

Privacy Amendment Bill

A submission to the Justice Select Committee

June 2024



Submission to the Justice Select Committee on the Privacy Amendment Bill

What is Taituarā?

Taituarā – Local Government Professionals Aotearoa is an incorporated society of nearly 1000 members drawn from local government Chief Executives, senior managers, and council staff with significant policy or operational responsibilities. We are an apolitical organisation. Our contribution lies in our wealth of knowledge of the local government sector and of the technical, practical, and managerial implications of legislation.

Our vision is:

Professional local government management, leading staff and enabling communities to shape their future.

We help local authorities perform their roles and responsibilities as effectively and efficiently as possible. We have an interest in all aspects of the management of local authorities and supporting communities from planning and infrastructure to civil defence and emergency management. We are interested in having excellent regulatory services, and healthy well-functioning relationships between central government and local government.

Introduction

Thank you for the opportunity to give feedback on the Privacy Amendment Bill. Local authorities routinely receive personal information from other organisations to carry out their public service functions e.g. for rating, elections, enforcement, hearings, animal control, parking control, freedom camping enforcement, citizenship ceremonies, civil defence, homelessness, and other public service roles.

We support the intent of the Bill which is to protect individuals from marketing companies transferring private information without individuals knowing it has occurred, thereby protecting their private information. We support the exemptions and ask that the Government ensure that all legitimate information uses by local authorities be covered by exemption criteria.

The Proposal

The Bill proposes that agencies which receive information about an individual indirectly (ie, from a source other than from the individual concerned), to notify the individual of a range of matters about the information:

- The fact of the collection
- The purposes for which the information has been collected

- The intended recipients of the information
- The name and address of the agency that collected the information
- The name and address of the agency holding the information
- If the collection of information is required under law
- The rights of access to the information
- The rights of correction of the information

The Proposed Exemptions

Local authorities deal with large population datasets for rates and elections. They also provide essential functions for enforcement, citizenship, civil defence, and public safety which should necessarily be exempt from any requirements under proposed Privacy Principle 3A. Without exemptions councils would incur substantial compliance costs without achieving one of the intents of the Bill - to accommodate legitimate information use by public sector agencies.

Councils cannot function without collecting information from other collecting agencies. The following list is not exhaustive, however, we ask that the exemption criteria cover all the following activities:

Information collected

1. Property valuations for rates assessments
2. Land information from LINZ for rating purposes
3. Property transfers
4. Electoral roll from the Electoral Commission for local body elections
5. Public petitions (including attachments through submission processes and deputations/public fora at Council meetings)
6. Exchanges of enforcement information with Police, other councils
7. Pre-hearing exchanges of information for hearings (e.g. RMA, alcohol, dogs)
8. Joint council hearing processes
9. Animal ownership information from the Companion Animal Register, SPCA, Police, Kianga Ora or other agencies
10. Vehicle ownership information from NZTA or the Self-contained Vehicles Register
11. Alcohol licence information on licence applicants or managers' certificates from Police
12. Crash or incident report details from Police
13. CCTV footage from Police

14. Notification of people taken ill after visiting food premises for food safety regulation purposes
15. Complaints – e.g. for noise, building, resource consent, dog, cat, animal, food premises, sale of alcohol, parking, bylaw breaches
16. Civil defence information from emergency services, Police, schools or WINZ
17. Citizenship ceremonies – personal information from DIA
18. Individuals on home dialysis (for the purpose of water supplies) – Information from health providers
19. Homeless individuals – where there are safety concerns for the individual or other members of the public (multi-agency case coordination)
20. Transfers of information under the Local Government Official Information and Meetings Act 1987

Recommendations:

1. We support the intent of the Bill to protect individuals from their personal information being transferred without them being informed that it has occurred.
2. We recommend the exemptions be drafted widely enough to ensure the administration of legitimate local government functions are exempt and councils can continue to function efficiently.



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