

New Zealand's Privacy Act has been modernised to reflect changes in the wider economy and society and to ensure it is fit for the technological world in which we live.

Notifiable privacy breaches

If a business or organisation has a privacy breach that has caused serious harm to someone (or is likely to do so), it will need to notify the Office of the Privacy Commissioner as soon as possible. It is an offence to fail to notify the Privacy Commissioner of a notifiable privacy breach.

If a notifiable privacy breach occurs, the business or organisation should also notify affected people. This should happen as soon as possible after becoming aware of the breach.

For more information, see [Information sheet 2: Breach notifications](#)

Compliance notices

The Privacy Commissioner will be able to require a business or organisation to do something, or stop doing something, if it is not meeting its obligations under the Privacy Act.

Binding decisions on access requests

The Privacy Commissioner will now be able to make decisions on complaints relating to access to information. This will mean a faster resolution to information access complaints.

For more information, see [Information sheet 6: Access directions](#)

Disclosing information overseas

A New Zealand business or organisation may only disclose personal information to an overseas agency if that agency has a similar level of protection to New Zealand, or the individual is fully informed and authorises the disclosure.

For more information, see [Information sheet 3: Cross-border disclosure](#)

Extraterritorial effect

The Privacy Act has extraterritorial effect. This means that an overseas business or organisation may be treated as carrying on business in New Zealand for the purposes of its privacy obligations – even if it does not have a physical presence in New Zealand. This will cover businesses such as Google and Facebook.

New criminal offences

It will now be a criminal offence to:

1. mislead a business or organisation by impersonating someone, or pretending to act with that person's authority, to gain access to their personal information or to have it altered or destroyed.
2. destroy a document containing personal information, knowing that a request has been made for that information.

The penalty in all cases is a fine up to \$10,000.

For more information, visit [privacy.org.nz/askus](https://www.privacy.org.nz/askus) or find us at:

