

13 May 2026

Spencer Jones

By email only to: fyi-request-34078-d94ab60e@requests.fyi.org.nz

Tēnā koe

Official Information Act Request (Our Ref: OIA/0538)

You have made a further official information request for information relating to smart meter data and privacy related issues. We responded to your first request received on 9 March on 7 April 2026. We responded to your second request dated 13 March on 15 April 2026.

You made a follow up request dated 15 April 2026.

Your request

You seek to refine your request to focus on information that can be provided without engaging statutory secrecy obligations under section 206 of the Privacy Act, and to clarify areas where information was stated as not held. Your specific questions are as follows:

1. Clarification of “Not Held” (Section 18(e))

You advised that certain information is not held, including material relating to:

- inferred or behavioural information derived from smart meter data,
- adequacy of existing privacy law in relation to such inferred data.

To clarify the scope of this position, please confirm:

(a) Whether the Office of the Privacy Commissioner has undertaken any internal consideration, discussion, or informal analysis of:

- inferred behavioural data derived from smart meter or AMI data,
- occupancy pattern inference or lifestyle profiling risks,
- adequacy of current privacy law in addressing inferred or derived data.

(b) If such consideration has occurred but is not formally recorded, please confirm whether:

- no records were created, or
- any such records have been disposed of in accordance with an approved disposal authority.

2. De-identified / High-Level Information (Secrecy-Neutral Scope)

To avoid issues under section 206 of the Privacy Act, I request:

(a) Any high-level summaries, guidance notes, or general descriptions (excluding identifying details) of:

- privacy risks associated with smart meter data,
- inferred or derived information risks,
- behavioural or occupancy inference concerns.

(b) Any de-identified descriptions of issues or themes arising from:

- complaints,
- enquiries, or
- internal discussions.

3. Inter-Agency Engagement (Structure Only)

Without requesting the content of correspondence, please provide:

(a) A list of agencies with which the OPC has engaged on smart meter or AMI privacy issues since 2015, including:

- MBIE
- Electricity Authority
- Ministry of Health
- ESR
- Electricity retailers or distributors

(b) For each agency, please indicate (if available):

- whether engagement was ongoing, ad hoc, or consultation-based,
- the general purpose of engagement (e.g. policy input, guidance, complaint handling).

4. Regulatory Scope and Responsibility

Please provide any documents, or confirm whether any exist, that describe:

- the OPC's role in overseeing privacy risks associated with inferred or derived data (including smart meter data),
- whether responsibility for such risks is shared with, or sits primarily with, other agencies.

If no such documents exist, please confirm whether:

- this area is considered within OPC's regulatory scope, and
- how such issues are expected to be addressed in practice.

5. Duty to Assist

If any part of this request remains likely to be refused, I request assistance under section 13 of the Official Information Act to:

- refine the request, or
- identify a form in which the information can be provided.

Response to your latest information request

Question 1

Your request is granted. I confirm that from our records, OPC has not undertaken internal consideration, discussion or informal analysis of the questions you mention, beyond the information provided in our previous responses.

Question 2

Your request is refused under section 18(e) of the Official Information Act as we do not hold the information you have requested, beyond the information that has already been provided in our previous responses.

Question 3

Your request is granted.

I confirm we had ad hoc policy engagement with the Electricity Authority in 2015 relating to the Electricity Register. Our policy team also met with the Electricity Authority in 2017 regarding the Authority's consultation paper on data and data exchanges for market transactions.

Our policy team engaged with the Electricity Authority and with electricity retailers and distributors in developing the Privacy Commissioner's Open Letter in 2017.

Question 4

Your request is refused under section 18(e) of the Official Information Act as we do not hold the information you have requested.

In terms of regulatory scope, these issues may fall within OPC's jurisdiction. Where these issues arise in complaints they are addressed through our complaints process. Otherwise, these issues are considered under our Compliance and Regulatory Action Framework.

Question 5

You have asked for assistance under section 13 of the Official Information Act to refine your request or identify a form in which the information can be provided. While we are willing to provide assistance, it is not possible to provide assistance where the information requested does not exist.

Conclusion

We have endeavored to engage with your respective requests for information about smart meter and AMI data and related privacy concerns to provide an indication of the Office's role. There are limits on the information we can provide as our engagement on these issues has been quite limited, other than the Office's work on the Open Letter in 2017.

Please note that if you are not satisfied with this response to your request, under section 28 of the Official Information Act 1982 you have the right to ask the Ombudsman to investigate

and review our decision on your request, however we would appreciate the opportunity to discuss this with you first.

Nāku iti noa, nā

Liz MacPherson
Deputy Privacy Commissioner