

28 May 2018

Emailed to: [fyi-request-7746-99631fde@requests.fyi.org.nz](mailto:fyi-request-7746-99631fde@requests.fyi.org.nz)

Dear Miss Forest

**Official Information request – Investigations by Commissioner’s own initiative under s.69(2) (Our Ref: OPC/2863)**

I refer to your request under the Official Information Act 1982 (OIA) received on 2 May 2018.

You request information on the following:

Since the commissioner under the Privacy Act 1993 (act) s. 69(2) has the vehicle to take their own initiative to commence investigations.

During the commissioner's financial year between 1 July 2016 - and 30 June 2017 as established as appropriate comparable timeframe,

How many investigations the commissioner commenced that could be counted as under the act s. 69(2) by the commissioner's own initiative. If the commissioner also have any data surrounding what area the investigations were e.g. internet privacy etc. this would be helpful for research.

I note that in the commissioner's website there are no entries under the "Commissioner enquiries" for this period: <https://privacy.org.nz/news-and-publications/commissioner-inquiries/>

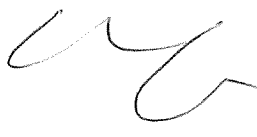
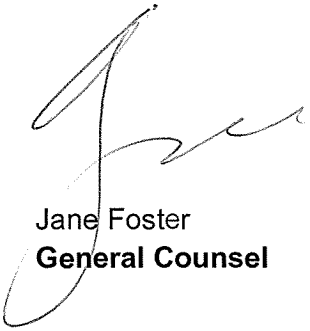
The Commissioner undertook one own initiated investigation in this period, specifically, **Operation Painter: findings in privacy investigation.**

In June 2017, the Commissioner completed an investigation into a Police breath testing checkpoint that was set up near an Exit International meeting in Lower Hutt in 2016. The Commissioner initiated the investigation after the media reported on the incident in October 2016. The Commissioner’s investigation found the collection of personal information at the checkpoint to be both unlawful and unfair. The way information was collected breached principle 4 of the Privacy Act 1993.

Information about this is available on the OPC website:

- <https://www.privacy.org.nz/assets/Uploads/2018-03-15-Operation-Painter-findings-in-privacy-investigation-media-release-A554917.pdf>

Yours sincerely



Jane Foster  
**General Counsel**