

## Internal guidance to support assessing applications to bulk private information via the LDS

### LINZ Licence for Personal Data 2.3:

"You must comply with the provisions of the Privacy Act 2020, including the information privacy principles, in respect of the Data as if you were an **"agency"** under that Act."

#### 8 Meaning of New Zealand agency

In this Act, New Zealand agency—

- (a) means—
- (i) an individual who is ordinarily resident in New Zealand; or
  - (ii) a public sector agency; or
  - (iii) a New Zealand private sector agency; or
  - (iv) a court or tribunal, except in relation to its judicial functions; but
- (b) does not include—
- (i) the Sovereign; or
  - (ii) the Governor-General or the Administrator of the Government; or
  - (iii) the House of Representatives; or
  - (iv) a member of Parliament in their official capacity; or
  - (v) the Parliamentary Service Commission; or
  - (vi) the Parliamentary Service, except in relation to personal information about any employee or former employee of the Parliamentary Service in their capacity as an employee; or
  - (vii) an Ombudsman; or
  - (viii) an inquiry; or
  - (ix) a board of inquiry or court of inquiry appointed under any Act to inquire into a specified matter; or
  - (x) a news entity, to the extent that it is carrying on news activities.

#### 1. Rationale for not approving 'personal use/research'

**Principle 1** states that an agency [*the licence holder*] must only **collect** personal information if it is for a lawful purpose **connected with their functions or activities**, and the information is necessary for that purpose.

If the lawful purpose for which personal information about an individual is collected [*accessed*] does not require the collection of an individual's identifying information, the agency may not require the individual's identifying information.

This principle is about data minimisation.

- 'Collect' is interpreted to 'access the property ownership register in bulk data'. For example, a user may only access this personal information if it is for a lawful purpose in connection with their activities.
- They need to demonstrate a genuine business need; necessary to undertake their functions or activities.
- Ensure people can trust the data they share with government is **used safely, and responsibly**.

**Principle 10** means that an agency [*the licence holder*] can generally only use personal information for the purpose it was collected, and there are limits using personal information for

different purposes (ie anonymised research). If the licence holder advises they will use it for xxx, they cannot use it for yyy.

From LINZ's perspective, based on the information provided, it is **not fair or reasonable to use the information for personal research as this goes against Principle 1 and Principle 10.**

## 2. Rationale for needing adequate application information

[Principle 3](#) means that an agency should be open about **why** they are collecting personal information and **what** they will do with it.

[Principle 7](#) states that a person has a right to ask an agency to correct information about them if they think it is wrong.

- A person has a right to as a Licence Holder the purpose for which the information is being used, and the name and address of the agency (Licence Holder) that is collecting and holding the information.
- It is ok for the information to be used in a way that won't identify an individual or for statistical or research purposes that will not publish in a form that could identify individuals.
- LINZ needs contact details so we can contact Licence Holders in case of complaints etc.

## 3. Reasons to revoke Licence

[Principle 8](#) states that an agency must check before using or disclosing personal information that it is accurate, up to date, complete, relevant and not misleading.

- An agency that holds personal information must ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, **and not misleading.**