



Privacy Commissioner
Te Mana Matapono Matatapu

Legislative Compliance Policy

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Introduction

The Office of the Privacy Commissioner is committed to complying with all applicable laws. All employees have a responsibility to ensure that their activities on behalf of the Office of the Privacy Commissioner comply with those laws.

To facilitate legal compliance and to allow employees to have confidence that they are acting within the law, the attached legislative compliance programme will be maintained. Its purpose is to protect employees from inadvertent or accidental breaches of the law. Key legislation to which the Office of the Privacy Commissioner must adhere will be accessible by staff who may contact the General Manager concerning their need for information and advice.

This document contains a summary of the legislation applying to each area of the business. Specific sections of each Act are noted along with an explanation of the way the legislation shall be complied with, and the possible risks associated with non-compliance. Breaches can occur when the Commissioner's staff fails to adhere to the legislation. There are associated risks to the organisation through statutory non-compliance and, through its ownerships interests therefore, the government.

Policy

Purpose

To enable the Office of the Privacy Commissioner to carry out its statutory functions and duties by establishing and maintaining systems for monitoring and reporting on compliance with key legislation.

Key Legislation

The aim of this policy is to establish a framework which identifies the key legislation with which the Office of the Privacy Commissioner must comply. The Office of the Privacy Commissioner has identified legislation using a risk based approach. A risk analysis review of legislation will be undertaken annually particularly of new and changed legislation, to maintain the currency of the Register of Key Legislation.

The major risks are identified as being:

- Damage to the reputation of the organisations;
- Loss of trust by stakeholders;
- Personal liabilities of staff;
- Financial penalties.

A summary of key legislation is included in this policy. Each piece of legislation has been categorised to determine the level and frequency of compliance reporting. This categorisation has been done on a risk basis and will be reviewed annually along with the Register of Key Legislation.

Every effort has been made to identify the legislation which staff and others are likely to encounter in the normal course of their employment or other involvement with the Privacy Commissioner. It is imperative to note the requirements that the Office of Privacy Commissioner, its staff, agents and contractors must comply with all New Zealand statute law and common law obligations. The list of statutes and other obligations set out in this Legislative Compliance policy cannot hope to be exhaustive. If staff and others learn of legislation (including new statutes or regulations) or relevance to their roles within the Office, such legislation should be referred to the General Manager, for possible inclusion in this policy.

Policy Statement

The General Manager has established and will maintain this Register of Key Legislation with which the Privacy Commissioner must comply.

The register includes:

- the key Statutes and relevant legal obligations;
- the person responsible for oversight and reporting on compliance;
- guidelines on monitoring and reporting compliance.

The Commissioner delegates to appropriate staff members responsibility for:

- identification of compliance issues;
- development of compliance systems including the communication of compliance requirements to staff;
- monitoring and reporting compliance.

The General Manager will report to the Commissioner annually on the following:

- status of compliance (for category 1 and 2 legislation);
- significance changes to the Register.

A designated staff member will prepare a report containing a statement of action required or recommendations to the Commissioner as follows:

- | | |
|--------------------------------------------------------------|-------------|
| • statement of compliance (for category 1 and 2 legislation) | Annually |
| • exposure to risk for serious breaches or claims | Immediately |
| • need to make changes to register | Immediately |

For legislation that has been categorised as level 3, reporting will be on an exception basis only rather than by way of an annual positive compliance report.

Delegations and Responsibilities

For the purpose of monitoring and reporting on legislative compliance matters the Commissioner has delegated responsibilities to the General Manager.

The General Manager is responsible for managing the legislative compliance programme and for reporting routines that include providing 'positive assurance' to the Commissioner that the Office has in place processes to monitor compliance with relevant legislation.

Responsibilities

The General Manager is responsible for the following:

- **maintaining** the Register of Key Legislation
- **liaising**, if necessary, with the Privacy Commissioner's legal and risk advisors on any new requirements
- **recommending** changes to the register of Key Legislation, in accordance with changes to legislation, or to its interpretation by the Courts or enforcement authorities
- **advising** the Commissioner on any legislative compliance issues not delegated
- **co-ordinating** the legislative compliance reporting systems
- **arranging** that, where appropriate, audits are performed to provide assurance on compliance.

Delegated Staff

Any delegated staff member named on the Register of Key Legislation is responsible for monitoring and reporting on that particular legislation. The legislation and the person responsible for compiling reports are highlighted below.

In fulfilling their responsibility, the delegated staff member should:

- **include** in the 'Legislative Compliance, Policy & Procedures' document an initial Schedule of Key Legislation identifying particular sections of legislation requiring the Privacy Commissioner's compliance
- **liaise** where necessary with the General Manager on changes to legislation compliance requirements
- **advise** the General Manager on monitoring of legislative compliance in their designated areas
- **identify, establish and implement**, in consultation with the General Manager appropriate systems, procedure, guidelines, training programmes, informative material and take other action reasonably expected to ensure compliance with the requirements of the Register of Key Legislation
- **report** to the General Manager:
 - annually on compliance status
 - immediately on any significant risk exposure
 - immediately on any serious breach or suspected breach
 - immediately on any need to amend the register in the light of legislative change

- **maintain** all necessary records relating to monitoring of legislative compliance in their designated areas and be able to demonstrate the training, provision of information and other procedures have been implemented.

Summary of Primary Responsibilities and Legislation

(Note: the reference to any Statute includes all relevant amendments and regulations)

Commissioner

Privacy Act 1993

Crown Entities Act 2004 (incorporating the Crown Entities Amendment Act 2013)

Public Finance Act 1989

General Manager

Anzac Day 1996

Criminal Records (Clean Slate) Act 2004

Employment Relations Act 2000

Goods and Services Tax Act 1985

Holidays Act 1981

Income Tax Act 1996

Minimum Wages Act 1983

Parental Leave and Employment Protection Act 1987

Protected Disclosures Act 2000

Public Records Act 2005

State Sector Act 1988

Waitangi Day Act 1976

Building Act 1991

Crown Entities Act 2004 (part)
(incorporating the Crown Entities Amendment Act 2013)

Financial Reporting Act 1993

Health and Safety at Work Act 2015

Human Rights Act 1993

KiwiSaver Act 2006

Official Information Act 1998

Privacy Act 1993

Public Finance Act 1989

Smoke Free Environments Act 1990

Wages Protection Act 1983

Register of Key Legislation

The General Manager maintains the Register of Key Legislation with which the Office of the Privacy Commissioner must comply.

The Register includes:

- The key acts and other legal obligations or requirements
- The general elements which have a duty or compliance requirement
- The implications for management
- The member of staff responsible for each element
- The reporting requirements.

Note In the following tables the legal consequences for non-compliance are not necessarily shown. These may vary widely, and could include civil or criminal consequences depending on the nature and seriousness of the breach. Where a breach arises, or is suspected, advice can be obtained from Crown Law, the Commissioner's legal advisers. Implications for insurance liability may be relevant.

For the purpose of reporting on compliance, legislation has been grouped according to the major modes and functions of the Privacy Commissioner. Key Legislation has also been categorised as follows:-

- Category 1: Legislation requiring quarterly compliance reporting to SLT
- Category 2: Legislation requiring annual compliance reporting
- Category 3: Legislation where regular compliance reporting is not deemed necessary. Reporting will be on an exception basis.

The reference to any Statute includes all relevant amendments.

New Zealand Privacy Act 1993 Obligations

Oversight and Reporting	Statute	Category
Privacy Commissioner	New Zealand Privacy Act 1993	1

Privacy Commissioner as an Occupier of Property

Oversight and Reporting	Statute	Category
General Manager	Smoke Free Environments Act 1990	3

Privacy Commissioner as an Employer

Oversight and Reporting	Statute	Category
General Manager	Anzac Day Act 1966	3
	Criminal Records (Clean Slate) Act 2004	3
	Employment Relations Act 2000	2
	Holidays Act 2003	3
	Human Rights Act 1993	2
	Injury Prevention, Rehabilitation and Compensation Act 2001	3
	KiwiSaver Act 2006	3
	Minimum Wage Act 1983	3
	Other Employment Related Enactments	3
	Parental Leave and Employment Protection Act 1987	2
	Public Records Act 2005	3
	State Sector Act 1988	3
	Wages Protection Act 1983	3
	Waitangi Day Act 1976	3
Senior Leadership Team (PCBU)	Health and Safety at Work Act 2015	2

Privacy Commissioner as a Public Body

Oversight and Reporting	Statute	Category
Privacy Commissioner	Crown Entities Act 2004	1
	Privacy Act 1993	1
General Manager	Financial Reporting Act 1993	2
	Goods and Services Tax Act 1985	3
	Income Tax Act 1996	3
	Official Information Act 1982	2
	Protected Disclosures Act 2000	3
	Public Finance Act 1989	1

Legislative Compliance

Category 1 legislation

New Zealand Privacy Act 1993

The New Zealand Privacy Act 1993 established the Office of the Privacy Commissioner and sets out its functions. It also sets out a number of matters that the Commissioner must have regard to and actions the Commissioner must take.

Responsibility	Area of Compliance	Section	Consequences
Privacy Commissioner	To promote, by education and publicity, an understanding and acceptance of the information privacy principles and of the objects of those principles	13(1)(a)	Failure to meet statutory obligation
	When requested to do so by an agency, to conduct an audit of personal information maintained by that agency for the purpose of ascertaining whether or not the information is maintained according to the information privacy principles	13(1)(b)	Failure to meet statutory obligation
	To monitor the use of unique identifiers, and to report to the Prime Minister from time to time on the results of that monitoring, including any recommendation relating to the need for, or desirability of taking, legislative, administrative, or other action to give protection, or better protection, to the privacy of the individual:	13(1)(c)	Failure to meet statutory obligation
	To maintain, and to publish, in accordance with section 21 of this Act, directories of personal information	13(1)(d)	Failure to meet statutory obligation
	To monitor compliance with the public register privacy principles, to review those principles from time to time with particular regard to the Council of Europe Recommendations on Communication to Third Parties of Personal Data	13(1)(e)	Failure to meet statutory obligation

Responsibility	Area of Compliance	Section	Consequences
	Held by Public Bodies (Recommendation R(91) 10), and to report to the responsible Minister from time to time on the need for or desirability of amending those principles		
	To examine any proposed legislation that makes provision for— (i) The collection of personal information by any public sector agency; or (ii) The disclosure of personal information by one public sector agency to any other public sector agency,— or both; to have particular regard, in the course of that examination, to the matters set out in section 98 of this Act, in any case where the Commissioner considers that the information might be used for the purposes of an information matching programme; and to report to the responsible Minister the results of that examination	13(1)(f)	Failure to meet statutory obligation
	For the purpose of promoting the protection of individual privacy, to undertake educational programmes on the Commissioner's own behalf or in co-operation with other persons or authorities acting on behalf of the Commissioner	13(1)(g)	Failure to meet statutory obligation
	To make public statements in relation to any matter affecting the privacy of the individual or of any class of individuals	13(1)(h)	Failure to meet statutory obligation
	To receive and invite representations from members of the public on any matter affecting the privacy of the individual	13(1)(i)	Failure to meet statutory obligation
	To consult and co-operate with other persons and bodies concerned with the privacy of the individual	13(1)(j)	Failure to meet statutory obligation
	To make suggestions to any	13(1)(k)	Failure to meet

Responsibility	Area of Compliance	Section	Consequences
	person in relation to any matter that concerns the need for, or the desirability of, action by that person in the interests of the privacy of the individual		statutory obligation
	To provide advice (with or without a request) to a Minister or an agency on any matter relevant to the operation of this Act	13(1)(l)	Failure to meet statutory obligation
	To inquire generally into any matter, including any enactment or law, or any practice, or procedure, whether governmental or non-governmental, or any technical development, if it appears to the Commissioner that the privacy of the individual is being, or may be, infringed thereby	13(1)(m)	Failure to meet statutory obligation
	To undertake research into, and to monitor developments in, data processing and computer technology to ensure that any adverse effects of such developments on the privacy of individuals are minimised, and to report to the responsible Minister the results of such research and monitoring	13(1)(n)	Failure to meet statutory obligation
	To examine any proposed legislation (including subordinate legislation) or proposed policy of the Government that the Commissioner considers may affect the privacy of individuals, and to report to the responsible Minister the results of that examination	13(1)(o)	Failure to meet statutory obligation
	To report (with or without request) to the Prime Minister from time to time on any matter affecting the privacy of the individual, including the need for, or desirability of, taking legislative, administrative, or other action to give protection or better protection to the privacy of the individual	13(1)(p)	Failure to meet statutory obligation
	To report to the Prime Minister from time to time on the desirability of the acceptance, by	13(1)(q)	Failure to meet statutory obligation

Responsibility	Area of Compliance	Section	Consequences
	New Zealand, of any international instrument relating to the privacy of the individual		
	To report to the Prime Minister on any other matter relating to privacy that, in the Commissioner's opinion, should be drawn to the Prime Minister's attention	13(1)(r)	Failure to meet statutory obligation
	To gather such information as in the Commissioner's opinion will assist the Commissioner in carrying out the Commissioner's functions under this Act	13(1)(s)	Failure to meet statutory obligation
	To do anything incidental or conducive to the performance of any of the preceding functions	13(1)(t)	Failure to meet statutory obligation
	To exercise and perform such other functions, powers, and duties as are conferred or imposed on the Commissioner by or under this Act or any other enactment	13(1)(u)	Failure to meet statutory obligation
	Except as expressly provided otherwise in this or another Act, the Commissioner must act independently in performing his or her statutory functions and duties, and exercising his or her statutory powers, under— (a) this Act; and (b) any other Act that expressly provides for the functions, powers, or duties of the Commissioner (other than the Crown Entities Act 2004).	13(1A)	Failure to meet statutory obligation
	The Commissioner may from time to time, in the public interest or in the interests of any person or body of persons, publish reports relating generally to the exercise of the Commissioner's functions under this Act or to any case or cases investigated by the Commissioner, whether or not the matters to be dealt with in any such report have been the subject of a report to the responsible Minister or the Prime Minister	13(2)	Failure to meet statutory obligation

Crown Entities Act 2004

Responsibility	Area of Compliance	Section	Consequences
Privacy Commissioner	Validity of Acts	19 24	
	Conflict of interest disclosure rules	62 – 72	
	Delegation	73 – 76	
	Collective duties of board	92 - 95	
	Directions on government policy to statutory entities	103 – 113	Intervention by responsible Minister
	Government direction to crown entities	114 – 115	Intervention by responsible Minister
	Protection from liability	120 – 126	
	Reporting and financial obligations	136 - 156	Intervention or action by responsible ministry and/or Office of the Auditor General
	Bank accounts	158 – 164	Adverse reporting by Audit NZ
	Miscellaneous	165, 167, 168	

Public Finance Act 1989

The Public Finance Act establishes the basic funding process for the Privacy Commissioner as part of the state sector, and sets out requirements for the use of funds and reporting of the financial position.

Responsibility	Area of Compliance	Section	Consequences
General Manager	The Privacy Commissioner must provide information on its future operating intentions for the forthcoming year and the next two financial years, no later than the date specified by its responsible Minister. However, if the Office is either to be disestablished or a significant restructure is to take place information may, with the agreement of its responsible minister and the Minister of Finance be provided for a lesser period.	38	Investigation by the Audit Office where reports are not received. Intervention by the Audit Office
	The Privacy Commissioner must prepare a report on its operations for that financial year and provide this report to	43	Investigation by the Audit Office where reports are not received.

Responsibility	Area of Compliance	Section	Consequences
	the responsible Minister as soon as practicable after the end of the financial year		Intervention by the Audit Office
	The Privacy Commissioner must include the annual financial statements with the audit opinion and Privacy Commissioner's management statement in the annual report. They shall be tabled by the Minister in the House of representatives no later than 15 working days or as soon as practicable if the house is not in session 6 sitting days after the half yearly financial statements are returned by the Audit Office.	45	Intervention by the Audit Office
	It is a basic requirement to prepare financial statements, in accordance with generally accepted accounting practice, as soon as practicable after the end of each financial year. The accounts are to be forwarded to the Audit Office following the end of the financial year	45D	Investigation by the Audit Office where the reports are not received
	The Privacy Commissioner must follow Treasury and Minister of Finance instructions	80(2) 80A(4)	Investigation by Audit and Treasury

Category 2 Legislation

Employment Relations Act 2000

This Act covers the negotiation of employment agreements and procedures for employment relations problems. It is integral to the function of the Privacy Commissioner as an employer.

Responsibility	Area of Compliance	Section	Consequences
General Manager	Individual agreements (where no collective applies) must be written. Must contain among other things, a plain language provision for employment relationship problems	65	Possible legal action
	Unfair bargaining. Employer must ensure prospective employee understands the contract	68	As above
	Obligations to new employee (not a member of a union). Must advise of right to legal advice and provide adequate time for employee to seek advice	64	As above
	Freedom of Association – employees have freedom to choose whether or not to form a union. No person may confer any preference or apply any more influence because other person is/is not a member of a union	11	Breach of Human Rights Act 1993. Personal Grievance under s103 of the Employment Relations Act
	Bargaining. Sets out procedures	31 – 50	Industrial relations compliance order
	Grievances – any employee may bring a personal grievance, based on unjustified dismissal, disadvantage by unjustifiable action, discrimination, sexual harassment, racial harassment, duress in relation to membership or non-membership of an organisation. Provide minimum requirements.	102 – 128	Referred to mediation and courts. Primary remedy reinstatement. May result in: reimbursement of lost wages, compensation for humiliation, loss of benefit. Recommendation for action (re sexual harassment).
	Enforcement of employment	137 –	Employment Relations

Responsibility	Area of Compliance	Section	Consequences
	agreements – provides for the minimum procedures	140	Authority or consent to order compliance
	Strikes/lockouts – provides right for lawful strike. The employer may not unlawfully lockout staff. The employer may suspend striking and non-striking employees	80 – 100	Unlawful lockout may result in injunction by the Employment Court: action based on torts (1s100)
	The employer must keep records of wages and times, and keep the records for six years, and provide the employee with a copy on required	130	Penalty imposed by Employment Relations Authority, under (s232)

Health and Safety at work Act 2015

An Act relating to the health and safety of employees and other people at work, to promote health and safety management by employers.

Responsibility	Area of Compliance	Section	Consequences
Senior Leadership Team (PCBU)	The Senior Leadership Team is responsible for ensuring compliance with the requirements of s36 of the HSWA. This is set out in more detail in the Health and Safety Policy.	36	Unnecessary and unacceptable injury to staff or visitors. Potential prosecution.

Human Rights Act 1993

This Act governs the protection of human rights in New Zealand. It is applicable to the Privacy Commissioner in employment and the provision of access to the disabled.

Prohibited Grounds:

Discrimination on the basis of gender, pregnancy and childbirth, marital status, religious ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment or family status, sexual orientation.

Responsibility	Area of Compliance	Section	Consequences
General Manager	Employment. Unlawful to discriminate on the basis of a prohibited ground in relation to all aspects of employment including, training, term, dismissal, offer etc	22	Employer liable for action under Employment relations Act (s103(1)(3))
	Access. Unlawful to	42	Complaint to the

Responsibility	Area of Compliance	Section	Consequences
	discriminate on prohibited grounds in relation to access, vehicles or facilities (exception is where alternative facilities are provided)		Human Rights Commission may result in investigation and compulsory conciliation
	Other forms of discrimination, racial disharmony, sexual harassment, indirect discrimination, victimization	61 - 66	As above
	Exceptions can be preferential treatment to women on grounds of childbirth etc, or measures to ensure equality, and superannuation schemes.	70 -74	If exception not valid, as above

Financial Report Act 1993

This Act prescribes requirements for financial reporting by Government Commissions and other entities.

Responsible for compiling report: General Manager

Public Records Act 2005

This Act establishes a recordkeeping framework, and focuses on supporting good recordkeeping in government. The Privacy Commissioner is to create and maintain records and to dispose of them in accordance with the authority of the Chief Archivist.

Responsibility	Area of Compliance	Section	Consequences
General Manager	The Privacy Commissioner is required to create and maintain full and accurate records in accordance with normal, prudent business practice. These records must also be accessible over time.	3(a) – (e)	Investigation by the Chief Archivist
	The Privacy Commissioner must gain the Chief Archivist's authorisation before disposing of public records.	3(f) – (h)	Investigation by the Chief Archivist

Official Information Act 1982

The intent of this Act is to make official information more freely available, to provide for proper access by each person to official information relating to that person, to protect official information to the extent consistent with Public interest and the preservation of personal privacy. Where the Privacy Commissioner makes official information available in good faith no civil or criminal proceedings should lie against it.

Responsibility	Area of Compliance	Section	Consequences
General Manager	Official information should be made available unless good reason exists for withholding it. The Privacy Commissioner is under a duty to give reasonable assistance to an individual making a request. A decision on the request should be made not later than 20 working days after the request. Extensions can be granted in special circumstances. The good reasons for withholding information are specified in the Act.	5 – 16	The Ombudsman may review any decision to the Privacy Commissioner makes, including decisions to extend time limits, or refuse to disclose information. He/she can make recommendation to the Privacy Commissioner on remedies, and can report to the Minister and Parliament
	Where the Privacy Commissioner makes a decision or recommendation in respect of any person in respect of that person in his personal capacity, that person has the right to be given a written statement specifying the findings, and the reasons for the recommendation. Protected items may be deleted from the information	17 -23	As above
	A corporate body may seek access to any personal information about that body, and may seek a correction of the information. An individual may seek information about another individual. (requests by natural persons for information about themselves are dealt with under the Privacy Act)	24 – 27	As above
	The Ombudsman may require the Privacy Commissioner to produce information or documents in relation to an	29A	Adverse report to the Minister or Parliament

Responsibility	Area of Compliance	Section	Consequences
	investigation		

Good and Services Tax 1985

Responsibility	Area of Compliance	Section	Consequences
General Manager	The Privacy Commissioner must account for and pay GST	16, 20, 23	Civil liability and offence liability upon default

Income Tax Act 1996

Responsibility	Area of Compliance	Section	Consequences
General Manager	<p>The Privacy Commissioner must deduct and pay to the Commissioner of Inland revenue the following taxes or levies:</p> <ul style="list-style-type: none"> • ACC • PAYE • Fringe Benefit Tax • Withholding tax 	NC1 – NC21	Civil Liability and offence liability upon default

Category 3 Legislation

Smoke Free Environments Act 1990

The Act is intended to protect persons from cigarette smoke within all premises other than private homes. Another part limits sponsorship by tobacco companies.

Responsibility	Area of Compliance	Section	Consequences
General Manager	The Privacy Commissioner must have a written policy on smoking in the workplace incorporating the principles of the Act.	5	Complaint to the Director of General of health or local HSEA inspector. An offence under the Act.
	The Privacy Commissioner as an employer should ensure that notices for non-smoking are on prominent display, and supply copies of written policy on request.	7	As above.

Criminal Records (Clean Slate) Act 2004

The Criminal Records (Clean Slate) Act establishes a clean slate regime that enables eligible individuals to conceal their criminal record in some circumstances. As a part of the state sector and an employer there are implications for the questions that can be asked of people.

Responsibility	Area of Compliance	Section	Consequences
General Manager	It is an offence to ask or require a person to disregard the effect of the clean slate scheme when answering a question about their criminal records. It is also an offence to require or request an individual to disregard the effect of the clean slate and disclose, or give consent to the disclosure of, his or her criminal record.	18	Fine on summary conviction

Parental Leave and Employment Protection Act 1987

Prescribes the minimum entitlement with respect to parental leave for male and female employees and protects employees during pregnancy and parental leave.

Responsibility	Area of Compliance	Section	Consequences
General Manager	Provide statutory entitlement of up to 52 weeks unpaid parental leave for the care of a new baby (or child under 6 years to be adopted)	7, 8 17, 23	Grievance procedure under the Employment Relations Act 2000 which may result in reimbursement of remuneration, reinstatement and/or compensation
	Parental leave available for employees who at expected date of delivery, will have been employed at least 10 hours per week for the previous 12 months	7, 17, 23	As above
	Parental leave includes maternity leave by female employee of up to 14 weeks and extended leave up to 52 weeks Special leave without pay of up to ten days for female. Paternity leave without pay of up to two weeks. Keep the position open for an	7, 14,9(2) 17, 22 40	As above

Responsibility	Area of Compliance	Section	Consequences
	employee		

Wages Protection Act 1983

An Act relating to the conditions under which deductions maybe made from an employee's wages.

Responsibility	Area of Compliance	Section	Consequences
General Manager	No deductions may be made from an employee's wages without the written consent of the employee	4	Legal action by employee or Labour Commission
	The Privacy Commissioner may make deductions from an employee's wages with the written consent of the employee	5	As above
	The Privacy Commissioner may only recover over payments in certain circumstances	6	As above
	Wages are payable in a monetary form or by direct credit to a bank	7	As above

Other Employment Related Enactments

Injury Prevention, Rehabilitation and Compensation Act 2001

This major statute regulates the complex area of accident compensation coverage. Obligations apply to the employer in the payment of levies and premiums.

Anzac Day 1966

The Act regulate the observance of Anzac Day and commercial activities after noon.

Holiday Act 2003

The Act provides to enforce a number of days for the worker as holidays. As an employer the Privacy Commission must ensure that its contracts are reviewed to ensure compliance of the Act. The Privacy Commission must keep a holiday log, and review the application of employee's employment contracts.

Minimum Wage Act 1983

The Act provides for minimum wage rates for adults and for youth workers to be paid. The Minster has discretion to set the minimum wage order.

Waitangi Day Act 1978

The Act prescribes the observance of Waitangi Day as a public holiday.

Responsible for compiling report: - General Manager**KiwiSaver Act 2006**

This Act is to encourage a long-term savings habit and asset accumulation by individuals who are not in a position to enjoy standards of living in retirement similar to those in pre-retirement. The Act aims to increase individuals' well-being and financial independence, particularly in retirement, and to provide retirement benefits.

Responsibility	Area of Compliance	Section	Consequences
General Manager	Provide all employees with information pack (KS3)	22	
	Automatically enrol all new employees who are eligible	6	
	Make compulsory employer contributions	9	
	Claim any employer tax credit entitlement		

Protected Disclosures Act 2000

An employee of the Privacy Commissioner (including a former employee and a person working under contract of services) may disclose information about serious wrongdoing in or by the organisation which the employee believes on reasonable grounds to be true or likely to be true and the purpose is to enable investigation of the allegations and the employee wishes the disclosure to be protected. The disclosure must be made in accordance with internal procedures established by the Privacy Commissioner, but where the procedures are not established the disclosure may be made to the General Manager. In certain circumstances of urgency or exceptional situations, disclosure is justified to an appropriate authority such as the police or other listed public bodies. Provided the person acts in good faith, they are protected from any retaliatory action by the employer and are protected from any civil or criminal liability.

Responsible for compiling reports: General Manager

State Sector Act 1998

An Act to promote public service efficiency, responsible management, appropriate standards of integrity and conduct among employees, equal employment opportunities, and to provide for the negotiation of conditions of employment.

Responsibility	Area of Compliance	Section	Consequences
Privacy Commissioner	The 'General Manager' must not sub delegate powers or functions delegated by a Minister or the State Services Commissioner, without the written consent of that Minister or the State Services Commissioner	21	

RESPONSIBILITIES	
Persons/ Areas Affected	ALL OPC Staff & Contractors
Contact	General Manager
Approval Authority	Privacy Commissioner
Last Review Date	July 2016