

Short-Form Supplementary Departmental Disclosure Statement

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| Customer and Product Data Bill |
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A short form supplementary disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

It provides a limited supplement to the original disclosure statement for the Customer and Product Data Bill, dated 13 May 2024, which can be found at this link <https://disclosure.legislation.govt.nz/bill/government/2024/44/>.

This supplementary disclosure statement was prepared by the Ministry of Business, Innovation, and Employment.

The Ministry of Business, Innovation, and Employment certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

5 March 2025

Significant Legislative Features

Offences, penalties and court jurisdictions

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| 1. Do the proposed amendments create, amend, or remove: | |
| (a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)? | NO |
| (b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)? | NO |

Privacy issues

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| 2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information? | YES |
| <p>The Bill gives customers in designated sectors the right to request customer data, which may contain personal information. The Amendment Paper proposes various minor and technical changes to improve the Bill. Some notable changes in the Amendment Paper include:</p> <ul style="list-style-type: none">• providing that designation regulations can also allow certain persons (such as banks or non-bank deposit takers, for example) to opt-in to be data holders (clause 100(1A))• providing that the chief executive of the administering Ministry can vary the terms and conditions of accreditation (clause 107A)• clarifying that customer data may also include the personal information of another person other than the customer (clause 100(1B))• amending the functions of the chief executive to add a function to provide services to promote the purpose of the Bill (clause 96(ab))• clarifying the definition of customer in clause 8(1) to expressly include those who have acquired goods or services from data holders in the past• clarifying in clauses 14 and 18 that data holders must verify the identity of a customer after receiving a request directly from a customer | |
| 2.1. Was the Privacy Commissioner consulted about these provisions? | YES |
| <p>The Office of the Privacy Commissioner was consulted about the changes proposed in the Amendment Paper. The Office has expressed no concerns about the changes proposed.</p> | |

Compulsory acquisition of private property

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| 3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property? | NO |
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Charges in the nature of a tax

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| 4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax? | NO |
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Retrospective effect

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| 5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively? | NO |
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Strict liability or reversal of the burden of proof for offences

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| 6. Do the proposed amendments: | |
| (a) create or amend a strict or absolute liability offence? | NO |
| (b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding? | NO |

Civil or criminal immunity

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| 7. Do the proposed amendments create or amend a civil or criminal immunity for any person? | NO |
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Significant decision-making powers

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| 8. Do the proposed amendments create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests? | YES |
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Powers to make delegated legislation

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| 9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation? | NO |
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| 10. Do the proposed amendments create or amend any other powers to make delegated legislation? | YES |
| <p>The Bill includes powers for the Minister to recommend regulations be made (clauses 97-100, 126-131), and for the chief executive of the administering Ministry to make technical standards (clauses 132-134). The Amendment Paper proposes to:</p> <ul style="list-style-type: none">• amend clause 100(1) to:<ul style="list-style-type: none">○ allow designation regulations to also allow certain persons to opt-in to be data holders (100(1A))○ clarify that customer data or classes of customer data may be designated even if the data includes the personal information of any other person (100(1B))• clarify in clause 126(1)(b) that this relates to provisions that may also mention standards• specify in clause 126(1)(f) that this relates to additional matters that the chief executive must have regard to• clarify in clause 132(1)(b) that this relates to provisions that may also mention regulations | |

Any other unusual provisions or features

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| 11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment? | NO |
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