



NZSTA

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Governance support resources

Privacy Act – changes

The Privacy Act 2020 replaces the Privacy Act 1993.

The Act seeks to increase New Zealanders' confidence that their personal information is secure and will be treated properly. Personal information is more than a person's name, address and date of birth; it is **all information** about an identifiable individual.

Many things in the previous Act stay mostly the same, like the 12 information privacy principles (IPPs) and the complaints system. But the new Act introduces some critical changes, including addressing privacy risks sooner and giving greater powers to the Privacy Commissioner. There is also a new information privacy principle that gives greater protection for New Zealanders' personal information sent overseas.

Why a new Act?

The growing use of internet-connected devices, social media, e-commerce, and cloud storage means large quantities of data can now be easily stored, retrieved, and disclosed anywhere around the world. This has many benefits, but it also creates new challenges for the protection of personal information by public and private sector agencies. These agencies include school boards and NZSTA.

The changes ensure New Zealand's privacy law is 'fit-for-purpose' in the internet age. They are also in line with the tighter privacy laws of other countries, including the United Kingdom and the United States.

Summary of key changes

- mandatory reporting of seriously harmful privacy breaches to the Privacy Commissioner
- agencies (like schools) must take particular care in the way they collect personal information from children, young persons and other vulnerable people
- requirements for agencies that send New Zealanders' personal information overseas (new IPP 12)
- more information-gathering powers to the Privacy Commissioner for investigations
- binding decisions can be made by the Privacy Commissioner about personal information access requests (privacy requests), and compliance notices issued with criminal consequences for non-compliance
- new criminal offences, with fines of up to \$10,000
- internet businesses carrying out business in New Zealand must now comply (even if they have no physical presence)

Checklist for boards

Boards and their schools are agencies that collect, use, store and dispose of a lot of personal information. The personal information collected relates to students and their parents, caregivers and whānau, staff, contractors and board members. It also includes personal information from other agencies that interact with the school such as the Ministry of Education, Education Review Office and NZSTA, and others in the school and its wider communities, such as sports and community groups.

We encourage boards to familiarise themselves with the changes contained in the Privacy Act 2020. Start by putting privacy on the board meeting agenda and working through this checklist:

- does your board have a privacy officer?
- does your board plan to allocate resources (time and money) to support the privacy officer's training and work?
- does your board have a privacy policy, and can the school recognise when a privacy breach may have occurred?
- what about procedures on what to do when someone asks for their personal information or their child's information (privacy request) or if there is a privacy breach?
- have your school's privacy statements been reviewed recently, e.g. on forms when students enrol, and on the school website?
- does your board and school store and dispose of personal information by following the school records retention/ disposal pack?
- can the board be assured that its contracts for software and digital platform products used by the school meet the new privacy requirements for personal information sent outside New Zealand?
- do the school's ICT systems enable the board to give each board member a school-based email address?

Useful Links

- Free Privacy education [here](#)
- Privacy Commissioner's [website](#)
- Archiving and disposing of school [records](#)
- School records retention/disposal [pack](#)
- [Privacy Act](#) 2020, section [22](#), (the 13 Information Privacy Principles)

Where can I get further advice?

Please call our Governance advisory and support centre advisers on 0800 782 435 (select option 1) or email: govadvice@nzsta.org.nz