



**National Council of  
Women of New Zealand**

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Wahine O Aotearoa

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14 October 2004

S04.51

**Submission to the Privacy Commissioner on the  
Proposed Credit Reporting Privacy Code 2004**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies. It has 33 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

The privacy of the individual is an issue upon which NCWNZ has made submissions many times. Concerns have been heightened somewhat by the recent lapses in security particularly where personal data has been computerised. Sometimes this has been the result of human error, sometimes 'hackers' have been involved but all too often it has been when consumers have revealed personal details to the likes of mail order companies.

NCWNZ is committed to upholding Article 12 of the United Nations Declaration of Human Rights, which declares that no-one should be subjected to arbitrary interference with his or her privacy, and that everyone has the right to protection of the law against such interference. Consequently earlier submissions have expressed concern at invasions of privacy by electronic data processing and technological surveillance.

In September 2003 NCWNZ welcomed the introduction of the Credit Information Privacy Code and made a submission accordingly. This year members wish to register their general support of the proposed Credit Reporting Privacy Code but, as invited by your letter of 23 September 2004, urge your consideration of the following comments and suggested amendments.

**Part 1:** NCWNZ generally approves of the definition given in the Preliminary section to the Code. Having expressed reservations in our 2003 submission, about the definition of 'Credit Reporter', it is pleasing to note that this has now been tightened.

**Part 2:** (Rules 1- 12) While these rules are comprehensive and should assure protection to applicants for credit, NCWNZ suggests that provisions for non-compliance could well include a requirement for a second opinion to be sought where the reporter believes she/he has 'reasonable grounds' to disclose information. This would be for the protection of both the reporter and the customer – in case 'reasonable grounds' turns out to be based on false assumptions. Occasionally urgency may preclude such a step but NCWNZ asks that it be given consideration by the Privacy Commissioner.

**Part 3:** NCWNZ agrees that these provisions are satisfactory.

**Part 4:** Where a credit reporter needs to 'designate a person or persons to deal with the complaints alleging a breach' ... NCWNZ queries whether it would be desirable for the complainant's approval to be sought initially. It is acknowledged that although Part 4 stipulates that the complainant is acknowledged in writing within five working days of receipt, and is informed as to the procedures, there may be some objections as to who is likely to be consulted.





**Further comments:**

The information paper on the Credit Reporting Privacy Code refers on page 2 to “Trans-Tasman Compatibility”. NCWNZ notes a similar reference in the June issue of the Ministry of Consumer Affairs Newsletter regarding ‘single economic market’ moves with Australia. NCWNZ agrees with the Privacy Commissioner that more investigation is needed even though changes in the notified code reflect the Australian provisions.

It is felt that with so much mortgage and bank-card credit owed by New Zealanders to Australian financial institutions, it is imperative that there be more synchronisation of relevant legislation.

Once again NCWNZ appreciates the opportunity to comment on this Privacy legislation.

Christine Low  
**National President**

Heather M Smith  
**Convener, Economics Standing Committee**