



Privacy Amendment Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 11th day of November 2013

Present:

His Excellency the Governor-General in Council

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

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Regulations

- 1 Title**

These regulations are the Privacy Amendment Regulations 2013.
- 2 Commencement**

These regulations come into force on 13 December 2013.
- 3 Principal regulations**

These regulations amend the Privacy Regulations 1993 (the **principal regulations**).
- 4 New regulation 9 inserted (Reporting requirements for approved information sharing agreements)**

After regulation 8, insert:

“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.”

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 13 December 2013, amend the Privacy Regulations 1993 to prescribe the matters that the Privacy Commission may require a lead agency to include in a report prepared by that agency under section 96S(1)(b) of the Privacy Act 1993 on the operation of an approved information sharing agreement.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 14 November 2013.

These regulations are administered by the Ministry of Justice.
