



PRIVACY FOUNDATION CONTACT:
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27 July 2020

[Name]
[Position]
FreePost Parliament
Private Bag 18888
Parliament Buildings
Wellington 6160

Dear [Name],

Privacy and Election Policies

I am writing to you in my capacity as Chair of Privacy Foundation New Zealand. The Foundation was established in 2017 and aims to provide independent, informed and fair public comment to further the privacy interests of all New Zealanders. Please see our website privacyfoundation.nz for further information about the Foundation.

As you are no doubt aware, since the last election privacy has become a mainstream concern for the public and has already had a significant impact on the current campaign. Several high-profile privacy breaches and the challenges of managing personal information in the context of the current Covid-19 pandemic, have focused public attention on privacy as much as on other issues such as welfare, education and healthcare.

The Foundation recently acknowledged that the Government had delivered on its promise to enact, in its first term, the replacement of the Privacy Act 1993. Even though not all the matters we had hoped would be included were contained in the new Act, it nonetheless represents significant progress and we are especially pleased the legislation received cross-party support from all parties and was enacted despite many competing legislative priorities, especially at this time.

I note that this legislation was significantly influenced both by the stringent new privacy regulation (GDPR) adopted by the EU in 2018 and the need for New Zealand to maintain its current status as only one of a handful of countries with “adequacy” status allowing the export of personal data here from the EU. Retaining this status has significant economic

benefits for New Zealand companies with trade connections to the European Union. However, retention of adequacy is not a given.

In the run up to the General Election this year, we would again like to provide voters with information about the approach to privacy issues of political parties represented in Parliament. To this end we ask you to let us have your election policy positions in relation to:

- your general approach to protecting the personal information and privacy of consumers and citizens in New Zealand
- your policies on how personal information collected in the course of managing the Covid-19 pandemic will be used in future?
- will you consider further extending the rights contained in the Privacy Act 2020 by, for example, specifically including a Right to Erasure so that New Zealanders could decide when they want their personal information be deleted from the services they no longer want?
- what commitments you are prepared to make to continue the funding and resources allocated to the Office of the Privacy Commissioner in order to ensure it is able to fully utilise the new compliance powers contained in the Privacy Act 2020 which takes effect on 1 December this year?
- whether you intend to evaluate and robustly regulate, if necessary, the activities of online platforms such as Facebook and Google in New Zealand?
- What is your approach to oversight over and for regulating surveillance of New Zealand individuals and groups by government agencies such as SIS or GCSB?
- please let us know of other policies or proposals you have on privacy and personal information issues (for example will you consider emulating the new Australian Consumer data Right)?

Our intention is, once we have received this information, to post it on our website and provide commentary on party policies.

We expect to publish the results of our request to all political parties in Parliament, at least 4 weeks before the date of the election on 19 September 2020, whether or not we have received your reply.

I look forward to hearing from you, and receiving the information requested as soon as possible, or by Monday 14 August at the latest.

We will very much appreciate your assistance in helping to inform New Zealanders about the extent and nature of your policies on privacy issues.

Yours sincerely

Gehan Gunasekara

Chair

Privacy Foundation New Zealand