

17 October 2022

J Bruning

By email only to: fyi-request-20589-3983bf5c@requests.fyi.org.nz

Tēnā koe

Official Information Act Request (Our Ref: OIA/0215)

We refer to your Official Information Act Request dated 16 September 2022.

You requested:

1. Contractual data protection obligation/contract clauses; policy developed by government agencies which are safeguards – specifically developed to ensure privacy laws are complied with – by commercial partners/contractors involved in digital systems development involving the management, surveillance, analysis and organisation of private citizen data; and
2. Completed reports and briefings dated 2022 discussing actions of government agencies in undertaking due diligence activities to confirm that there are comparable privacy safeguards applied by contracted organisations involved in the handling of private citizen data, who are owned by offshore institutions.

IPP 12

Your request appears to be related to agency obligations under Information Privacy Principle (IPP) 12. IPP 12 places an obligation on businesses and organisations to ensure that personal information transferred overseas is adequately protected.

There is publicly available guidance available on the OPC website to assist with understanding IPP 12:

<https://privacy.org.nz/responsibilities/your-obligations/disclosing-personal-information-outside-new-zealand/>

To assist agencies to comply with their IPP 12 obligations, OPC developed model contract clauses and a tool for agencies to use to ensure that agreements to transfer personal information overseas are subject to privacy safeguards. Our model contract clauses and guidance are available on the OPC website using the link provided above.

Response to your request

Your request is otherwise refused under section 18(e) of the Official Information Act as we do not hold the information you have requested to the extent that your request relates to contracts clauses or policies adopted by particular agencies.

Those requests should be directed at the particular agency that you wish to find out more about. We do not hold a register of clauses developed by government agencies.

The second part of your request is also refused under section 18(e) of the Official Information Act as we do not hold any reports or briefings within the scope of your request.

I hope that the information that I have directed you to, on the OPC website, will provide some assistance.

You have the right to seek review of my decision to refuse your requests from the Ombudsman.

Nāku iti noa, nā



Michael Webster
Privacy Commissioner