

## Privacy Act 1993

Source: Employment Relations in New Zealand, Erling Rasmussen

The Act has implemented the philosophy of individual autonomy by using principles rather than rules. There are twelve basic principles:

1. Personal information cannot be collected by an organisation unless it is done for a lawful purpose connected with a function or activity of the organisation, and the collection of the information is necessary for that purpose
2. Personal information can only be collected from the person concerned, unless the person agrees otherwise or the information is already public
3. When personal information is collected from an individual, the organisation must ensure the person is aware of the purpose of the collection, of who will hold the information, and of the individual's rights in respect of the information
4. An organisation must ensure personal information is not collected by unlawful means, or by means that are unfair or constitute an unreasonable intrusion on the personal affairs of the individual
5. The organisation must ensure personal information is protected (using reasonable safeguards) against loss, unauthorised access and other misuse
6. The organisation cannot keep personal information for longer than it is required for a lawful purpose
7. A person is entitled to have access to the information held about him/her
8. Requests made by an individual to have personal information corrected must be granted by the organisation concerned
9. The organisation must ensure personal information is accurate and not misleading
10. Information collected for one purpose cannot be used for another
11. An organisation cannot give information to anyone else unless that was part of the reason for its collection
12. An organisation must not use personal identification numbers unless this is absolutely essential

In summary, the privacy principles concern the collection, storage, use and disclosure of personal information concerning an individual by any agency. In the area of employment, these privacy principles are particularly relevant when:

- recruiting staff
- terminating employment

- managing staff
- undertaking surveillance, drug-testing and medical screening
- whistle-blowing