

Are you thinking about privacy?

COMES INTO
FORCE ON

1 DEC
2020

The new **Privacy Act 2020** replaces the existing Privacy Act 1993. The Information Privacy Principles remain central. Key changes include:

Extraterritorial effect

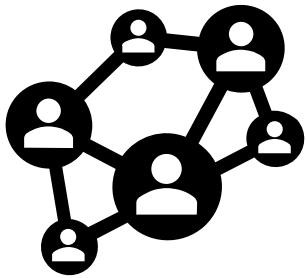
The Act applies to any agency “carrying on business in New Zealand” regardless of whether they have a commercial operation or physical place of business here.

Overseas disclosures

Personal information disclosed to a foreign entity must be protected by comparable safeguards to those under our privacy laws.

Mandatory data breach reporting

Agencies are required to notify the Privacy Commissioner and affected individual(s) of a “notifiable privacy breach”.



Privacy is not just a compliance exercise

Privacy and data protection are **governance issues** and require ongoing **agency wide** input and attention.

Consider adopting a **privacy by design** approach to the implementation of new technologies and systems.

Reassess



Do you have appropriate **consents** and opt-ins in place to process personal information?



Do you have a clear picture of how your organisation handles personal information? If not, it might be time to undertake a **privacy audit**



Who is your designated **Privacy Officer**? All organisations are required to have one

Prepare



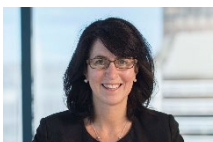
Do you have a **data breach response plan** in place? Do you have **cyber insurance**?



Have you updated **contractual templates** to reflect the requirements of the new Privacy Act? Consider whether **variations to existing contracts** may be required



Does your organisation need to update **privacy training materials**?



Briony Davies | Partner

+64 4 498 5134
briony.davies@minterellison.co.nz



Richard Wells | Partner

+64 9 353 9908
richard.wells@minterellison.co.nz