

26 February 2008

LAW COMMISSION REVIEW OF PRIVACY – UPDATE AND REQUEST FOR INPUT

The Law Commission's Review of Privacy is taking place in four stages, and the first two stages are now complete. The result of stage 1 of the Review is a study paper *Privacy: Concepts and Issues*, which is now available on the Commission's website www.lawcom.govt.nz. Limited numbers of hard copies are also available for purchase. The study paper establishes a conceptual framework for the Review, and examines social attitudes, technological developments, and international trends relating to privacy. It also looks at some particular issues that will be considered in the later stages of the Review, including issues relating to the media, health, surveillance, and the workplace. It does not include recommendations.

The report for stage 2 of the Review, which is concerned with privacy and public registers, has also now been published. It is likewise available on the Commission's website, and for purchase in hard copy. It identifies well over one hundred public registers in New Zealand, and recommends that a dedicated team should review all public registers against a template set out in the report. However, the Law Commission's recommendation for a public register review will not be considered by the Government until the Commission's review of the Privacy Act 1993 is completed.

The Commission has now commenced stages 3 and 4 of the Review. Stage 3 is concerned with the adequacy of New Zealand's civil and criminal law to deal with invasions of privacy. This will include consideration of the tort of invasion of privacy. Stage 4 is a review of the Privacy Act 1993. Issues papers for these stages will be released in the second half of this year, and the Commission will call for submissions on these issues papers. Final reports should be tabled in the first half of 2009.

To inform its review, the Commission would like to hear whether your organisation (including its members or affiliates, if applicable) has any concerns about existing laws relating to privacy. For example, we are keen to hear whether your organisation perceives that privacy laws create barriers to the effective performance of its role, or whether it has identified any gaps in the protection of privacy under existing laws. We would also like to hear any proposals for reform of these laws. If there are any issues you would like to discuss with us, you can arrange a meeting through the Law Commission staff listed below. We would also be happy to receive a summary of your concerns or law reform proposals in writing, or by email.

If you have not already done so, you may also wish to nominate a contact person from your organisation. We will send occasional updates on the progress of the Review to this person. If we already have a contact person for your organisation, that person should have received an update email about the Review recently.

For inquiries about stage 3 of the Review, please contact Susan Hall: shall@lawcom.govt.nz, (04) 914 4819. For stage 4, please contact Ewan Morris: emorris@lawcom.govt.nz, (04) 914 4821. If your interest in the Review covers both stages, please contact either Susan or Ewan.