



MINISTRY OF
JUSTICE
Tāhū o te Tūru

**Meeting with Prof. Joseph Cannataci, UN Special Rapporteur
for the Right to Privacy**

Wednesday 11 May 2016 at 12:30 pm – 1:00 pm

Minister Adams Office

Attending: Minister Adams

Officials: Chris Hubscher s 9 (2) (a)

OUT OF SCOPE

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

OUT OF SCOPE

Re-identification

A common question (in the context of assuming individual control over personal information) is whether it is time to focus less on how information about a person is obtained (provided, observed, derived or inferred) and focus more on how information is used.

New Zealand is considering the regulation of the *use* of information that has been re-identified from personal information.

- Any such regulation would need to be carefully crafted to balance human/privacy rights, public sector data analytics for public good, and private sector innovation.
- The Data Futures Partnership has indicated to you it will be leading a public debate on three data-related topics: social investment; health; and the internet of things. The costs and benefits of data re-identification will be explored under each of these topics.
- The EU, and the health laws in the USA, focus on regulating 'de-identification'.



File Note

Author

File reference

Date February 2015

Subject Drafting the new Privacy Act

OUT OF SCOPE

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

OUT OF SCOPE

Re-identification of de-identified personal information -

Re-identification of de-identified personal information was briefly considered by the Law Commission in its review of Privacy law and was raised recently by the Data Futures Forum. The Forum recommended, and this was subsequently ratified by Cabinet, that the Privacy Act be amended to update the definition of personal data and include protections against the re-identification of de-identified data.

As at 19 February 2015, this issue is being scoped so that progress, including possible options for further work, can be included in the 31 March 2015 report back to Data Futures Forum Ministers for discussion.

Paul – welcome your opinion about whether we fold the outstanding issues into the clause by clause analysis or whether it would be simpler to have a standalone list incorporated into this memo as above? If the latter approach, we would update the clause by clause as to how they have been resolved, and delete the issues from this list as we knock them off.

Jess – anything you wish to add?

RELEASED UNDER THE OFFICIAL INFORMATION ACT