

**Insurance Council of New Zealand**

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4 December 2020

Ministry of Justice  
Justice Centre  
Wellington

Emailed to: [ipp12consultation@justice.govt.nz](mailto:ipp12consultation@justice.govt.nz)

Dear Madam/Sir,

## **ICNZ submission on Privacy Act 2020 – prioritising countries for overseas disclosure**

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Thank you for the opportunity to submit on the Privacy Act 2020 IPP 12 – prioritising countries for overseas disclosure consultation.

ICNZ represents general insurers that insure about 95 percent of the New Zealand general insurance market, including about a trillion dollars' worth of New Zealand property and liabilities. ICNZ members provide insurance products ranging from those usually purchased by individuals (such as home and contents insurance, travel insurance, motor vehicle insurance) to those purchased by small businesses and larger organisations (such as product and public liability insurance, professional indemnity insurance, commercial property, business interruption and directors and officers insurance).

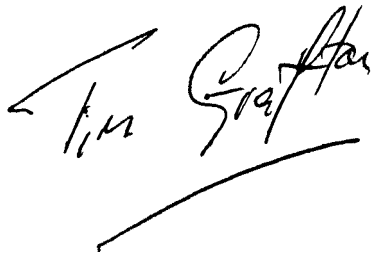
New Zealand is part of a global general insurance market, with a number of insurers in New Zealand either operating as local branches with overseas parents or as part of wider foreign-owned insurance groups. One important aspect of being part of the global insurance market is enabling the timely transfer of information, particularly where it is needed for reinsurance or retrocession (the reinsurance of risk by a reinsurer) agreements, or for the operation of insurance companies' related entities. For these reasons, and because we believe they would provide comparable privacy safeguards to those in New Zealand, we submit that the countries be prioritised in the following order for assessment to be prescribed countries under regulations to the Privacy Act:

- Australia
- The EU
- The USA
- The UK
- Singapore – specifically as its Personal Data Protection Act 2012 provides similar safeguards to those in the Privacy Act 2020, and because Singapore is New Zealand's largest trading partner in the South East Asia region and 7<sup>th</sup> largest trading partner in the world.

In relation to the EU, we note that New Zealand is one of only 12 territories that has been granted adequacy status by the European Commission and question whether this should import some sort of reciprocity by New Zealand to specifically prioritise the EU for assessment. Given the strict EU privacy regulations and the rigorous process of the European Commission to reach an adequacy decision, we further question whether it might be appropriate for the Ministry of Justice to fast-track the assessment process to recognise the value New Zealand businesses receive through holding adequacy status.

Thank you again for the opportunity to submit on this consultation. If you have any questions, please contact our Legal Counsel on (04) 495 8008 or by emailing [jane@icnz.org.nz](mailto:jane@icnz.org.nz).

Yours sincerely,

A handwritten signature in blue ink that reads "Tim Grafton". The signature is written in a cursive style with a long horizontal stroke underneath.

**Tim Grafton**  
Chief Executive

A handwritten signature in blue ink that reads "Jane Brown". The signature is written in a cursive style with a long horizontal stroke underneath.

**Jane Brown**  
Legal Counsel