

# ENGR 401

# Professional Practice

---

COMPLIANCE V  
PRIVACY



# Privacy

---

*How does privacy affect you as professional engineers?*

In your pods, spend ~10 minutes finding a privacy failure in New Zealand which is closely related to engineering: news reports or case files from the Office of Privacy Commissioner <https://www.privacy.org.nz/>

You will report to the class on the privacy failure you have found (visual aids optional but recommended).

# Privacy Act 1993

---

Find it here:

<http://legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html>

Relatively easy reading, for legislation.

# Privacy Act 1993: Information Privacy Principles

---

1. Only collect personal information if you really need it.
2. Get it straight from the people concerned where possible.
3. Tell them what you're going to do with it.
4. Be considerate when you're getting it.
5. Take care of it once you've got it.
6. People can see their personal information if they want to.
7. They can correct it if it's wrong.
8. Make sure personal information is correct before you use it.
9. Get rid of it when you're done with it.
10. Use it for the purpose you got it.
11. Only disclose it if you have a good reason.
12. Only assign unique identifiers where permitted.

# Privacy

---

How do you build something that doesn't breach the privacy act?

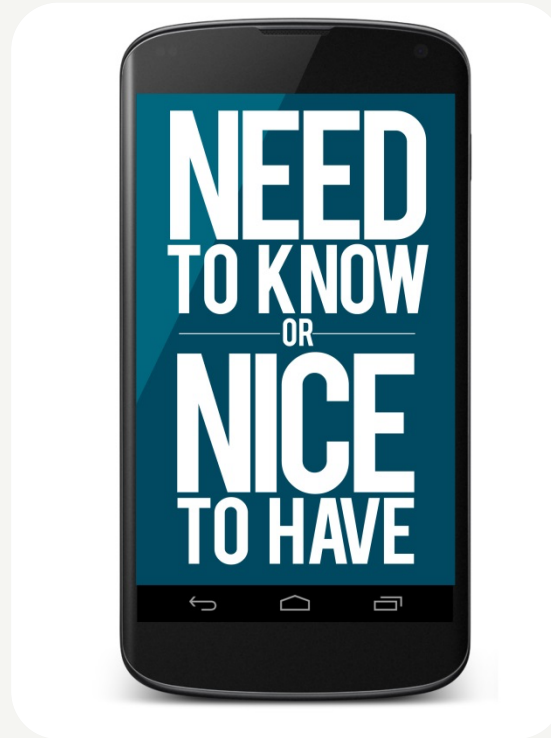
*"Move fast and break all the things"*

*"Move slow and hire all the lawyers"*

*"Move fast but maybe have a good think about things before you start"*

**Acknowledgement:** drawn from a guest lecture given by Tim Henwood of the Office of the Privacy Commissioner in 2016.

[privacy.org.nz/apps-guidance/](https://privacy.org.nz/apps-guidance/)



# Privacy

---

How do you build something that doesn't breach the privacy act?

- Privacy by design
- Privacy impact assessment
  1. Work out what you're doing
  2. Spot the risks
  3. Work out how you'd fix the risks
  4. Write it all down.

**Acknowledgement:** drawn from a guest lecture given by Tim Henwood of the Office of the Privacy Commissioner in 2016.

# Privacy

---

How do you build something that doesn't breach the Privacy Act?

- Start early.
- Be open and transparent
- Collect and keep only what you need - and secure it
- Obtain meaningful consent
- Get your timing right



# Questions: Privacy Act

---

There are 12 privacy principles listed in the Privacy Act

- a. Summarise the circumstances under which you might not need to obtain the consent of someone to collect their personal information.
- b. Which privacy principle upholds the “right to be forgotten”?
- c. For how long are you allowed to retain personal information under the Privacy Act?
- d. Bonus Question: How does your answer to (c) relate to backup or archive copies of personal information?

# Addendum: International Privacy Laws

---

On 25 May 2018, the EU General Data Protection Regulation (GDPR) comes into force. Unlike current European data privacy regulations, the GDPR applies to entities that are located outside of Europe but who offer goods or services in the EU. Therefore the GDPR (in addition to New Zealand privacy law) may affect us ...

# Addendum: International Privacy Laws

---

The GDPR contains some very stringent requirements around how organisations may “process” (i.e. collect, store, use, disclose, etc.) personal information about people in the EU. There must be a lawful basis for processing and organisations must be able to demonstrate compliance with a set of principles...

# Addendum: International Privacy Laws

---

Despite being EU law, the GDPR is something that other countries should take seriously. Partners in the EU will soon begin to insist on compliance before they will transfer data.

New Zealanders working in the EU will expect NZ organisations to comply, and NZ organisations could be exposed to reputational damage (and a risk of significant fines – up to €20 million) if they fail to comply.