



**Submission to the Justice Select Committee**

**Privacy Amendment Bill**

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**New Zealand Historical Association**

**President: Dr. Miranda Johnson**

**Email: [nzhapresident@gmail.com](mailto:nzhapresident@gmail.com)**

1. This submission is on behalf of the New Zealand Historical Association (NZHA). Established in 1981, the NZHA promotes the study and learning of history in Aotearoa New Zealand. Our current membership of around 180 individuals includes academic historians as well as postgraduate students within universities across the country, as well as public historians and teachers beyond the university. What unites us is a shared love of historical inquiry and the desire to learn about, teach, and debate the history of our country and the wider world.
2. This submission concerns the implications of the Privacy Amendment Bill for historical research. This submission by the NZHA supports the submissions of the National Oral History Association of New Zealand (NOHANZ) and of the Professional Historians' Association of New Zealand/Aotearoa (PHANZA).
3. We are equally concerned that the proposed 'new information privacy principle 3A' makes no exemption in respect of agencies working in the public interest. Specifically we are concerned about historical research and how our work as historians may be imperilled by the reporting requirements stipulated in this clause.

4. We understand that an exemption for the public interest was included in an earlier draft of the bill. **We request that it be reinserted into this version.**
5. NOHANZ is particularly concerned about how oral historians considered as ‘collecting agencies’ may be required to report to a third party who is mentioned in an oral history interview. Likewise, many NZHA members including academics, students, and public historians, undertake oral history interviews in the course of their research. The obligation to report places undue burdens on historical researchers when we are working in the public interest to produce significant and innovative historical research for the public good.
6. The new privacy principle, and the obligation on collecting agencies to report, may well have a chilling effect on potential oral history subjects, who need to feel free to discuss relationships with others in their interviews. If an interview subject knows that an interviewer has an obligation to report any references made to other people in an interview, the subject may be less likely to engage in an interview in the first place. This would have a sharply negative effect on the capacity of historical researchers to learn more about individual and collective pasts.
7. Furthermore, the lack of a public interest exemption could hinder the collection of oral history recordings and the making of transcripts in repositories around the country. Oral history collections held by libraries, archives, and museums, are of critical importance to all historians working in this country. Without the availability of such sources, we will be unable to deepen and complicate our understanding of New Zealand’s past and the histories of particular New Zealanders.
8. In addition we believe that in its current state, the Bill could have a potentially chilling effect on the collecting practices of public and academic libraries, archives, museums, and other institutions – intuitions that historians often rely on to do their work.
9. It is our view that if the administrative burden of collecting becomes too great, many institutions may elect not to collect – leading to gaps in the historical record and the loss of valuable information about New Zealand’s past, especially as told through the personal histories for its people.
10. We anticipate that the primary impacts will be felt most in relation to unpublished collections: oral histories; manuscript collections; and photographic collections.
11. For example, many public libraries and archives also collect personal information indirectly, particularly in relation to local history collections, with people donating

photos, letters, and reminiscences. It is likely they will not have the resources to support compliance, and they do not have recourse to legislative mandates.

12. We are happy to make an oral submission to the select committee if further information about our submission, or depth of understanding of our particular needs, is required.