Global Data and Cyber Handbook - New Zealand

Territorial Scope

| Contents |
| --- |
| To generate table of contents, right-click here and select **Update Field.** |

# What is the territorial reach of the data privacy and cybersecurity laws?

*Last review date: 20 December 2024*

☒  applies to organizations located in the jurisdiction

☒  applies to organizations located outside of the jurisdiction offering goods or services to data subjects in the jurisdiction

☒  other

The Privacy Act will apply to any action taken by a New Zealand agency (whether or not while that agency is or was present in New Zealand) in respect of personal information collected or held by the agency.

The Privacy Act will also apply to an overseas agency in relation to any action taken by the overseas agency in the course of carrying on business in New Zealand with respect to personal information collected or held by that agency. The Privacy Act does not define "carrying on business in New Zealand," but section 4(3) of the Privacy Act states that an agency may be treated as carrying on business in New Zealand without necessarily:

Being a commercial person

Having a place of business in New Zealand

Receiving any monetary payment for the supply of goods or services

Intending to make a profit from its business in New Zealand

The Privacy Commissioner has informally stated that the test for whether an agency will be carrying on business in New Zealand will be relatively low.

Copyright © 2025 Baker & McKenzie. All rights reserved. **Ownership:** This documentation and content (Content) is a proprietary resource owned exclusively by Baker McKenzie (meaning Baker & McKenzie International and its member firms). The Content is protected under international copyright conventions. Use of this Content does not of itself create a contractual relationship, nor any attorney/client relationship, between Baker McKenzie and any person. **Non-reliance and exclusion:** All Content is for informational purposes only and may not reflect the most current legal and regulatory developments. All summaries of the laws, regulations and practice are subject to change. The Content is not offered as legal or professional advice for any specific matter. It is not intended to be a substitute for reference to (and compliance with) the detailed provisions of applicable laws, rules, regulations or forms. Legal advice should always be sought before taking any action or refraining from taking any action based on any Content. Baker McKenzie and the editors and the contributing authors do not guarantee the accuracy of the Content and expressly disclaim any and all liability to any person in respect of the consequences of anything done or permitted to be done or omitted to be done wholly or partly in reliance upon the whole or any part of the Content. The Content may contain links to external websites and external websites may link to the Content. Baker McKenzie is not responsible for the content or operation of any such external sites and disclaims all liability, howsoever occurring, in respect of the content or operation of any such external websites. **Attorney Advertising:** This Content may qualify as “Attorney Advertising” requiring notice in some jurisdictions. To the extent that this Content may qualify as Attorney Advertising, PRIOR RESULTS DO NOT GUARANTEE A SIMILAR OUTCOME. **Reproduction:** Reproduction of reasonable portions of the Content is permitted provided that (i) such reproductions are made available free of charge and for non-commercial purposes, (ii) such reproductions are properly attributed to Baker McKenzie, (iii) the portion of the Content being reproduced is not altered or made available in a manner that modifies the Content or presents the Content being reproduced in a false light and (iv) notice is made to the disclaimers included on the Content. The permission to re-copy does not allow for incorporation of any substantial portion of the Content in any work or publication, whether in hard copy, electronic or any other form or for commercial purposes.