

**Media Release**

**Sir Geoffrey Palmer  
President  
Law Commission**

**Friday 6 March 2009**

**Release of Law Commission's Issue Paper on  
Invasion of Privacy**

“We are releasing today a 300 page Issues Paper seeking public submissions on invasions of privacy”, the President of the Law Commission The Rt Hon Sir Geoffrey Palmer said today.

“These are big issues and they are hard. We need help from the public in arriving at our final recommendations”, he said.

“The judges through the common law have fashioned a common law tort of invasion of privacy. We are looking to see whether this should be allowed to develop incrementally, or placed in a statute with boundaries around it.”

“Among the issues we are asking for help on are:

- Is there a value in a tort of invasion of privacy by publicity given to private facts? If so, should it be left to the common law?
- Are any new criminal offences needed to deal with specific types of intrusion?
- Should there be a tort of intrusion into a person's seclusion? If so, should its development be left to the common law or should it be introduced by statute?
- Should closed circuit television surveillance be regulated?

- Should there be criminal or civil liability for certain uses of surveillance devices when they are used outside the law enforcement arena?
- Are any reforms to the law needed to deal with voyeurism not involving the use of recording devices, including reform of the “peeping and peering” offence?
- Should the media be subject to any greater or lesser legal restrictions concerning privacy intrusions than other members of the public?

“There are difficulties about defining privacy and balancing it against other interests. Rapid advances in technology also mean that the landscape is constantly changing. Because technology is making it easy to invade people’s privacy, the issues raised in this paper are of importance to everyone”, Sir Geoffrey said.

“The Issues Paper identifies some gaps in the current law relating to invasion of privacy. The Law Commission does not yet have a view on whether, or how, these gaps should be filled by legislation. We look forward to the submissions.”

“It should be noted this Issues Paper does not focus on the Privacy Act 1993 which will be the subject of a later part of our review of privacy. What we are aiming to deal with here is the protection of privacy in the criminal, civil and regulatory law more generally.”

“This paper examines the various types of invasion of privacy that occurs including the publication of private facts about a person, intrusion into a person’s seclusion and prying into a person’s private affairs.”

The Issues Paper is available on the Law Commission’s website, [www.lawcom.govt.nz](http://www.lawcom.govt.nz). The closing date for submissions is 29 May 2009.

For further information contact Sir Geoffrey Palmer on 021 557 782 or 914 4815, or Professor John Burrows on 914 4813 or 021 557 124.