

**Reprint
as at 13 December 2013**



Privacy Regulations 1993
(SR 1993/149)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 31st day of May 1993

Present:

Her Excellency the Governor-General in Council

Pursuant to section 128 of the Privacy Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Justice.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Privacy Regulations 1993.
- (2) These regulations shall come into force on 1 July 1993.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

the Act means the Privacy Act 1993

Commissioner means the Privacy Commissioner appointed under section 12 of the Act

Tribunal means the Human Rights Review Tribunal continued by section 93 of the Human Rights Act 1993.
- (2) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.

Regulation 2(1) **Tribunal**: substituted, on 1 January 2002, by section 71(2) of the Human Rights Amendment Act 2001 (2001 No 96).

3 Service of notices and documents

- (1) Subject to regulation 8, any notice or other document required or authorised to be served on, or given to, any person for the purposes of the Act may be served or given by delivering it to that person.
- (2) Any such notice or document may be delivered to the person—
 - (a) personally; or
 - (b) by leaving it at that person's usual or last known place of residence or business or at the address specified by that person in any application or other document received from that person; or
 - (c) by posting it in a letter addressed to that person at that place of residence or business or at that address; or

- (d) where the person has a document exchange box number, by leaving the notice or document at a document exchange for direction to that document exchange box number; or
- (e) where the person has a facsimile number, by transmitting the notice or document to that facsimile number.

4 Service by post

- (1) If, in accordance with regulation 3(2)(c), any notice or other document is sent to any person by post, it shall be deemed to have been delivered to that person on the earlier of—
 - (a) the fifth working day after the day on which it was posted; or
 - (b) the day on which it was received.
- (2) In proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

5 Service by means of document exchange or facsimile

- (1) Where a notice or other document is served on, or given to, any person in accordance with paragraph (d) or paragraph (e) of regulation 3(2), that notice or document shall,—
 - (a) if left at a document exchange, be deemed to have been duly served or given on the earlier of—
 - (i) the second working day after the day on which it was so left; or
 - (ii) the day on which it was received; and
 - (b) if transmitted to a facsimile number, be deemed, subject to subclauses (2) and (3), to have been duly served or given on the day on which it was transmitted.
- (2) Where a notice or document is transmitted to a facsimile number after 5 pm on any day, that notice or document shall, subject to subclause (3), be deemed to have been duly served or given on the first working day after the day on which the document was received in a complete and legible condition.
- (3) A notice or document transmitted to a facsimile number shall be deemed to have been received in a complete and legible condition unless—
 - (a) the contrary is shown; and

- (b) as soon as practicable after the transmission is concluded, the person to whom the notice or document was transmitted notifies the person who transmitted the notice or document that the notice or document was incomplete or illegible or both when it was received.

6 Service on absentee or deceased

For the purposes of regulation 3, where the person on or to whom a notice or other document is required or authorised to be served or given is absent from New Zealand or is deceased, the notice or document may be delivered, as specified in that regulation,—

- (a) where the person is absent from New Zealand, to that person's agent in New Zealand;
- (b) where the person is deceased, to that person's personal representatives.

7 Commissioner or Tribunal may direct manner of service

- (1) Subject to regulation 8, if any person on or to whom a notice or other document is required or authorised to be served or given for the purposes of the Act is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no known personal representatives, or if for any other reason it is not practicable to deliver the notice or document personally, the notice or document shall be delivered in such manner as may be directed by the Commissioner or the Tribunal.
- (2) Notwithstanding anything in regulations 3 to 6, but subject to regulation 8, the Commissioner or the Tribunal may in any case direct the manner in which any such notice or other document is to be served or given, or dispense with the service or giving of any such notice or other document.

8 Regulations to be read subject to express provision relating to service

Regulations 3 to 7 shall be read subject to any provision of the Act that prescribes a particular and exclusive mode of serving or giving any notice or other document.

9 Reporting requirements for approved information sharing agreements

- (1) The Commissioner may specify to a lead agency that a report prepared by the lead agency under section 96S(1)(b) of the Act on the operation of an approved information sharing agreement for a reporting period include any or all of the following matters:
- (a) a reasonable estimate of the financial and other costs incurred during the reporting period for the sharing of personal information under the approved information sharing agreement:
 - (b) the details of any significant difference between the reasonable estimate of costs reported under paragraph (a) and the costs of sharing personal information under the agreement that were identified prior to approval of the agreement:
 - (c) a reasonable estimate of the benefits of the approved information sharing agreement accrued during the reporting period:
 - (d) the details of any significant difference between the reasonable estimate of benefits reported under paragraph (c) and the benefits of sharing personal information under the agreement that were identified prior to the approval of the agreement:
 - (e) any difficulties experienced in the operation of the approved information sharing agreement, and how those difficulties are being, or have been, overcome:
 - (f) whether internal audits or other forms of assessment have been undertaken by a party to the approved information sharing agreement in relation to the agreement and, if so, a summary of the results of those audits or assessments:
 - (g) the number of individuals whose personal information has been shared under the approved information sharing agreement or, where the number is not known, the lead agency's best estimate of that number:
 - (h) the number of information sharing transactions between the parties to the approved information sharing agreement, calculated by adding the number of persons

- whose personal information is shared on the first occasion of sharing under the agreement with the number of persons whose personal information is shared on each successive occasion of sharing under the agreement:
- (i) if the same personal information is not shared between all parties to the approved information sharing agreement, then, for each kind of personal information shared under the agreement,—
 - (i) the parties sharing that information; and
 - (ii) the number of information sharing transactions between those parties referred to in subparagraph (i):
 - (j) the number of individuals to whom notice of adverse action was given under the approved information sharing agreement:
 - (k) the number of individuals given a notice of adverse action who disputed the correctness of the personal information on which the proposed action is based:
 - (l) the number of individuals in respect of whom adverse action was taken after notice was given under the approved information sharing agreement:
 - (m) the number of individuals in respect of whom adverse action was taken without prior notice being given under the approved information sharing agreement:
 - (n) the number of individuals in respect of whom adverse action was taken where there was no requirement to give prior notice under the approved information sharing agreement:
 - (o) the types of adverse actions taken as a result of the sharing of personal information under the approved information sharing agreement:
 - (p) the particulars of any additional safeguards that have been put in place by any party to the agreement to protect the privacy of individuals and ensure that any interference with their privacy is further minimised:
 - (q) the amendments made to the approved information sharing agreement (including amendments notified under section 96V(2) of the Privacy Act 1993) since,—

- (i) if the report is the first report prepared by the lead agency, the date on which the Order in Council approving the information sharing agreement came into force; or
- (ii) if the report is not the first report prepared by the lead agency, the date of the last report prepared by the lead agency:
- (r) statistical information about—
 - (i) the number and types of complaints received by the Privacy Commissioner about an alleged interference with privacy under the approved information sharing agreement; and
 - (ii) the disposition of those complaints.
- (2) In specifying under subclause (1) the matters that a report is to include, the Commissioner may impose any limitations in respect of those matters that the Commissioner considers appropriate in the circumstances.

Regulation 9: inserted, on 13 December 2013, by regulation 4 of the Privacy Amendment Regulations 2013 (SR 2013/449).

Bob MacFarlane,
Acting for Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Privacy Regulations 1993 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

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, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

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*

Privacy Amendment Regulations 2013 (SR 2013/449)

Human Rights Amendment Act 2001 (2001 No 96): section 71(2)
