

30 May 2024

B Stewart

By email only to: fyi-request-26997-7522a1c9@requests.fyi.org.nz

Tēnā koe

Official Information Act Request (Our Ref: OIA/0361)

I refer to your Official Information Act request received on 27 May 2024 requesting information about the exercise of the Privacy Commissioner's powers under the Privacy Act 2020.

You have asked about the numbers of times the enforcement powers introduced by the 2020 Act have been exercised, in particular access directions and compliance notices.

You have also asked for confirmation about the exercise of other powers under the Privacy Act.

My response

Your request is granted as set out below.

Access directions – one access direction was issued as referred to in a decision of the Human Rights Review Tribunal - *Sheehan v Bad Tenants Facebook Group (Access Order)* [2022] NZHRRT 37.

Compliance notices – two compliance notices have been issued under section 123. These relate to the Reserve Bank (September 2021) and the NZ Police (December 2021). We have also issued two draft compliance notices under s124(3) – one in October 2023 and one in February 2024.

Other powers under the Privacy Act

(a) Grant of authorisation under s 30 - one authorisation was granted to the Department of Corrections in June 2021.

(b) Grant of authorisation under s 67 (charging) - no authorisations have been granted.

(c) Report breach of duty or misconduct under s 96 - no breaches have been reported.

(d) Commencement of a prosecution, or referral to police, in relation to any offence under the Act - no referrals have been made to the Police and no prosecutions have been commenced.

(e) Commencement of enforcement proceedings under s 130 - no enforcement proceedings have been commenced.

(f) Issue of a transfer prohibition notice under s 193 - no transfer prohibition notices have been issued.

I trust this provides you with the information sought. If you are not satisfied with this response, under section 28 of the Official Information Act 1982 you have the right to ask the Ombudsman to investigate and review my decision on your request, although we would appreciate the opportunity to discuss this with you first.

Nāku iti noa, nā

A handwritten signature in blue ink that reads "Liz MacPherson". The signature is written in a cursive style and is contained within a thin blue rectangular border.

Liz MacPherson
Deputy Privacy Commissioner