

# The Privacy Commissioner

## What you need to know

The Privacy Act sets out 12 privacy principles on how personal information is collected, used, stored and released.

Of the 12, the first four relate to the collection of personal information, the reason why it is collected, where it is collected from and how it is collected.

Principle Five relates to the storage of and unauthorised use or disclosure of information. Principle Six is the right to access information about yourself.

Principle Seven is the right to request a correction of information about yourself.

Principles Eight to 11 relate to how information can be used or disclosed, how it must be accurate and up to date and not improperly disclosed, and principle 12 covers the use of unique identifiers (IRD numbers, bank numbers etc).

The Privacy Commissioner can investigate complaints about privacy breaches, as well as educating people and organisations to protect and respect personal information. It is an impartial and independent agency.

If you have a problem with a breach of your privacy, you should first try to resolve any issues directly with the person or organisation.

If you're unhappy with the result then you can make a complaint to the Privacy Commissioner.

There must be a breach of the law – for example, the privacy principles, a privacy code or data matching between government agencies.

Anyone can complain that another person or organisation has interfered with their privacy.

There is no set form for a complaint but there is a complaint form on the commissioner's website ([privacy.org.nz](http://privacy.org.nz)).

The commissioner will attempt to resolve complaints by agreement.

If necessary the commissioner will carry out an investigation.

That involves collecting relevant information from all parties and investigating the circumstances.

The commissioner can decline to investigate if the incident is too old, doesn't appear to involve any breach, relates to family or domestic affairs, there are alternative ways of dealing with it or further investigation is not necessary or appropriate.

If there has been no resolution during the investigation process, the commissioner will form a provisional opinion and send it to you and the other parties to seek feedback. Any feedback provided will be considered before the opinion is finalised.

The Privacy Commissioner's



### LEGAL MATTERS

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opinion is not legally binding.

If the commissioner considers there has been a serious breach, the matter can be referred to the director of Human Rights Proceedings for further action (before the Human Rights Tribunal).

Making a complaint to the Privacy Commissioner is free and you can obtain assistance from the commissioner's office to do so. You can also seek legal advice.

**M asks if jointly owned assets need to be included in any schedule prepared for probate, and whether the transfer of such assets is recognised as taking place immediately on death. He also asks about assigning a value to personal items.**

Jointly owned real estate and other property passes to the survivor by operation of law and therefore does not pass under a person's will at all.

In the case of real estate, the basis on which we can do this is the death certificate and a declaration from the surviving owner.

The effective date of the transfer is the date of the person's death.

There is no schedule of assets provided to the court with probate.

Probate involves filing an affidavit, original will and application.

The executor is responsible for putting together a list of the assets as part of their role generally, but this is not put to the court unless it is requested (which would normally only be in the case of a claim on the estate).

There is no need for the court to be made aware of any jointly owned (or other) assets as part of the probate application.

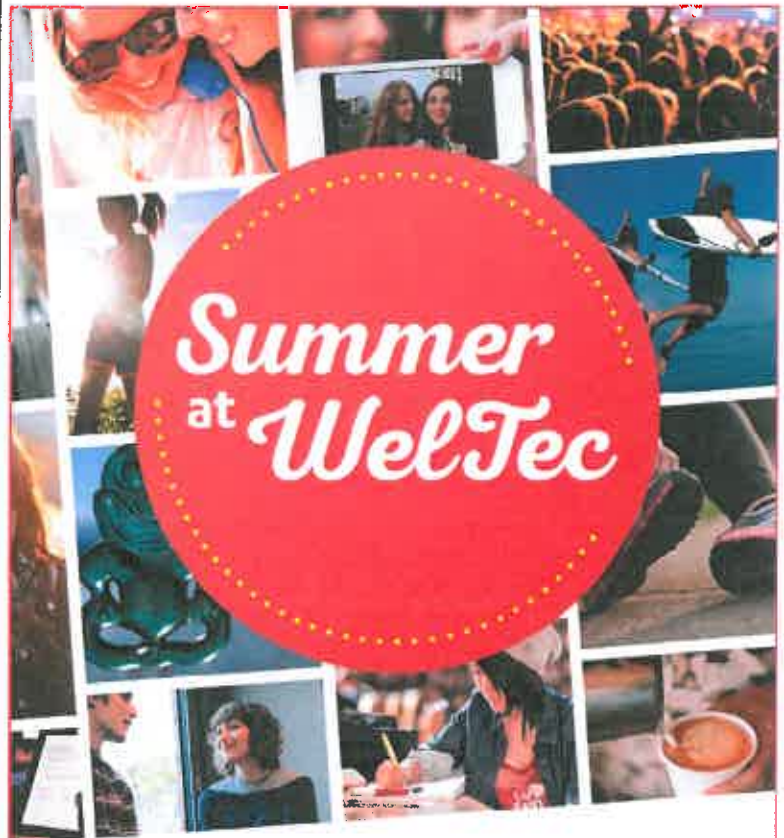
If assets such as personal items are to be valued, this is generally by a valuer, but depends on what is intended to be done with the items. Often there is no need for them to be valued.

■ Column courtesy of Rainey Collins Lawyers, ph 0800 733 484. If you have an inquiry email [aknowsley@raineycollins.co.nz](mailto:aknowsley@raineycollins.co.nz).

## Christmas in the Park

The annual Christmas in the Park festival is on at Elsdon Park on Saturday, December 13. As in previous years there will be a programme of drama, music, dance, carols and fire-works.

For 20 years the festival had been all about a family-focused, inclusive community event that did not involve spending money to have fun, organiser Robert Brace said. Contact him on 237 8880 for information.



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