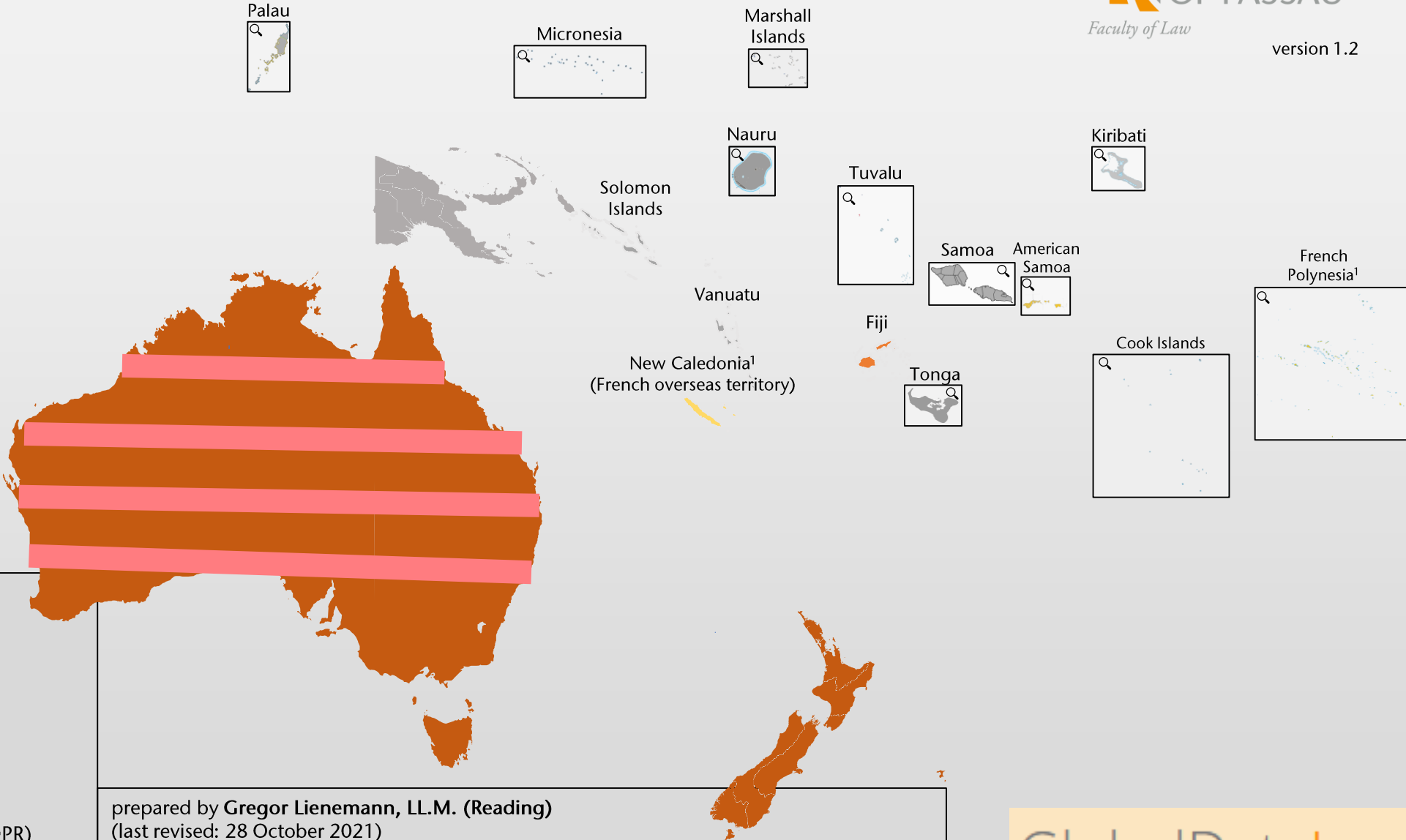


# L08 | Data Protection Laws in the South Pacific



- Map Legend**
- Data protection law enforced by DPA
  - Sector-specific data protection law
  - Data protection law passed
  - Data protection bill introduced
  - Direct application of a foreign law (e.g., GDPR)
  - No specific data protection legislation

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## List of Data Protection Laws in the South Pacific

While nearly all South Pacific nations continue to lack a discrete statutory framework on data protection, some jurisdictions address privacy issues within a law against cybercrime. At present, anti-cybercrime legislation is found in Australia (2001), Kiribati (2021), Nauru (2015), New Zealand (2015), Papua New Guinea (2016), and Tonga (2003). Moreover, bills on the subject are currently being deliberated in [Fiji](#) and [Vanuatu](#).

State	Official designation of the law	Translation / short title	Law officially adopted	DPA established (name)	Enforcement commenced
Australia	<a href="#">Act No. 119 of 1988 (Privacy Act 1988, as amended by Act No. 98 of 2021)</a> <sup>2</sup>	Privacy Act 1988	14 December 1988	yes ( <a href="#">OAI</a> ) <sup>3</sup>	1 January 1989
Fiji	<a href="#">Information Act 2018 (Act No. 9 of 2018)</a>	Information Act 2018	18 May 2018	No	–
New Zealand	<a href="#">Privacy Act 2020 (Public Act 2020 No. 31)</a>	Privacy Act 2020	30 June 2020	yes ( <a href="#">OPC</a> )	1 December 2020 (s 2(2) of the Act)

<sup>1</sup> Note: New Caledonia and French Polynesia both come within the regulatory scope of CNIL; for the former territory, a [Digital Observatory](#) has been established.

<sup>2</sup> Further, see the sectoral Consumer Data Right set forth in Part IV.D. of the [Competition and Consumer Act 2010](#).

<sup>3</sup> Prior to 2010, the Australian privacy regulator was known as the Office of the Privacy Commissioner (OPC), which in turn had been integrated into the Human Rights and Equal Opportunity Commission until 2000.



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## References and further reading

- |  |   |
|--|---|
| Australian Government                      | <a href="#">Privacy Act Review: Discussion Paper</a><br>(October 2021) 217 pp.  |
| Burdon / Mackie                            | 'Australia's Consumer Data Right and the Uncertain Role of Information Privacy Law'<br>(2020) 10 IDPL 222-235 (pre-print via <a href="#">SSRN</a> ) |
| The Bali Process (Regional Support Office) | <a href="#">Privacy and data protection of Bali Process member states</a><br>(May 2015) 94 pp.  |
| Standards Australia                        | <a href="#">Pacific Islands Cyber Security Standards Cooperation Agenda</a><br>(January 2020) 56 pp.  |

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