

BROADCASTING STANDARDS PRIVACY COMPLAINT



Broadcasting Standards Authority
PO Box 9213, Marion Square, Wellington, 6141
www.bsa.govt.nz
0800 366 996

Complete this form and **post to the BSA** at the address above, marked **Attention: Legal Manager.**

PROGRAMME DETAILS

Programme title

Date of broadcast (your complaint must be within 20 working days of this date)

Time of broadcast

Channel/Station (tick one or write in the name if not listed)

<input type="checkbox"/> TV One - TVNZ	<input type="checkbox"/> Prime TV - (SKY TV)	<input type="checkbox"/> RadioLive - (RadioWorks)
<input type="checkbox"/> TV2 - TVNZ	<input type="checkbox"/> Māori Television	<input type="checkbox"/> Newstalk ZB - (The Radio Network)
<input type="checkbox"/> TV3 - (TVWorks)	<input type="checkbox"/> SKY TV	
<input type="checkbox"/> FOUR - (TVWorks)	<input type="checkbox"/> Radio NZ National - (Radio NZ)	<input type="checkbox"/> Other (please specify)

COMPLAINT DETAILS

See next page for full descriptions of the Privacy Principles

The programme standards which I believe were breached are as follows (tick the appropriate standard(s)):

- Privacy Principle 1** The public disclosure of private facts
- Privacy Principle 2** The public disclosure of 'public' facts
- Privacy Principle 3** Intrusion into solitude or seclusion
- Privacy Principle 4** Disclosure for the purpose of encouraging harassment
- Privacy Principle 5** Informed consent defence to breach of privacy
- Privacy Principle 6** Broadcast in child's best interests
- Privacy Principle 7** Individual aged 16+ can consent to breach of privacy
- Privacy Principle 8** Public interest defence to breach of privacy

Note:

- *These principles are not necessarily the only privacy principles that the Authority will apply*
- *The principles may well require elaboration and refinement when applied to a complaint*
- *The specific facts of each complaint are especially important when privacy is an issue.*

The reasons I found that this programme breaches the Privacy Principle(s) as listed above are (use specific examples from the programmes and explain your complaint fully)

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.....[Continue on a separate piece of paper if necessary]

ABOUT YOU

Name:

Address:

.....

Phone: Email:

PRIVACY PRINCIPLES

1. It is inconsistent with an individual's privacy to allow the public disclosure of private facts, where the disclosure is highly offensive to an objective reasonable person.
2. It is inconsistent with an individual's privacy to allow the public disclosure of some kinds of public facts. The 'public' facts contemplated concern events (such as criminal behaviour) which have, in effect, become private again, for example through the passage of time. Nevertheless, the public disclosure of public facts will have to be highly offensive to an objective reasonable person.
3. (a) It is inconsistent with an individual's privacy to allow the public disclosure of material obtained by intentionally interfering, in the nature of prying, with that individual's interest in solitude or seclusion. The intrusion must be highly offensive to an objective reasonable person.

(b) In general, an individual's interest in solitude or seclusion does not prohibit recording, filming, or photographing that individual in a public place ('the public place exemption').

(c) The public place exemption does not apply when the individual whose privacy has allegedly been infringed was particularly vulnerable, and where the disclosure is highly offensive to an objective reasonable person.
4. The protection of privacy includes the protection against the disclosure by the broadcaster, without consent, of the name and/or address and/or telephone number of an identifiable individual, in circumstances where the disclosure is highly offensive to an objective reasonable person.
5. It is a defence to a privacy complaint that the individual whose privacy is allegedly infringed by the disclosure complained about gave his or her informed consent to the disclosure. A guardian of a child can consent on behalf of that child.
6. Children's vulnerability must be a prime concern to broadcasters, even when informed consent has been obtained. Where a broadcast breaches a child's privacy, broadcasters shall satisfy themselves that the broadcast is in the child's best interests, regardless of whether consent has been obtained.
7. For the purpose of these Principles only, a 'child' is defined as someone under the age of 16 years. An individual aged 16 years or over can consent to broadcasts that would otherwise breach their privacy.
8. Disclosing the matter in the 'public interest', defined as of legitimate concern or interest to the public, is a defence to a privacy complaint.

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- *The specific facts of each complaint are especially important when privacy is an issue*

Issued by the Broadcasting Standards Authority pursuant to section 21(1)(d) of the Broadcasting Act 1989