

# Privacy Act 2020

## Guidelines for Churches

The new **Privacy Act 2020** took effect on **1 December 2020**. The privacy principles remain the same but there are some changes to the way these are enforced (for example, mandatory reporting).

### What are the changes?

The Act brings new obligations on all of us with regard to collection, access to, and use of personal information. Key elements are:

- if an organisation has a **privacy breach** that has caused **serious harm** to someone (or is likely to do so) it must **notify** the Office of the Privacy Commissioner
- the Privacy Commissioner can now issue **compliance notices** if an organisation is not meeting its obligations under the Act

### What is meant by ‘harm’?

Harm can include:

- loss, damage or disadvantage
- loss of a benefit or right
- emotional harm (significant humiliation or loss of dignity)

### What should your church do?

The key step recommended by the Privacy Commissioner is to **designate a privacy officer** for your organisation, ministry unit, or parish.

The Privacy Act requires organisations to have at least one person who fulfils the role of privacy officer. Larger organisations may require several officers.

### What is the role of the privacy officer?

The privacy officer should be a responsible and practical person, familiar with the principles in the Privacy Act, who will work to make sure the organisation complies with the Act. The officer’s role will include:

- being contacted about and responding to privacy breaches
- raising awareness about privacy among staff, volunteers, and congregations

## How will the privacy officer respond to a breach?

There are **four steps** in responding to a breach:

- Contain** find out what has happened and take steps to prevent further harm
- Assess** make an assessment of the seriousness of the breach  
(for help go to [www.privacy.org.nz/notify-us](http://www.privacy.org.nz/notify-us) )
- Notify** if the privacy breach is serious notify the Privacy Commissioner
- Prevent** when the breach has been resolved take steps to prevent future breaches

## What other help is available?

The Office of the Privacy Commissioner has developed a range of resources to assist organisations to understand and meet their responsibilities. These include brochures and fact sheets, and a range of e-Learning modules.

Essential **resources** can be found on this link:

<https://www.privacy.org.nz/responsibilities/privacy-resources-for-agencies/essential-resources-for-agencies/>

Direct access to the **e-Learning modules** is at:

<https://elearning.privacy.org.nz/>

## Key contacts

Office of the Privacy Commissioner

**Web:** [www.privacy.org.nz/notify-us](http://www.privacy.org.nz/notify-us)

**Email:** [notifyus@privacy.org.nz](mailto:notifyus@privacy.org.nz)

**Phone:** 0800 803 909

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