

Media release
Sir Geoffrey Palmer
President, Law Commission

Law Commission releases study paper on privacy

Privacy is an elusive concept, and one that must be carefully balanced against other values, according to Law Commission President Sir Geoffrey Palmer.

The Commission has just released a study paper *Privacy: Concepts and Issues*, which is the first stage in a major review of the law of privacy.

“There can be no doubt that privacy is important to individuals and to society”, Sir Geoffrey said. “But it can be difficult to define privacy or to determine its boundaries.”

“There are also tensions between privacy and other values, such as freedom of information. These are some of the challenges for the law of privacy that the Commission is considering in its review.”

The Commission’s study paper looks at questions such as:

- What is privacy?
- How has it been recognised and protected by the law?
- Are there particular Māori concepts of privacy?
- Do young people have different ideas about privacy from older people?
- How is changing technology (particularly the internet) affecting privacy?

The paper also considers in a preliminary way some privacy issues relating to the media, health and the workplace. It examines issues of surveillance, and concludes that there appear to be some inconsistencies in existing law in this area.

“It is a crime to make a covert audio recording of someone, but filming someone covertly is not a crime unless the person is in an intimate situation”, Sir Geoffrey pointed out.

The Commission will now go on to look at particular proposals for reforming the law of privacy. A report on privacy and public registers (such as the births, deaths and marriages register) will be tabled in Parliament soon.

Other parts of the review of privacy will look at the adequacy of New Zealand’s civil and criminal law to deal with invasions of privacy, and at the Privacy Act 1993. Later this year the Commission will release issues papers on these topics, and will call for public submissions. Final reports will come out next year.

The study paper is available on the Commission’s website www.lawcom.govt.nz, and is also available from the Commission in hard copy.

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