year 2000 information disclosure statement** is a statement that—

- (a) is the republication of—
- (i) the complete original Year 2000 information disclosure statement; or
  - (ii) parts of the original Year 2000 information disclosure statement, including the parts that contain the information required by section 6(1)(b), (c), and (e), together with a statement describing where the original Year 2000 information disclosure statement can be obtained; and
- (b) is made on or after 15 May 1999, but before the close of 30 June 2001; and
- (c) is made in 1 or more of the following forms:
- (i) the forms specified in section 6(1)(f);
  - (ii) orally;
  - (iii) speech communicated electronically (for example, a telephone call, radio broadcast, or television broadcast).

Compare: Year 2000 information Disclosure Act 1999 s 9 (Aust)

## **Part 3** **Protection from civil liability**

### **8 Protection from civil liability**

- (1) No person making or republishing a Year 2000 information disclosure statement is under any civil liability for anything in, relating to, or arising out of, the statement.
- (2) Subsection (1) does not apply if 1 or more of the exceptions in sections 10 to 16 apply.

Compare: Year 2000 Information Disclosure Act 1999 s 10(1) (Aust)

**9 Year 2000 information disclosure statements not admissible in civil proceedings**

- (1) A Year 2000 information disclosure statement is not admissible in evidence in civil proceedings involving the person who made or republished the statement.
- (2) Subsection (1) does not apply if 1 or more of the exceptions in sections 10 to 16 apply.

Compare: Year 2000 Information Disclosure Act 1999 s 10(2) (Aust)

**10 Exception for false statements**

Sections 8(1) and 9(1) do not apply if—

- (a) the Year 2000 information disclosure statement is false or misleading in a material particular; and
- (b) the person making or republishing the statement—
  - (i) knew that the statement was false or misleading in a material particular; or
  - (ii) was reckless as to whether the statement was false or misleading in a material particular.

Compare: Year 2000 Information Disclosure Act 1999 s 11(1)(a) (Aust)

**11 Exception for liability under law relating to contracts or deeds**

- (1) Sections 8(1) and 9(1) do not apply if the civil liability or civil proceedings relate to the rights, obligations, or remedies of a person under the law relating to contracts or deeds whether under the general law or under any Act.
- (2) Without limiting subsection (1), sections 8(1) and 9(1) do not apply if the civil liability or civil proceedings relate to—
  - (a) the making or republishing of a Year 2000 information disclosure statement by a person to another person in the course of negotiations leading to the making of a contract, and both persons are parties to the civil proceedings; or
  - (b) the making or republishing of a Year 2000 information disclosure statement by a person to another person for the purpose of satisfying an obligation imposed by or under a contract, and both persons are parties to the civil proceedings.

Compare: Year 2000 Information Disclosure Act 1999 s 11(1)(b), (2)(a) (Aust)

**12 Exception for liability to consumers under Fair Trading Act 1986 or Consumer Guarantees Act 1993**

Sections 8(1) and 9(1) do not apply if the civil liability or civil proceedings relate to the rights or remedies under the Fair Trading Act 1986 or the Consumer Guarantees Act 1993 of a person who is a consumer.

Compare: Year 2000 Information Disclosure Act 1999 s 11(3) (Aust)

**13 Exception for satisfaction of statutory obligations**

Sections 8(1) and 9(1) do not apply if the Year 2000 information disclosure statement was made for the purpose of satisfying an obligation imposed by or under another Act.

Compare: Year 2000 Information Disclosure Act 1999 s 11(2)(b) (Aust)

**14 Exception for restraining injunctions or declaratory relief**

Sections 8(1) and 9(1) do not apply to the extent that the civil proceedings are for a restraining injunction or for declaratory relief.

Compare: Year 2000 Information Disclosure Act 1999 s 11(4)(a) (Aust)

**15 Exception for obligation to maintain confidentiality**

Sections 8(1) and 9(1) do not apply if the civil liability or civil proceedings relate to any obligation or duty (whether under any Act or the general law) of a person to maintain the confidentiality of information in the person's possession or control.

**16 Exception for intellectual property rights**

Sections 8(1) and 9(1) do not apply if the civil liability or civil proceedings relate to the infringement of a right, privilege, or entitlement conferred by an intellectual property right, including an intellectual property right conferred under—

- (a) the Patents Act 1953; or
- (b) the Designs Act 1953; or
- (c) the Trade Marks Act 1953; or
- (d) the Plant Variety Rights Act 1987; or
- (e) the Copyright Act 1994; or
- (f) the Layout Designs Act 1994.

Compare: Year 2000 Information Disclosure Act 1999 s 11(4)(c) (Aust)

**17 Existence of exception not necessarily cause of action**

- (1) This section applies for the avoidance of doubt.
- (2) The application of an exception in 1 or more of sections 10 to 16—
  - (a) is not, of itself, a cause of action; and
  - (b) does not necessarily mean that there is a cause of action in the particular circumstances to which the exception applies.

**18 Imputed knowledge**

- (1) To establish in civil proceedings for the purposes of section 10 the matter in paragraph (b)(i) or (ii) of that section, it is sufficient to show the circumstances in subsection (2) or subsection (3), as the case may require.

- (2) In the case of a company, the circumstances are—
- (a) that a director, employee, or agent of the company engaged in conduct in relation to the Year 2000 information disclosure statement; and
  - (b) that the director, employee, or agent was, in engaging in that conduct, acting within the scope of his or her actual or apparent authority; and
  - (c) that the director, employee or agent—
    - (i) knew that the Year 2000 information disclosure statement was false or misleading in a material particular; or
    - (ii) was reckless as to whether the Year 2000 information disclosure statement was false or misleading in a material particular.
- (3) In the case of a body that is not a company, the circumstances are—
- (a) that a member, officer, employee, or agent of the body engaged in conduct in relation to the Year 2000 information disclosure statement; and
  - (b) that the member, officer, employee, or agent was, in engaging in that conduct, acting within the scope of his or her actual or apparent authority; and
  - (c) that the member, officer, employee, or agent—
    - (i) knew that the Year 2000 information disclosure statement was false or misleading in a material particular; or
    - (ii) was reckless as to whether the Year 2000 information disclosure statement was false or misleading in a material particular.

Compare: Year 2000 Information Disclosure Act 1999 s 14 (Aust)

## 19 Explanatory statement

- (1) A defendant in civil proceedings may rely on section 8(1) only if the conditions in subsection (2) are satisfied.
- (2) The conditions are that—
- (a) the defendant gives the plaintiff in the civil proceedings a statement (**explanatory statement**) to the effect that the defendant believes that the exception in section 10 does not apply; and
  - (b) the explanatory statement sets out the grounds for the belief; and
  - (c) the explanatory statement is made in 1 or more of the following forms:
    - (i) writing;
    - (ii) a data storage device from which the explanatory statement is capable of being reproduced in writing (for example, a computer floppy disk or Internet website);
    - (iii) writing communicated electronically (for example, a fax or email).



- (3) An explanatory statement is not admissible in civil proceedings except for the purpose of determining whether the explanatory statement complies with subsection (2).
- (4) A plaintiff may waive compliance with subsections (1) and (2).  
Compare: Year 2000 Information Disclosure Act 1999 s 13 (Aust)

## **Part 4**

### **Miscellaneous**

#### **20 Year 2000 information disclosure statement does not vary contract**

A Year 2000 information disclosure statement does not vary a contract.

Compare: Year 2000 Information Disclosure Act 1999 s 15 (Aust)

## Reprints notes

### **1**    *General*

This is a reprint of the Year 2000 Information Disclosure Act 1999 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2**    *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3**    *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4**    *Amendments incorporated in this reprint*

Statutes Repeal Act 2017 (2017 No 23): section 3(1)