



# Transparency Report August 2021



# We believe in being open and honest with our members

This is our ninth annual Transparency Report which outlines the releases we make to New Zealand government agencies containing our members' personal information.

We release this report every year as part of our ongoing commitment to being open and transparent with our customers.

Requests for user data are commonplace for many New Zealand companies but very few proactively share information on the releases they make. We believe in being upfront about how and why we might release our members' information. Our Trust & Safety team works hard to release relevant and necessary information when it's legally requested of us.

The release of our members' data can do a lot of good for the community by assisting agencies to uphold the law to keep Kiwis safe, but it's important that we are open and transparent about the process.

It's our hope that by being transparent in our interactions and releases to government agencies, Kiwis will understand both the purpose and the benefits that information releases can have on our communities.

We're proud to be a recipient of the Office of the Privacy Commissioner's **Privacy Trust Mark** which recognises the work we do with our Transparency Report.

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## We challenge other companies to follow suit.



**PRIVACY  
TRUST  
MARK**  
NOHO MATATAPU

# Why Trade Me releases personal information

**Part of our Trust & Safety team's remit is to work with government agencies to ensure our members and platform are upholding the law. Where legally required, we work with these agencies on data releases.**

Government agencies also have legislative powers to request personal information in appropriate circumstances.

In most cases, the information we release to government agencies is done at our absolute discretion under Principle 11(e) of the Privacy Act. This principle enables us to release information to government agencies to help them enforce the law and to protect our community. Our terms and conditions, and Privacy Policy also make it clear we do this.

In these cases, we might choose to provide the New Zealand Police with information to help them find a missing person, or work with DOC to identify who has listed a **yellow-bellied sea snake!**

There are other reasons for us releasing member information. For example, the Police might send a production order, or a government agency might send a compulsion order under their guiding legislation. In these instances we are required by law to release the information, but we ensure that only information relevant to the investigation is released.

The agencies sending us these requests understand our members' privacy is our top priority and we will push back if a request is too broad. We detail these push backs later in the report.

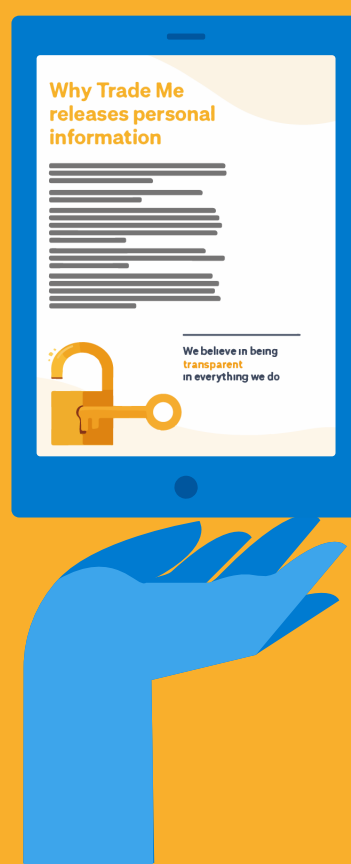


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**We believe in being  
**transparent**  
in everything we do**

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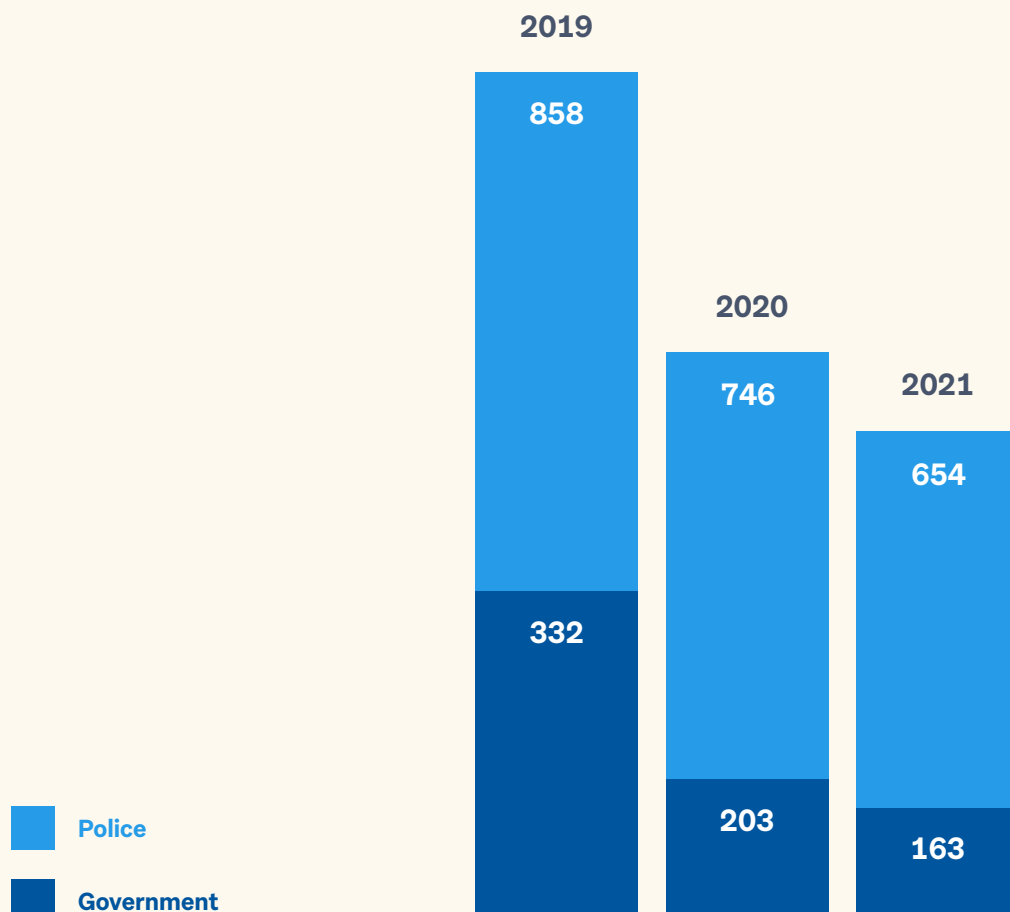


## What do our releases look like?

This report covers releases of our customers' personal information to government agencies between 1 July 2020 and 30 June 2021.

It also outlines requests made by third parties where members have provided consent for their information to be released during the reporting period.

The graph below outlines the total number of releases we've made of customers' information to government agencies. The data is split between the New Zealand Police and all other government agencies to provide more detail.

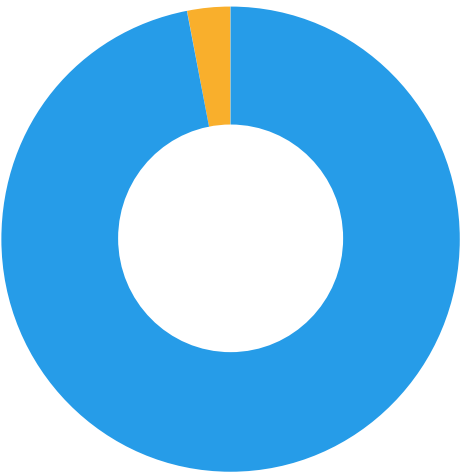


# The New Zealand Police

## Releases breakdown

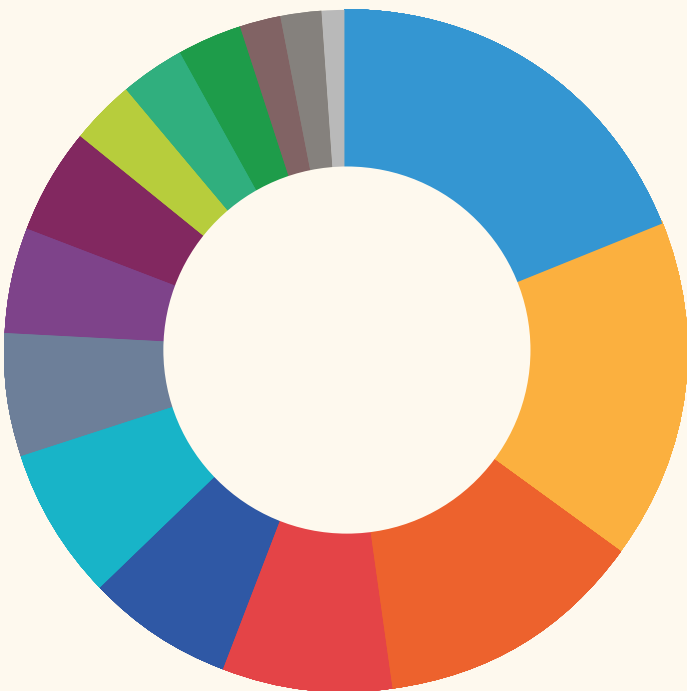
The New Zealand Police reach out to us more than any other government agency for information. We also contact and liaise with the Police on behalf of our members to help ensure dodgy sellers are held accountable.

In turn, we help the Police with their investigations where a legal request has been made and when it's appropriate to keep our communities safe.



**97%** Releases made under Privacy Act

**3%** Releases made under a production order



## Subject matter

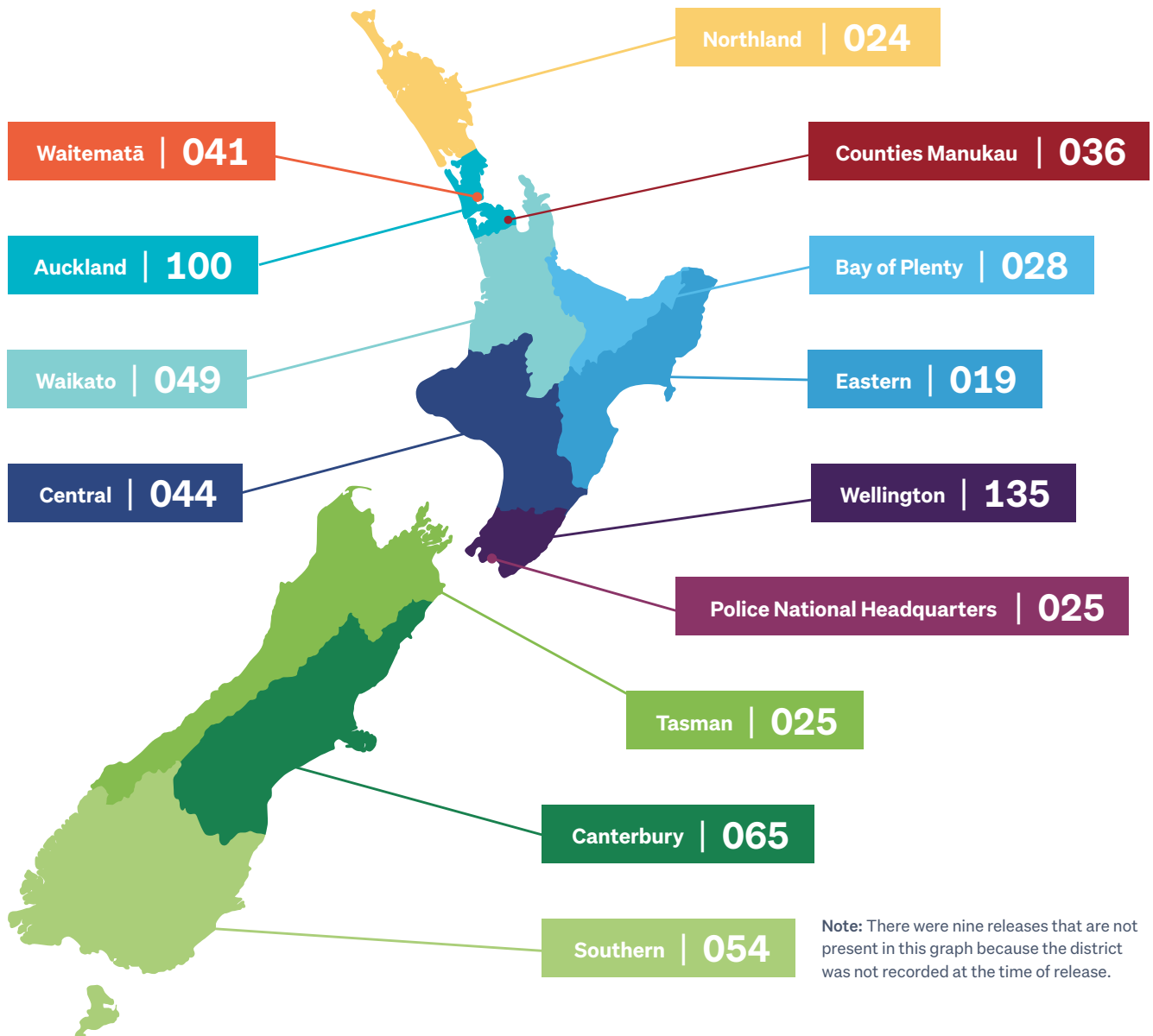
This reporting period saw a 12 per cent decrease in releases to the New Zealand Police made under the Privacy Act when compared with the year prior. We also saw 20 compulsory releases made under production order in the same period, marking a 42 per cent drop when compared with the year prior.

We also received 196 requests from the New Zealand Police that resulted in no release. The majority of those requests related to parties that did not use Trade Me and therefore we were not in a position to assist.

Of note, credit card fraud releases were down by 39 per cent when compared with the year prior. We put this down to our sophisticated fraud prevention systems, as well as banks authentication systems at the point of sale which have made it harder than ever to use stolen credit cards or debit cards.

19%	Stolen goods	7%	Money laundering	3%	Distribute objectionable publication
16%	Drugs	6%	Fraud	3%	Credit card fraud
13%	Non-delivery	5%	Violence	2%	Homicide
8%	Proceeds of crime	5%	Firearms	2%	Sexual offending
7%	Child exploitation	3%	Other	1%	Missing persons

## Police releases by location



### Declined Police requests

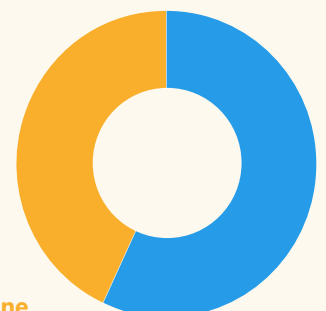
We will only release member data to the Police when we are satisfied that the request is lawful, reasonable and appropriate, or we are compelled to under production order.

If a request doesn't sit well with us, or doesn't meet all our criteria, we will decline, ask for a refined request or more information. If it still doesn't meet the criteria, we won't release member data at all.

This period saw:

**12**  
Requests  
declined

**09**  
Releases made  
after initial decline



# The New Zealand Government

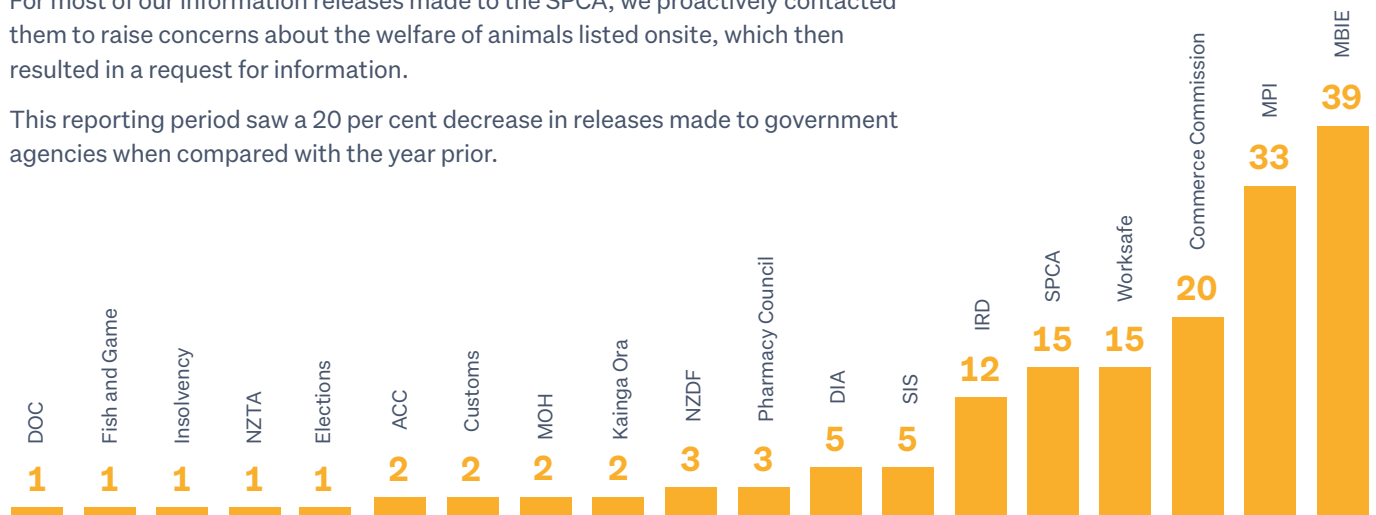
## Government agency enquiries

We assist multiple government agencies with their investigations into issues that occur both on and offsite.

For example, we work with the Ministry for Primary Industries to help with biosecurity and pest plant management issues. We also work with the Commerce Commission and the Ministry of Business, Innovation and Employment on product safety-related matters.

For most of our information releases made to the SPCA, we proactively contacted them to raise concerns about the welfare of animals listed onsite, which then resulted in a request for information.

This reporting period saw a 20 per cent decrease in releases made to government agencies when compared with the year prior.



# 29

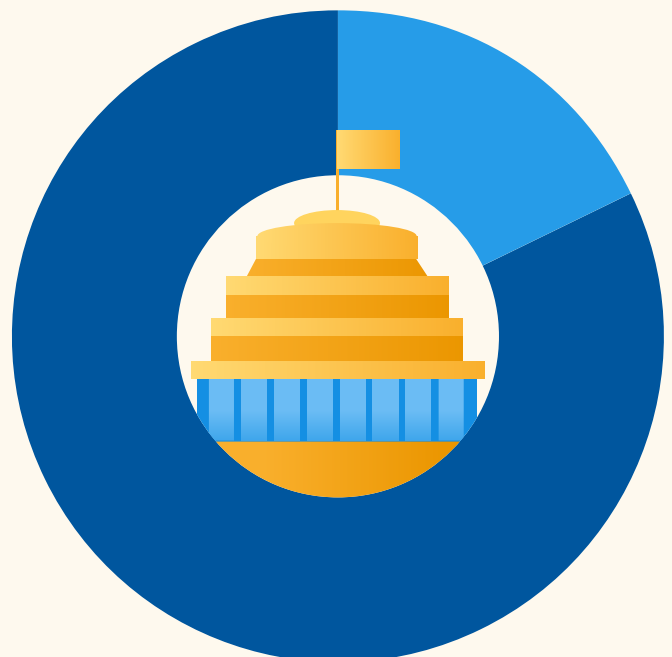
29 compulsory releases to government

# 134

134 releases under p11

# 163

Total releases





## Helping to end tail docking

### Case study

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Since October 2018, tail docking has been illegal in New Zealand because of the negative impact it can have on an animal's welfare.



**The SPCA has the responsibility of enforcing the Animal Welfare (Care and Procedures) Regulations 2018, which covers the docking of dog tails.**

Tail docking is the procedure of removing a portion of the animal's tail. Sometimes this is done in a misguided attempt to prevent further injury, but more concerningly, tails are also often removed for cosmetic purposes. It might sound barbaric but it was once common practice.

Dogs use their tails to balance themselves when climbing, running, jumping, and for communication. They display a range of emotions with their tails and docking them can cause significant pain and distress.

Since October 2018, tail docking has been illegal in New Zealand because of the negative impact it can have on an animal's welfare. Today, the SPCA plays a key role in educating the public and helping them understand the implications tail docking can have.

From time to time, sellers have listed dogs for sale onsite with their tails docked. When our team or one of our eagle-eyed members spots this, we touch base with the SPCA to make sure everything is above board. We might also hear from the team at the SPCA if they come across a listing where an animal's tail had been docked.

If the SPCA wishes to investigate, we can leverage Principle 11(e) of the Privacy Act where the disclosure is necessary to uphold or enforce the law. This allows the SPCA to do what they do best — promote positive animal welfare and reduce animal cruelty.

We released information three times on this issue in the reporting period.

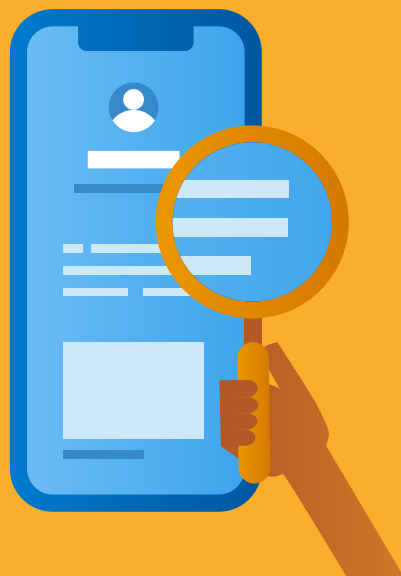
This is just one of the ways we work together to look after our four-legged friends.

This reporting period saw a 17 per cent drop in the number of releases we made to the SPCA when compared with the year prior.

# Releasing information

## The following breaks down how Trade Me releases personal information

All information releases are made with our members' safety and privacy in mind.



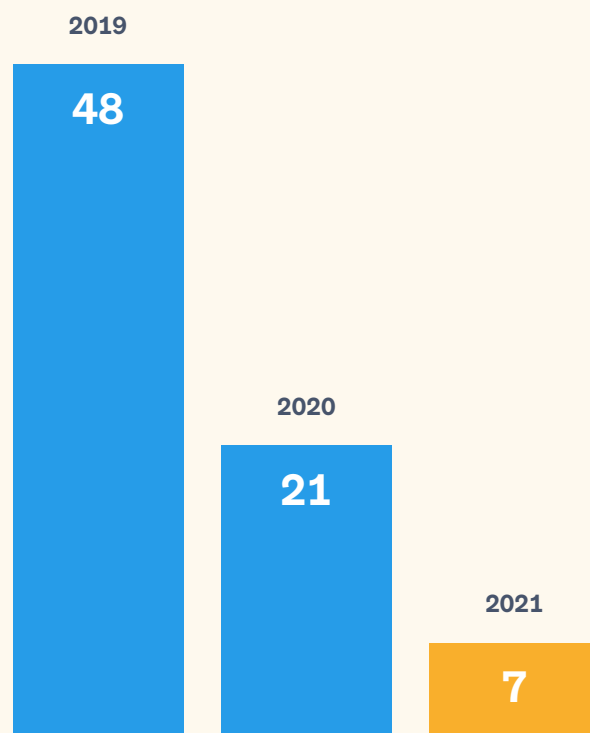
## Insurance releases

The graph below shows consented releases we've made to insurance investigators to assist members with their insurance claims.

In these cases, the investigator will come to Trade Me with a privacy waiver signed by whoever is making the insurance claim. The waiver specifies what information the person consents to us releasing. This makes it easy for us to ensure the request is reasonable, focused and consented.



Releases to authorised insurance investigators under Privacy Principle 11(d):



## Disputes Tribunal releases

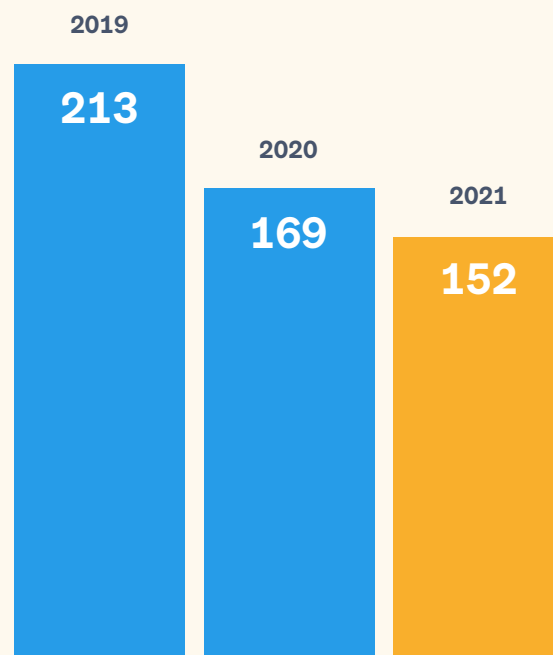
The number of trades that end up in the Disputes Tribunal continued to decline over the past year.

Our Disputes Team works hard to resolve as many disputes as we can under our **Buyer Protection policy**. As a result, we have seen a drop in the number of cases that have reached the Tribunal.

We only release relevant information about a trade if a member provides us with a completed statutory declaration witnessed by a Court Registrar, and only if the information is necessary for those proceedings.



Disputes Tribunal releases:



## Your data at your fingertips

You are welcome to request the data a company holds about you at any time. To get the information Trade Me holds about you, you can **email us** with a request under Principle 6 of the Privacy Act.

There are all kinds of reasons our members may want their data. It could help them to resolve a dispute, keep records of 'what goes where' or help with employee-employer relations.

Equally, there are reasons why we might push back on a request. For example, if a member were to request information from us that included another member's data.



# 2,730

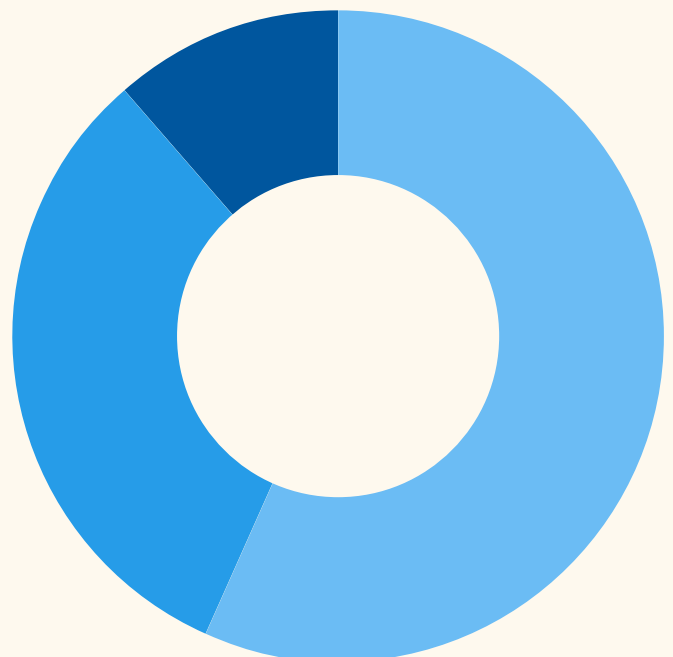
2,730 members requested information about their account

# 1,533

1,533 members asked for a copy of a listing they made

# 540

540 members asked for information about a trade they took part in



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## Deleting your data

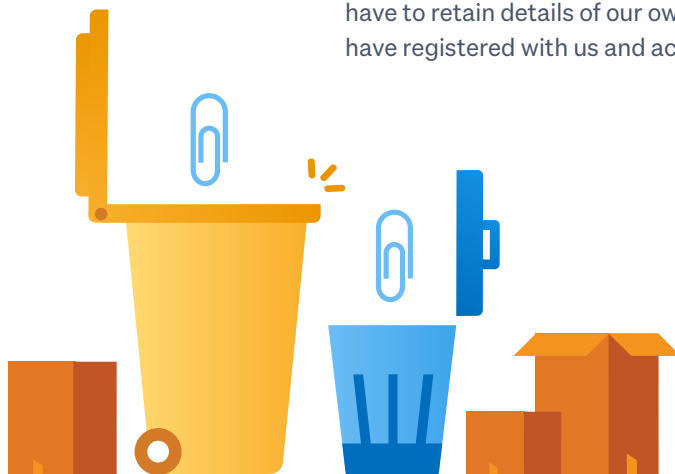
You can request a company to delete your personal information.

We often need to hold on to your information for a number of reasons, which will mean your request might be declined.

**In most cases there are legal obligations which prevent us from being able to permanently delete a Trade Me account.**

For example, under the Financial Transactions Reporting Act, the Tax Administration Act and the Secondhand Dealers and Pawnbrokers Act, we are legally required to retain various records for a period of time.

We also have our own trust and safety reasons for requiring memberships remain closed but not deleted. As a business, we have to retain details of our own agreements with members who have registered with us and accepted our terms and conditions.



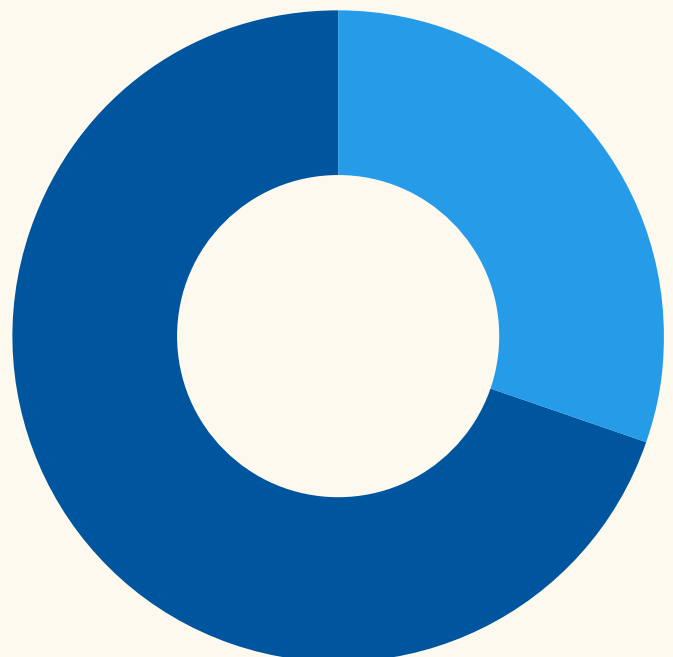
10

Requests approved

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23

Requests declined



# Frequently asked questions

## What is a 'request'?

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- An information request where an agency has sought information about a membership (e.g. contact information or sales data).
- Information that a listing may be in breach of the law (or our terms and conditions).
- Highlighting an issue with a member which is then taken care of by us, a request to pass on a message directly to members, a request from an individual who needs information that Trade Me holds for Court or Tribunal proceedings.

## How safe is member data?

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- Very safe! We are obligated by law to protect data and keep it safe and protected. In addition, we also follow industry best practice methods and we are always keeping on top of new ways to make it even safer.

## Does Trade Me need members' permission to release information?

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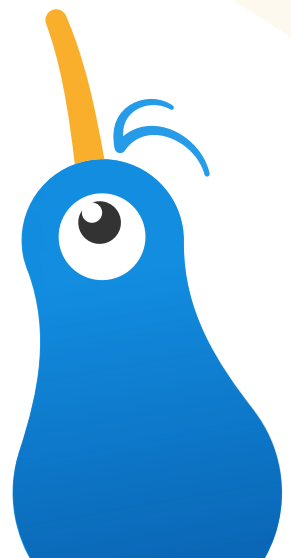
- When joining Trade Me, we advise members via our terms and conditions that we release account and other personal information when we believe the release is appropriate to comply with the law, facilitate court proceedings, enforce or apply our terms and conditions, or protect the rights, property, or safety of our business, our users, or others.

Our [privacy policy](#) provides more detail on this.

## How do I access my own data?

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- This [help page](#) provides members with a list of the types of information we might hold about them, and how to best get in touch with us to access it.





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