



THE PRIVACY REGULATIONS 1993

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 31st day of May 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 128 of the Privacy Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Privacy Regulations 1993.

(2) These regulations shall come into force on the 1st day of July 1993.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Privacy Act 1993:

“Commissioner” means the Privacy Commissioner appointed under section 12 of the Act:

“Tribunal” means the Complaints Review Tribunal established under section 45 of the Human Rights Commission Act 1977.

(2) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.

3. Service of notices and documents—(1) Subject to regulation 8 of these regulations, any notice or other document required or authorised to be served on, or given to, any person for the purposes of the Act may be served or given by delivering it to that person.

(2) Any such notice or document may be delivered to the person—

- (a) Personally; or
- (b) By leaving it at that person's usual or last known place of residence or business or at the address specified by that person in any application or other document received from that person; or
- (c) By posting it in a letter addressed to that person at that place of residence or business or at that address; or
- (d) Where the person has a document exchange box number, by leaving the notice or document at a document exchange for direction to that document exchange box number; or
- (e) Where the person has a facsimile number, by transmitting the notice or document to that facsimile number.

4. Service by post—(1) If, in accordance with regulation 3 (2) (c) of these regulations, any notice or other document is sent to any person by post, it shall be deemed to have been delivered to that person on the earlier of—

- (a) The fifth working day after the day on which it was posted; or
- (b) The day on which it was received.

(2) In proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

5. Service by means of document exchange or facsimile—(1) Where a notice or other document is served on, or given to, any person in accordance with paragraph (d) or paragraph (e) of regulation 3 (2) of these regulations, that notice or document shall,—

(a) If left at a document exchange, be deemed to have been duly served or given on the earlier of—

(i) The second working day after the day on which it was so left; or

(ii) The day on which it was received; and

(b) If transmitted to a facsimile number, be deemed, subject to subclauses (2) and (3) of this regulation, to have been duly served or given on the day on which it was transmitted.

(2) Where a notice or document is transmitted to a facsimile number after 5 p.m. on any day, that notice or document shall, subject to subclause (3) of this regulation, be deemed to have been duly served or given on the first working day after the day on which the document was received in a complete and legible condition.

(3) A notice or document transmitted to a facsimile number shall be deemed to have been received in a complete and legible condition unless—

(a) The contrary is shown; and

(b) As soon as practicable after the transmission is concluded, the person to whom the notice or document was transmitted notifies the person who transmitted the notice or document that the notice or document was incomplete or illegible or both when it was received.

6. Service on absentee or deceased—For the purposes of regulation 3 of these regulations, where the person on or to whom a notice or other document is required or authorised to be served or given is absent from New Zealand or is deceased, the notice or document may be delivered, as specified in that regulation,—

- (a) Where the person is absent from New Zealand, to that person's agent in New Zealand;
- (b) Where the person is deceased, to that person's personal representatives.

7. Commissioner or Tribunal may direct manner of service—(1) Subject to regulation 8 of these regulations, if any person on or to whom a notice or other document is required or authorised to be served or given for the purposes of the Act is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no known personal representatives, or if for any other reason it is not practicable to deliver the notice or document personally, the notice or document shall be delivered in such manner as may be directed by the Commissioner or the Tribunal.

(2) Notwithstanding anything in regulations 3 to 6 of these regulations, but subject to regulation 8 of these regulations, the Commissioner or the Tribunal may in any case direct the manner in which any such notice or other document is to be served or given, or dispense with the service or giving of any such notice or other document.

8. Regulations to be read subject to express provision relating to service—Regulations 3 to 7 of these regulations shall be read subject to any provision of the Act that prescribes a particular and exclusive mode of serving or giving any notice or other document.

BOB MACFARLANE,
Acting for Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 1993, make provision for the service and giving of notices and other documents for the purposes of the Privacy Act 1993.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 June 1993.
These regulations are administered in the Department of Justice.