

PRACTICAL GUIDANCE

Please note: NOHANZ is unable to provide legal advice relating to the Privacy Act 2020.

In 2020 a new Privacy Act took effect, replacing the Privacy Act 1993. The new Act strengthens individual privacy protections and risk management by agents and agencies that handle personal information. Although the Act was drafted primarily with government agencies and other public or private sector organisations in mind, under the Act individual oral historians/commissioners also fit the definition of ‘agents’ collecting and holding personal information. We are, therefore, subject to the [provisions of the Act](#).

The Privacy Commission defines the [responsibilities and obligations](#) under the Privacy Act 2020. The main purpose of the Act is to protect the rights of individuals (including third parties) when any personal information is recorded about them.

Collecting personal information

Generally, you should collect information directly from the person it’s about. Then the person will know what information you’ve got and what you’re doing with it - they’re far less likely to be surprised or upset.

[Privacy principle 4](#) governs how you should collect personal information.

Have a Privacy Statement

‘We are collecting your personal and contact information for the purpose of creating and archiving an oral history for [*title of project*]. We are guided by the Privacy Act 2020 in the collection, storage, and use of your information.’ A good place to include this information is on the recommended ‘Interviewee and Project Information Form’ <https://www.oralhistory.org.nz/wp-content/uploads/2024/07/Interviewee-and-Information-Form.docx>

Access to personal information

You must keep the personal information you hold safe and secure. You must also give people access to the information you hold about them *if they request this in writing*, and take reasonable steps to correct it if it’s wrong. If the recorded interview has been embargoed or closed to public access, and the interviewee does not agree to a third-party written request, then the Privacy Commission may have to be approached for guidance.

Make sure that you take reasonable steps to store and use personal information securely.

You may need a locked cabinet for physical documents, or password protection for electronic files. Make sure only appropriate people can access the information.

[Principle 5](#) governs the storage of personal information.

People have a right to access the personal information you hold about them. You should keep personal information in a way that is easily retrievable so you can:

1. confirm that you hold a person's information if they ask
2. give them access to it.

[Principle 6](#) governs access to personal information.

People can ask you to correct their personal information if they think it's wrong. If you don't think you need to correct the information, you must still record that the person asked you to correct the information, and note exactly what they thought was wrong. Attach that record to the person's file so that everything is together. Knowing what the person thinks will help anyone else who looks at the record to make better decisions.

[Principle 7](#) governs correcting personal information.

Using and disclosing personal information

Generally, only use personal information for the purpose for which you collected it. People get upset if you use their information without their knowledge or permission, and you risk losing their trust.

[Privacy principle 10](#) governs the use of personal information.

[Privacy principle 11](#) governs disclosure of personal information – see also NOHANZ [Code of Ethical & Technical Practice](#).

NOHANZ recommendation

If sensitive personal information about the interviewee or another identifiable living person is volunteered and recorded during an interview, information that could potentially cause 'serious harm', oral historians should alert the repository when archiving the oral history interview. The Privacy Commissioner defines [sensitive personal information](#) and 'serious harm'.

These guidelines cannot cover every situation. Further information about the Act may be found in the online information sites below:

- a. [The Privacy Act 2020](#) (New Zealand Legislation)
- b. [Office of the Privacy Commissioner](#) includes [e-learning modules](#)
- c. [Privacy Principles](#) (University of Waikato)

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- d. [Security and Privacy](#) (DIGITAL.GOV.T.NZ)