

THURSDAY, 05 AUGUST 2010

FOLLOW US ON TWITTER | BECOME A FAN ON FACEBOOK | RSS

## Privacy Commissioner boosts breach disclosure drive with guidelines

Privacy Commissioner Marie Shroff may consider whether breach notification should be a mandatory part of New Zealand law

BY ROB O'NEILL | AUCKLAND | MONDAY, 27 AUGUST, 2007

EMAIL PRINT

Privacy Commissioner Marie Shroff will today announce a draft guide for the management of data breaches in business and government, in what could be the first step towards introducing data breach disclosure laws to New Zealand.

The guidelines are not mandatory, however. Shroff says she may consider whether breach notification should be a mandatory part of New Zealand law, as is the case in parts of North America and has been recommended in Canada.

The guidelines say data breaches should be managed in four stages: containing and assessing the breach; evaluating the risks; considering or undertaking notification; and putting in place future prevention measures.

"Be sure to take each situation seriously and move immediately to investigate the potential breach," the guidelines say. "Steps 1, 2 and 3 should be undertaken either simultaneously or in quick succession. Step 4 provides recommendations for longer-term solutions and prevention strategies. The decision on how to respond should be made on a case-by-case basis."

In May, *Computerworld* conducted a snap poll of IT executives attending an IT security briefing in Auckland. That poll showed overwhelming support for data breach disclosure laws.

"Notifying individuals that their sensitive personal information has been disclosed enables them to take steps to prevent misuse of their details," Shroff says.

"We recognise that not all breaches of personal information warrant notification. For example, there would be little point in notifying each individual on an address database that was accidentally sent to a trusted mail house and then safely retrieved.

"The situation would obviously be quite different if the database included customer credit cards numbers and it was stolen, or a disc of the list was lost."

However, data breach laws have proven a severe embarrassment for many businesses in the US as more and more breaches, now affecting millions of people, have emerged.

At a June forum organised by Auckland-based security firm Security-assessment.com, solicitor Michael Wigley said such laws should be part of the Privacy Act, but were also different in being prescriptive rather than "principle-based".

"Boards know they should protect their IP and brands but don't do as much as they should," Wigley said, describing most of the current "accepted use" policies he had seen as "shit".

"They don't work and that's a strong indicator that all things are not well," he said.

Security-assessment.com founder Peter Benson said data breaches are a risk and compliance issue and need to be managed from the top, rather than just by IT.

### LATEST NEWS

Telecom seeks relief on three-way split

Industry slams Telecom's request for relief

We're ready to go: Vector

Mobile Termination Rates will be regulated | 4

Blackbox cracks the code

At the 2degrees 3G launch | 1

### SUBSCRIBE



Computerworld is New Zealand's only specialised information systems fortnightly. Subscribe now for \$97.50 (24 issues) and save more than 37% off the cover price!



### SIGN UP



Get the latest news from *Computerworld* delivered via email. Sign up now

**Unlimited**  
INVESTMENT CHALLENGE

DO YOU NEED CAPITAL TO GROW?  
Then take the **Unlimited Investment Challenge**.

CLICK HERE FOR MORE INFORMATION

**SOPHOS**

GET YOUR FREE COPY OF THE **SOPHOS THREATSAURUS**

DOWNLOAD NOW

READ COMMENTED EMAILED SHARED

- "UFB is a piece of ..."
- Internet account ban no worse than driving penalty
- Datacom chief dies suddenly
- iFiasco
- At the 2degrees 3G launch
- Chorus2 can deliver on urban and rural fibre

### POPULAR EVENTS

**SUSTAINABLE 60 AWARDS**  
The Sustainable 60 Awards  
Entries open now.  
Click here for more details

**Unlimited INVESTMENT CHALLENGE**  
Unlimited Investment Challenge 2010  
Entries open now.  
Click here for more details

**SUSTAINABLE 60 WORKSHOPS**  
The Sustainable 60 Workshops  
Dates confirmed  
Click here for more details

### SPONSORED LINKS

**COMPUTERWORLD** Local and International news  
Enterprise ICT must know info  
Subscribe today

**PC WORLD** NZ's most trusted tech advice  
Free NZ Delivery  
Subscribe today

"Law creates accountability," he said.

The new guidelines recommend direct notification, by telephone, email or post, as the most appropriate means of communication of a data breach.

However, they also recognise these might not be the best means, or an agency might not hold contact details for affected individuals.

"In these circumstances, public notification might be appropriate (weighed against the risks of alerting the person in possession of the information and/or further breaching people's privacy)," the guidelines say.

Thirty-four US states have mandatory breach notification laws and parliamentary committees recently recommended these in Canada and the United Kingdom. The New Zealand guidelines are modelled on Canada's.

**[iPhones From \\$199](#)**  
 With Selected Plan. Check Out Vodafone's hot iPhone prices!  
[www.vodafone.co.nz](http://www.vodafone.co.nz)

**[Telecom Broadband Offer](#)**  
 Double what you love doing online Conditions apply. Sign up now  
[www.telecom.co.nz/broadband-offer](http://www.telecom.co.nz/broadband-offer)

**[Colin Craig for Mayor](#)**  
 How do I know what most people want? Simple, I asked them.  
[www.votecolincraig.co.nz](http://www.votecolincraig.co.nz)

**[Desktop Central](#)**  
 Management & inventory tools for LAN & WAN computers  
[www.manageengine.co.nz](http://www.manageengine.co.nz)

 **Ads by Google**

SHARE THIS STORY WITH:

 EMAIL  
 PRINT

  

**MOST POPULAR STORIES FROM FAIRFAX BUSINESS MEDIA GROUP WEBSITES**

<p><b>CIO</b></p> <ul style="list-style-type: none"> <li>■ Leading through massive change</li> <li>■ Easing the information management headache</li> <li>■ Exit interview: Kevin Ackhurst of Microsoft NZ</li> <li>■ Yours leadership portfolio: The view from C-level</li> <li>■ How to sack your IT supplier</li> </ul>	<p><b>PCWorld</b></p> <ul style="list-style-type: none"> <li>■ Breathe new life into your laptop's battery</li> <li>■ Kiwis may be eligible for iPhone 4 refunds</li> <li>■ Press F1: Where's the power?</li> <li>■ Microsoft exec mocks iPhone 4, dubs it Apple's Vista</li> <li>■ Apple confirms iPhone 4 refund policy</li> <li>■ 2 degrees launches 3G services</li> </ul>	<p><b>Resellernews</b></p> <ul style="list-style-type: none"> <li>■ The habits of highly ineffective resellers</li> <li>■ iPhone 4 launch delayed</li> <li>■ SAP warms to open source</li> <li>■ Government hardware deals in the offing</li> <li>■ Citrix tops VMware in desktop virtualisation, again</li> </ul>	<p><b>Unlimited</b></p> <ul style="list-style-type: none"> <li>■ Change agents</li> <li>■ Creating value for NZ Inc through cleantech</li> <li>■ Customer complaints matter</li> <li>■ Sun sets on the Bill Day Show</li> <li>■ Productivity's last great hope at hope</li> </ul>
---	--	--	---

© Fairfax Media Business Group  
 Fairfax New Zealand Limited, 2010

FairfaxBG - Computerworld - PC World - Reseller News - CIO - Unlimited - actv8

Email Webmaster - Contact Fairfax Media Business Group - Subscribe Online - Advertise With Us - Privacy Policy