



24th May 2018

Justice Committee
Parliament Buildings
Wellington

Email: - ju@parliament.govy.nz

Dear Committee Members:

Re submission on: Privacy Bill

This submission is from The New Zealand Federation of Business and Professional Women (BPW NZ) Inc.

Our interest in this Bill is because we are committed to representing the interests of women and girls. And in the words of our founder: -

Each woman, as a citizen, must bring to the national policy of her own country, the contribution of forward-looking and constructive thought followed by determined action. Each woman must dedicate herself to protect and promote the interests of all other women in business and the professions.

Dr. Lena Madesin Phillips

We would like to congratulate this government on bringing to the table an important piece of legislation that looks to repeal and replace the Privacy Act 1993 and bring it into a more appropriate reflection of what is happening with the revolution of technologies and the transfer of data not only locally but internationally.

Comments on the Purposes of the Bill:

BPW NZ supports the intent of this bill and is pleased to see that the 12 Information Privacy Principals are being retained.

We also support that these reforms will align us with the best practice privacy guidelines operating in Europe and the OECD.

With the six key changes to the Privacy Bill we feel that: -

- Mandatory reporting of privacy breaches is the biggest single issue that will assist the wider New Zealand public that this government believe that the protection of personal

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data is of a high propriety to them. It will introduce a level of transparency that has not been in the legislation prior to these amendments.

- Widening the powers of the Privacy Commissioner will improve the ability for quicker responses to breaches and further give more confidence in the general populous that the legislation will be more effective in addressing these.
- There has always been a fear that when data is hosted overseas that the same legislation around the use or the protection of that data is not cover by New Zealand legislation. We support that by following of best practice that have been implemented overseas particularly in Europe with regards to the collection and handling of data which they have called GDPR, focuses on ensuring that users know, understand, and consent to the data collected about them. Under GDPR, pages of fine print won't suffice. Neither will forcing users to click yes in order to sign up, gives us heart that New Zealand is moving in the right direction in future proofing who data will be collected and stored and used.
- Where we are disappointed is we believe that the new criminal offence penalties are not serve enough to encourage best practice. We feel that we should be looking to draft legislation that is comparable to Europe and OECD countries where businesses who are in breach of the Privacy Act impose similar penalties where-
 - Violators face fines of up to 4 percent of annual global revenue. For Facebook, that would be \$1.6 billion; for Google, \$4.4 billion.
- Enabling the Privacy Commissioner to make decisions on complaints laid is where this should have always been. We also support the ability for the Commissioner to dictate the timeframes when an agency must comply.

What we would also like to recommend to the Select Committee is that the Privacy Act be reviewed on a five yearly cycle. That with the changes in technology and with the speed these happen that a more regular review needs to be implemented.

Our Organisation

Our organisation's aims are to link professional and business women throughout the world, to provide support, to lobby for change and to promote the ongoing advancement of women. We work for equal opportunities and status for all women in economic, civil and political life and the removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

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4.1 International Status:

BPW International has General Consultative Status at the United Nations through the UN Economic & Social Council (ECOSOC). This enables BPW International to appoint official representatives to UN agencies worldwide and to accredit members to attend specific UN meetings.

Thank you for the opportunity to speak to our submission and we hope that our comments are of use to you.

On behalf of
New Zealand Federation of Business and professional Women Inc.

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