

14 June 2024

Re: Submission on the Privacy Act Amendment Bill

Tēnā koutou,

The Library and Information Association of New Zealand Aotearoa (LIANZA) and Public Libraries New Zealand (PLNZ) welcome the opportunity to provide feedback on the Privacy Act Amendment Bill, which is currently before the select committee.

As the professional association representing the New Zealand library and information sector, LIANZA advocates on behalf of our members, which include public, educational, legal, health, and government libraries and information centres, as well as those involved in collecting institutions such as museums and archives.

Public Libraries New Zealand is the key sector advocate for public libraries, currently representing all New Zealand public libraries which are the most heavily used and accessed library facilities in the country. Public libraries are also significant repositories for archival resources representing the social and cultural heritage of local communities.

We have significant concerns about the impact the Bill could have on the collecting practices of libraries, archives, museums, and other institutions in its current form, due to the lack of exemptions for organisations collecting personal information for archival purposes in the public interest.

The Bill introduces a new Information Privacy Principle 3A relating to the indirect collection of personal information. This principle would require the collecting agency to notify individuals about the collection of their information, the purposes for collection, and their rights of access and correction. While we support the goal of transparency, we believe that without an exemption, this requirement could place an undue administrative burden on libraries and other collecting institutions, especially smaller organisations with limited resources.

There is a risk that if the compliance requirements are too onerous, institutions may simply choose not to collect personal information - leading to critical gaps in the historical record. We anticipate this would be felt most acutely in the realm of unpublished collections such as oral histories, manuscripts, and photographs.

Other jurisdictions, such as the European Union, provide specific exemptions from privacy legislation for personal data processed "for archiving purposes in the public interest". The joint 2020 Statement on Privacy Legislation and Archiving by the International Federation of Library Associations and the International Council on Archives also recommends that governments ensure exceptions for acquisition and preservation of materials by professional collecting institutions.

We strongly urge the select committee to consider incorporating a similar public interest archiving exemption into New Zealand's privacy legislation. This would provide much-needed clarity and



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assurance for libraries and collecting institutions that vitally important historical collecting can continue without being impeded by privacy compliance requirements.

LIANZA and PLNZ would welcome the opportunity to discuss this matter further or provide additional information to assist the select committee in its deliberations.

Ngā mihi nui,

A handwritten signature in black ink, appearing to read "Rich".

Richard Misilei
President
Library and Information Association of New Zealand Aotearoa

A handwritten signature in blue ink, appearing to read "Rob Baigent".

Rob Baigent
Chair
Public Libraries New Zealand