


Privacy and cybersecurity

Grow | Protect | Operate | Finance

February 2023



**There are only two
types of companies:
Those that have been
hacked and those
that will be hacked.**

— Robert S. Mueller, III,
former Director of the FBI

Overview

When, after, or before the inevitable occurs: we can assist.

At Dentons Kensington Swan, our lawyers take an E2E view of privacy and cybersecurity, which considers all aspects of the ‘information lifecycle’ – from collection, to processing, to retention, to deletion – along with everything else in between that does or can affect an organisation’s privacy and cybersecurity risk. We draw on the expertise of lawyers who have operational experience of how privacy and cybersecurity impacts all manner of commercial arrangements, and lawyers who navigate regulatory challenges and manage crises for clients on a daily basis.

This blend of skills combined with our collaborative approach puts us in the perfect position to help you not only respond to a crisis, but to also build up the defences you need to put yourself in the best possible position to prevent one in the first place: or, at least, to minimise the fall out when one does occur.

What we can do for you

Our cross-discipline team of privacy and cybersecurity experts have experience advising on all aspects of privacy and cyber security matters, including:

- Advising on the privacy and cybersecurity implications of launching new products and engaging with new vendors, including by conducting privacy impact assessments
- Drafting customer-facing disclosures, such as privacy statements
- Developing internal policies for dealing with personal information, and designing and delivering training
- Responding to access requests from customers and other agencies
- Advising on appropriate responses to regulatory investigations
- Working with you to develop a preparedness plan, so that you know what to do and who to turn to when faced with a privacy breach or other cybersecurity incident
- Responding to privacy breaches and other cybersecurity incidents, including:
 - engaging with regulators
 - crisis and reputation management
 - working with cyber forensic experts
 - advising on insurance cover
 - managing contractual relationships with vendors.

Global reach

Our global reach enables us to take a world view when it comes to the evolution of privacy and cybersecurity law and trends, and our place as a member of the largest global law firm ensures that we can respond quickly to help you manage a crisis, no matter who it affects. We have significant experience advising not only on the application of New Zealand privacy law, but also (working with our global colleagues) on the implications for New Zealand businesses of Australian privacy laws, the EU and UK GDPRs, and the CCPA. Our insights into how the world operates also mean that we are well-placed to advise overseas organisations looking to establishment themselves in New Zealand: we have the necessary experience and knowledge to put our advice into an international context.

Our experience

- Global social media platforms: We act for a number of social media platforms, and have advised them on all aspects of privacy and data protection compliance, and breach responses, in respect of their New Zealand operations.
- Government agencies: We advise many New Zealand central and local government agencies on their compliance with privacy law, in the context of the legislative framework applicable to government. We are frequently engaged to advise on the privacy implications of new services and other initiatives, and are familiar with the competing dynamics of access to official information and the protection of individual privacy.
- Responding to high-profile privacy and cybersecurity incidents: We have acted for clients in relation to some of the highest-profile privacy and cybersecurity incidents in New Zealand, advising on their response strategy and reputation management, as well as being involved in work to remediate shortcomings and manage issues with vendors who contributed to the breach. Our experience includes acting for the Reserve Bank of New Zealand in

connection with its high-profile breach resulting from the use of a file-sharing service provided by Accellion, and acting for the Institute of Directors in connection with a breach affecting the collection of credit card information from its members and other customers.

- Financial institutions: We have specific experience working with institutions in the highly-regulated financial sector (including banks, insurance companies and financial advisors), as a consequence of which we have deep knowledge of the interaction between privacy laws and the regulatory compliance framework that applies to them, including licensing conditions.
- Independent reviews: We have been engaged to conduct independent reviews into organisational policies, procedures and responses to privacy breaches, including the independent review of access to and use of client information at ACC, one of the most high-profile reviews conducted since the introduction of the new Privacy Act.

Dentons Kensington Swan is proud to have contributed to the development of the Privacy Bill (now the Privacy Act 2020). Our firm made a written and oral submission to the Justice Select Committee on the Bill, and was consulted by the Ministry of Justice in connection with the Departmental Report on the Bill. We are frequently consulted on by the Ministry of Justice in connection with further reforms to New Zealand privacy law, and we author numerous articles, updates and thought leadership pieces on the development of privacy in New Zealand and further afield. The firm authored the Thomson Reuters practice note for Privacy Law in New Zealand, and has contributed to numerous international publications on privacy, including for the IAPP and OneTrust.

They have excellent domain knowledge, provide practical advice, have strong interpersonal and relationship skills and are clear and easy to understand.

— Chambers Asia Pacific (TMT)

Our team



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CSBrand-110933 - Practice broch - Privacy and cyber 01 — 24/02/2023