

July 4, 2024

Office of the Privacy Commissioner
PO Box 10 094
Wellington 6413, New Zealand

RE: Comments of ACT | The App Association, *Poupou Matatapu*

ACT | The App Association hereby submits comments on the Office of the Privacy Commissioner's (OPC) new draft guidance, *Poupou Matatapu*.¹ The App Association is a global trade association for small and medium-sized technology companies. Our member companies are entrepreneurs, innovators, and independent developers within the global app economy that engage with verticals across every industry.

The App Association welcomes guidance on privacy obligations, considerations, and best practices for handling consumers' data. The community the App Association represents practices and promotes responsible and efficient data stewardship to solve problems identified across consumer and enterprise use cases. Consumers, as well as stakeholders throughout the value chain, have strong data security and privacy expectations, and, as such, ensuring that the data collection and use practices reflect those expectations is a market-driven necessity. The App Association recognises that privacy is a shared responsibility, and we serve as a leading resource in the privacy space for thought leadership and education.

We appreciate the thoughtful guidance the OPC has drafted to help organisations improve their privacy practices and comply with the Privacy Act. The *Poupou Matatapu* provides valuable advice for organisations to manage their privacy obligations and risks and establish an effective privacy program for protecting customers' data. Each pou features clear, straightforward language and sufficiently describes the considerations organisations must account for when designing a privacy framework. Additionally, the frequent inclusion of clarifying questions and examples that organisations can utilise strengthens the guidance. For instance, outlining criteria for assessing harm after a privacy breach and providing case studies in the breach management pou offers clear instructions for organisations on how to address and mitigate privacy breaches effectively.

Moreover, we applaud the OPC's inclusion of use cases demonstrating how different organisation archetypes can best implement each pou. Many small businesses and startups do not have the resources to seek extensive legal advice on their privacy practices. Illustrating use cases will enable such organisations' officers to execute good privacy practices and protect their customers' data more efficiently. We respectfully request that any additional or forthcoming guidance include similar use cases to help small organisations and startups navigate new regulations.

¹ <https://privacy.org.nz/news/consultations/poupou-matatapu/>.

Finally, the resources included in Poupou Matatapu, such as the Priv-O-Matic, NotifyUs, and Privacy Management Plan template, are particularly valuable to small businesses and startups. The Priv-O-Matic will simplify the legal complexities of generating a privacy statement, allowing organisations to focus more on their products and consumers instead of compliance paperwork. Similarly, NotifyUs provides a straightforward and effective mechanism to report breaches and enables organisations to quickly mitigate harms, enhance transparency, and rebuild consumer trust. Finally, the Privacy Management Plan template in the ninth pou provides a practical example of actionable steps organisations can take to implement a successful privacy framework. The inclusion of these resources in Poupou Matatapu makes effective privacy practices more accessible and manageable for businesses of all sizes.

The App Association appreciates the opportunity to comment on Poupou Matatapu guidance. We look forward to continuing our support for effective guidance on how organisations can best implement good privacy practices.

Sincerely,



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