Financial Services Council
Growing and protecting the wealth of New Zealanders

GET in SHAPE

Get In Shape Webinar Series: Session 10 - Privacy - Reviewing your obligations under the Privacy Act.

John Edwards
Privacy Commissioner
Friday, 2 October 2020

Financial Services Council.
Growing and protecting the wealth of New Zealanders

Re-cap of Previous Session

- FAP RISK MANAGEMENT
- Available to watch again on Financial Services Council NZ YouTube Channel, or on FSC website.

Financial Services Council.
Growing and protecting the wealth of New Zealanders

GET in SHAPE

Agenda

- Preparing for the Privacy Act presentation - John Edwards, Privacy Commissioner
- Tips to prepare your business – Steve Burgess, Compliance Refinery
- Q&A

Financial Services Council.
Growing and protecting the wealth of New Zealanders

GET in SHAPE

PREPARING FOR THE PRIVACY ACT 2020

John Edwards

Privacy Commissioner

The privacy principles

Collecting personal information

1. Only collect personal information you need
2. Get it directly from the individual when possible
3. Be open about what you are going to do with it
4. Be fair about how you get it

Holding personal information

5. Keep it secure
6. Let people see their own information
7. Correct it if the person thinks it is wrong

Using and disclosing personal information

8. Make sure it is accurate before you use it
9. Dispose of it when you no longer need it
10. Only use it for the reason is was collected
11. Only share it if you have a good reason

This is a new principle in the Privacy Act 2020

12. Only send it overseas if it will be adequately protected
13. Only use unique identifiers when it is clearly allowed

OPC UMR 2020 survey summary

- **56 percent of respondents** concerned about the protection of personal information.
- **52 percent of respondents** more concerned about the protection of personal information over the last few years.

Key concerns:

- Unauthorised business sharing of personal information
- Theft of banking details
- Security of personal information online
- CCTV and facial recognition technology

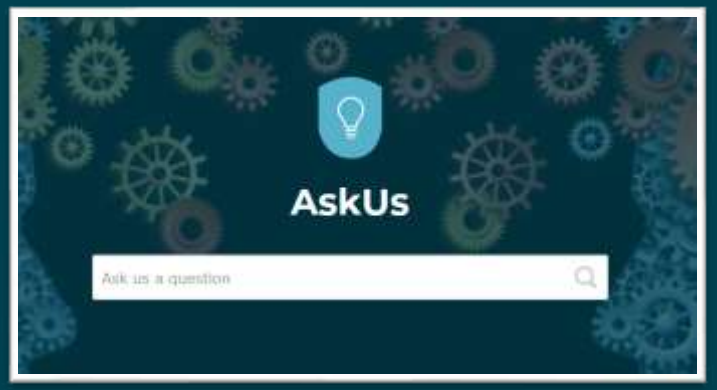
Privacy Act 2020 – key changes

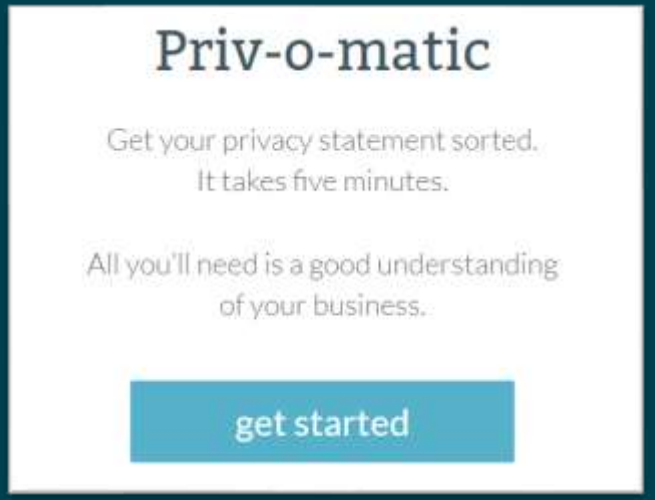
EFFECTIVE: 1 DECEMBER 2020

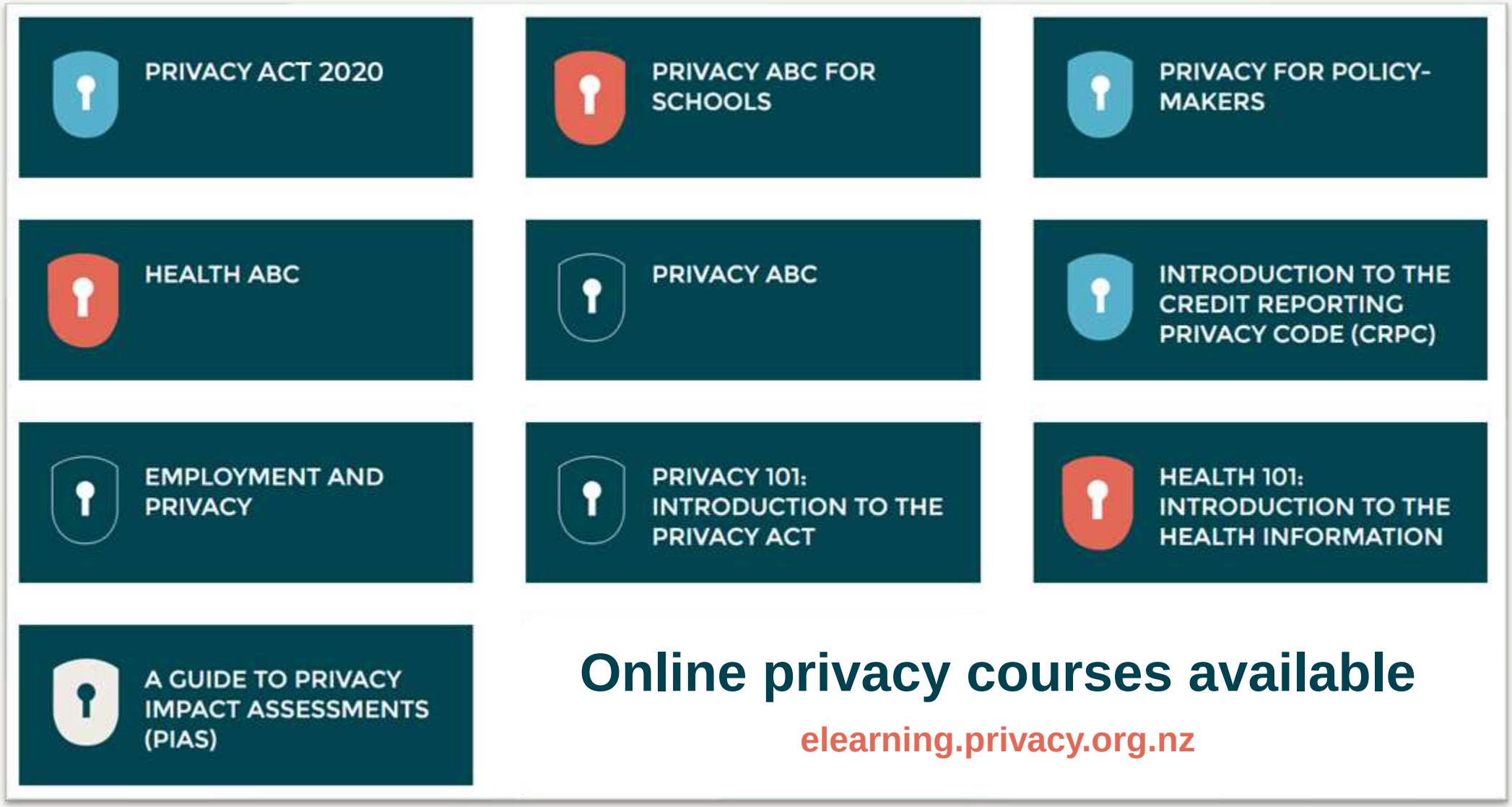
- **Mandatory privacy breach notification**
  - threshold: “serious harm”
- **Compliance notices**
- **New criminal offences**
- **Binding decisions on access requests**
- **Extraterritoriality**
- **Strengthening cross-border protections**
- **New refusal grounds**

Prepare for Privacy 2020

- Prepare your staff
- Have a privacy officer
- Make a privacy breach response plan
- Use personal information safely and securely
- Ensure overseas-based service providers offer comparable privacy protections to NZ
- Update your privacy statement (use **Privomatic!**)
- Use our **e-learning**






PRIVACY ACT 2020
PRIVACY ABC FOR SCHOOLS
PRIVACY FOR POLICY-MAKERS
HEALTH ABC
PRIVACY ABC
INTRODUCTION TO THE CREDIT REPORTING PRIVACY CODE (CRPC)
EMPLOYMENT AND PRIVACY
PRIVACY 101: INTRODUCTION TO THE PRIVACY ACT
HEALTH 101: INTRODUCTION TO THE HEALTH INFORMATION
A GUIDE TO PRIVACY IMPACT ASSESSMENTS (PIAS)
Online privacy courses available
elearning.privacy.org.nz

Privacy statements

- What are the expectations for website privacy statements?
- At what point should privacy be addressed when engaging with new clients?

Do you have to tell people who will have access to their records?

- Auditors and consultants
- PI Insurers
- FMA (specify with and without the FMA using their powers to access the information)
- Product Providers
- External businesses or agents
- Advice Tool providers (Evince, advice monster…)

Financial Services Council.
Growing and protecting the wealth of New Zealanders

GET in SHAPE

How should old information with ex-clients be dealt with?

- You are required to hold on to client information for at least 7 years (Record Keeping Std Condition)
- For current clients you should keep information, where it is relevant.
- For ex clients you need a plan in place to destroy information after 7 years.
- Your policies and procedures (Possibly CRM) should note when files should be destroyed.

Financial Services Council.
Growing and protecting the wealth of New Zealanders

GET in SHAPE

Should business/employee data be treated differently from client data?

- Business often conduct staff vetting or hold personal information for staff members.
- How should this be treated?

AML / CFT considerations

- Sharing of CDD information between reporting entities under s33 - this should be done with the consent of the customer but there is always a risk this isn't done.

- Collection of CDD information by agents under s34 - risk that agents use the information for other purposes or that they are not handling the information to the same standard you are.

- Undertaking electronic identity verification - entities should be getting customer consent to run their information against electronic databases but some are very loose around this requirement

Financial Services Council.
Growing and protecting the wealth of New Zealanders

GET in SHAPE

Sending information overseas

- Under principle 12, an organisation or business may only disclose personal information to an agency outside of New Zealand if the receiving agency is subject to similar safeguards to those in the Privacy Act.
- If a jurisdiction does not offer similar protections, the individual concerned must be fully informed that their information may not be adequately protected and they must expressly authorise the disclosure.

Outsourcing Due Diligence

- Consider privacy when conducting outsourcing, especially important when considering technology service providers.
- Know what your contractual agreements state. These can be fluid, you will hove to continue to monitor these arrangements.
- Cloud providers
  - As part of your outsourcing, it isn't enough to just note that information is stored on the "Cloud".
  - What should small and medium size businesses be doing to ensure compliance when dealing with large Cloud providers?

Clients can request their information

- Include in your process how you will properly identify the client. This will help prevent fraud.
- Have a process that allows you to meet the clients needs and timelines.

FOR MORE INFO

Visit our website: **www.privacy.org.nz**

Find us on Twitter, Facebook, LinkedIn and YouTube

Post a question on AskUs

Give us a call: 0800 803 909

Next Webinar

- Understanding your disclosure requirements
- 30 October, 10am
- Registration details will be sent via FSC emails. Contact fsc@fsc.org.nz to subscribe

Financial Services Council.
Growing and protecting the wealth of New Zealanders

GET in SHAPE