

4 June 2025

Office of the Privacy Commissioner
Wellington

By email: tipc@privacy.org.nz

Schedule 4 of the Telecommunications Information Privacy Code 2020

1 Introduction

- 1.1 The New Zealand Law Society Te Kāhui Ture o Aotearoa (**Law Society**) welcomes the opportunity to give feedback on proposals to amend Schedule 4 of the Telecommunications Information Privacy Code 2020 (**TIPC**). This submission has been prepared with input from the Law Society’s Human Rights and Privacy Committee.¹
- 1.2 As outlined in the Privacy Commissioner’s Information Paper proposing changes to the Schedule,² Schedule 4 of TIPC applies to Emergency Location Information (**ELI**) about a person, which comes either from 111 calls or from devices like smartphones that can share their location. Schedule 4 enables emergency services to access information about people’s location, to be able to respond and help them. It also recognises that this location information is sensitive. The Schedule sets strict rules for how location information can be collected, used, and shared.
- 1.3 The proposed amendments to Schedule 4 cover mostly minor matters. The Law Society has no concerns regarding proposals to:
 - (a) remove references to “New Zealand Search and Rescue” from the Schedule, as New Zealand Search and Rescue is not a specific legal entity (Question 2);
 - (b) slightly amend several clauses to ensure that TIPC fits with a new operational structure that has been implemented (Table 2 and Questions 3 and 4); and
 - (c) fix typographical errors in two clauses and refine the wording of another clause (Question 5).
- 1.4 This submission focuses on the proposed changes to clause 3(1)(b) and new clause 9 of Schedule 4 (Question 1 of the Information Paper).

¹ More information about our law reform committees is available on the Law Society’s website: <https://www.lawsociety.org.nz/branches-sections-and-groups/law-reform-committees/>.

² Privacy Commissioner “Draft Information Paper: Proposed Amendment No 1 to the Telecommunications Information Privacy Code 2020” (9 May 2024).

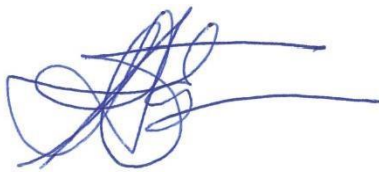
2 Clause 3(1)(b) and new clause 9: collecting, using and sharing ELI

- 2.1 The issue identified with clause 3 is that professional emergency services are not the only search and rescue responders. Most search and rescue operations rely on assistance from volunteers. However, under clause 3(1)(b), emergency service providers and other “location agencies” listed in Schedule 4 are only allowed to disclose ELI to those named as location agencies. As drafted, disclosure to volunteers is not permitted.
- 2.2 The proposal is to address this by allowing location information to be shared with people and organisations who are not part of a listed location agency, subject to conditions.
- 2.3 The Law Society supports the proposed change, but for the following reasons would recommend slight modification of the drafting approach. To avoid a risk that people read only clause 3(1)(b) without going as far as clause 9, another potentially clearer option is to:
- (a) amend clause 3(1)(b) to say “in the case of a disclosure, the disclosure is to another location agency *or to a person permitted by clause 3(8)*”; and
 - (b) insert, instead of clause 9, a new clause 3(8) which says “A location agency may disclose information about an individual’s potential location to any agency or person who is acting on behalf of that location agency to locate and rescue that individual.”
- 2.4 If OPC prefers the current proposal, as a minimum we would recommend relocating the proposed new clause 9 to be clause 3(8).

3 Next steps

- 3.1 We hope this feedback is useful. Please feel free to get in touch with me via the Law Society’s Senior Law Reform and Advocacy Advisor, Claire Browning (claire.browning@lawsociety.org.nz), if you have any questions or wish to discuss this feedback further.

Nāku noa, nā



Ataga’i Esera
Vice-President