

Transparency Report

August 2019



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Introduction

It is as important as ever for companies to be prioritising their privacy and data security responsibilities.

Like many New Zealand-based companies, Trade Me receives enquiries for information from government agencies to assist them with their responsibilities to maintain the law.

This is our seventh annual Transparency Report which analyses the requests for our members' data from government agencies. We are proud to be going beyond what is required of us as a private company.

We're committed to being transparent and honest, but equally we have our members' backs. Our Trust & Safety team work hard to only release relevant and necessary information when it's legally requested of us.

Trade Me is one of just three recipients of the Office of the Privacy Commissioner's Privacy Trust Mark which recognises the work we do with our Transparency Report.

We encourage other companies to follow suit and let their customers know what they're doing with their information.

Why we release

We're committed to being transparent and honest. We want you to know what we do with your information (including if something goes wrong).

Trade Me is a safe place to buy and sell. We hope that by being transparent in our interactions and releases following requests, New Zealanders will understand the benefit of information releases.

Most of the information we release is done at our 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.

There are other reasons for us releasing member information – the Police might send a production order, or a government agency might send a compulsion order under their guiding legislation. In such instances we are required by law to release the information, but we do our utmost to ensure such requests are specific and that only information relevant to the investigation is released.

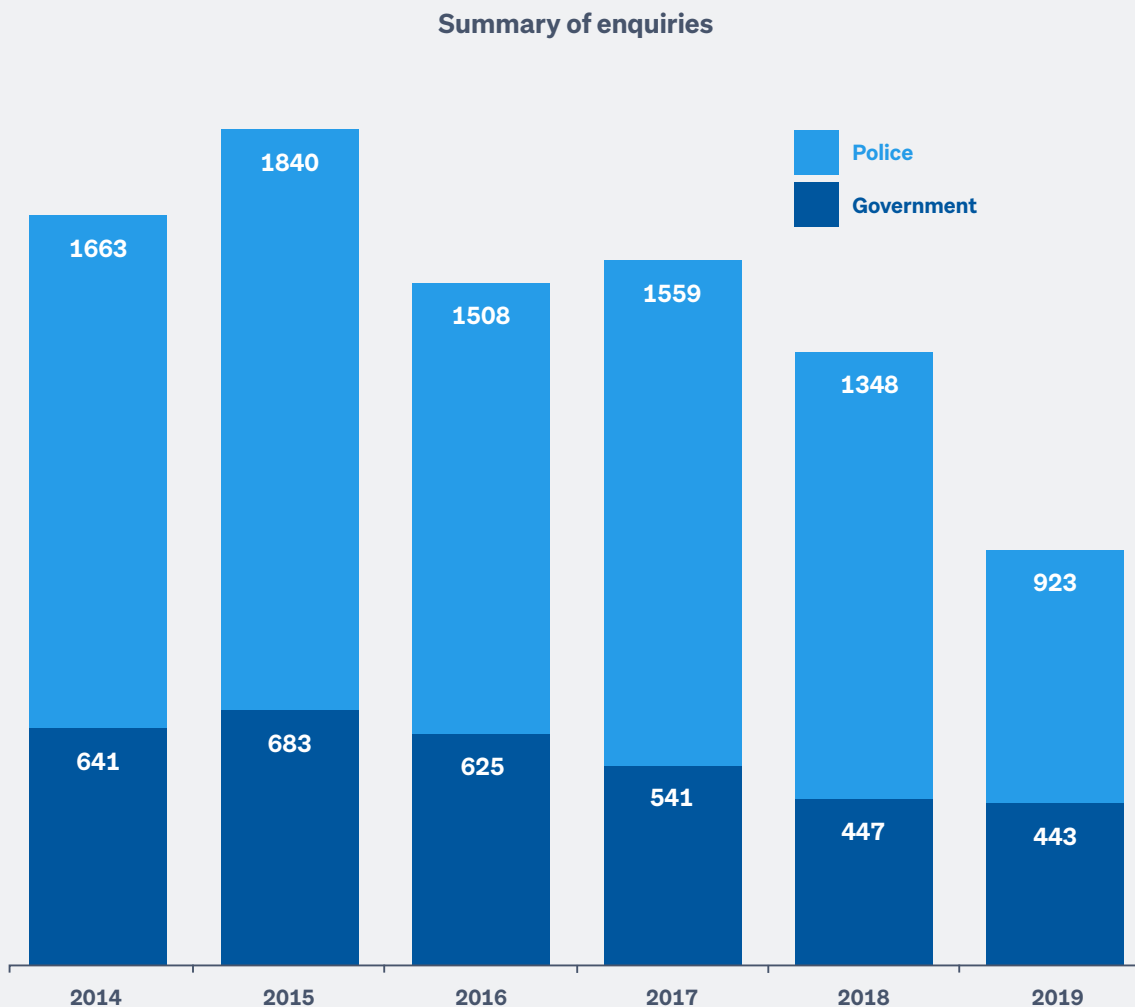
The agencies sending us these requests understand our members' privacy is our top priority and we will push back if a request is too broad. We detail these push backs later in the report.

Summary of enquiries

This report covers requests for, or releases of, customers' personal information to government agencies between 1 July 2018 and 30 June 2019.

It also outlines the requests made to us in the reporting period by other customers, and requests made by third parties where members have provided consent for their information to be released.

The following graph outlines the total number of requests we've received for customers' information from government agencies. The data is split between the New Zealand Police and all other government agencies to provide more detail.

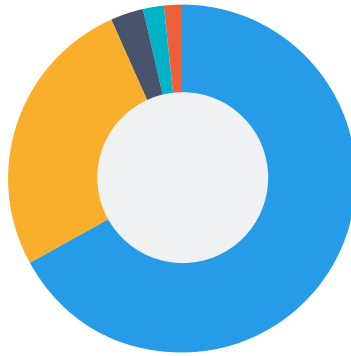


New Zealand Police

Police breakdown

We work with the New Zealand Police to keep our site trusted and safe. Police help us ensure dodgy sellers are held accountable.

Where appropriate, we are also happy to help them with their investigations to keep our communities safe.



Police enquiries breakdown

482 Release made after first request

189 Enquiries resulted in no release

23 Push backs resulted in no release

14 Releases made under production order

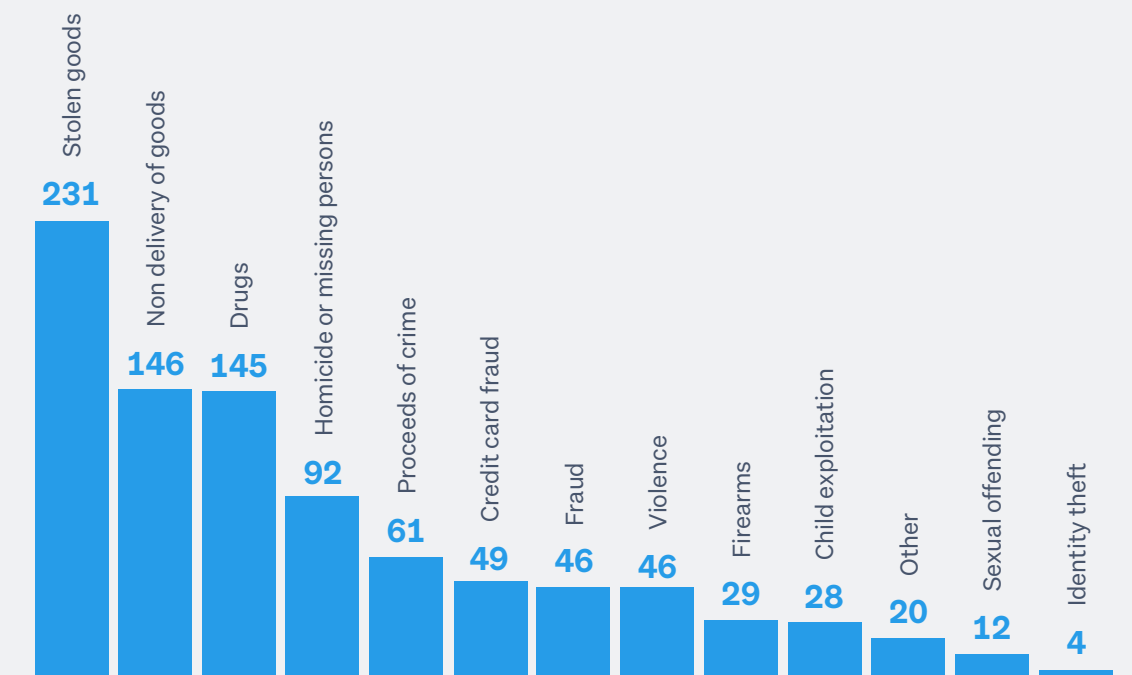
10 Releases made after a push back

Police subject matter

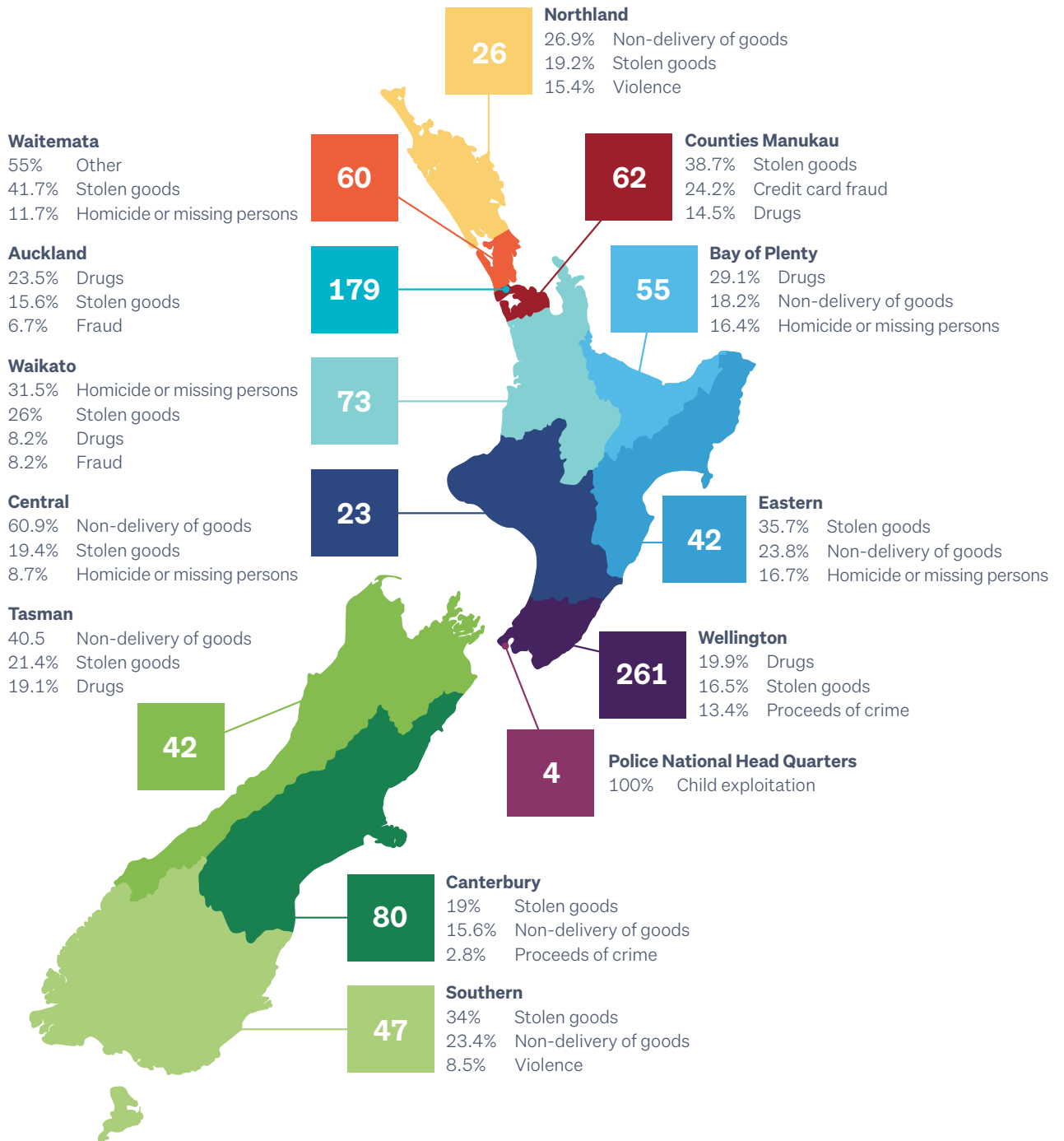
We have been pleased to see police enquiries on stolen goods were down 43% on the year prior, enquiries relating to drugs were down 49% and non-deliveries fell 33%.

Stolen goods and dodgy sellers are not welcome on Trade Me, so it is good to see this reflected in our numbers.

Subject matter of police enquiries received



Police enquiries by location

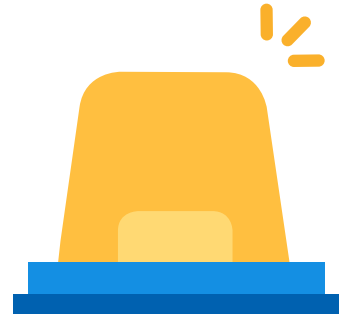


Police push backs

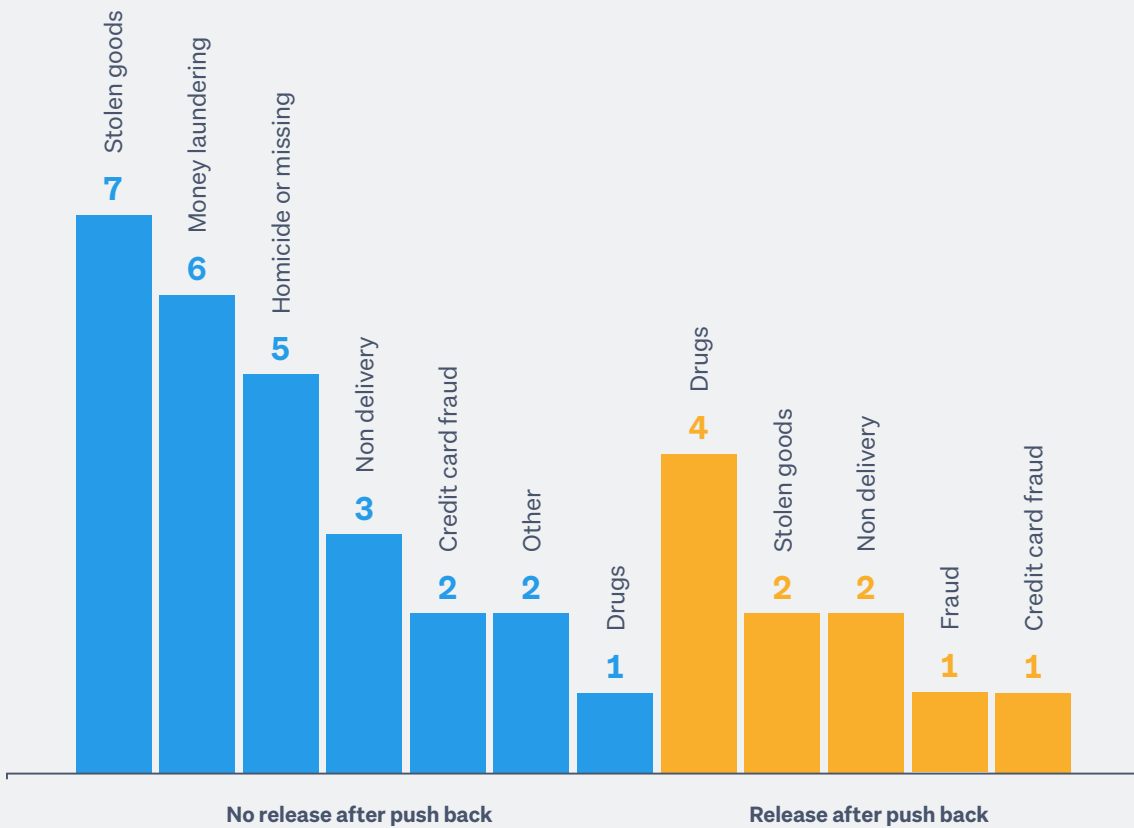
We will only release member data to the Police when they send in a legal request and we are satisfied that the request is reasonable and appropriate.

The majority of the time these releases are made under the Privacy Act.

If a request doesn't sit well with us, or doesn't meet all our criteria, we will push back for a refined request or for more information. If it still isn't quite right, we won't release.



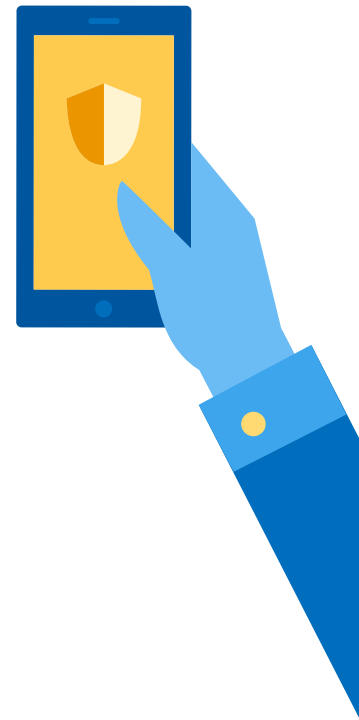
Subject matter of police push backs received



Case study

We have some pretty sophisticated tools to ensure the baddies are kept away. This helps us to protect our community from sellers like this one:

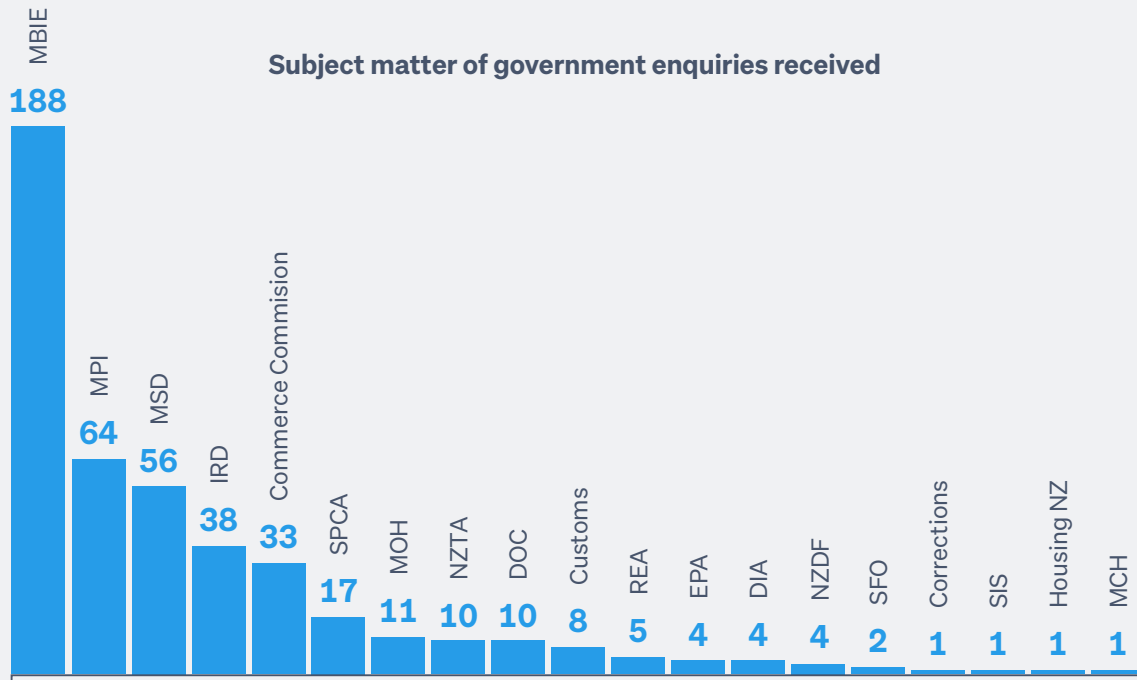
- 1. A member banned from Trade Me years ago for dodgy behaviour, began taking over other people's memberships.
- 2. These memberships were then used to rip off buyers who paid deposits for vehicles which never arrived.
- 3. Trade Me's Trust & Safety team closed the memberships and referred affected members to Police.
- 4. The team kept Police, Inland Revenue and the Commerce Commission up to date and released information under Principle 11(e) of the Privacy Act. This included contact information and data linking the accounts to the offender.
- 5. This helped Police create a full picture of the offending, find an accurate number of victims and locate the offender who was jailed earlier this year.



Government

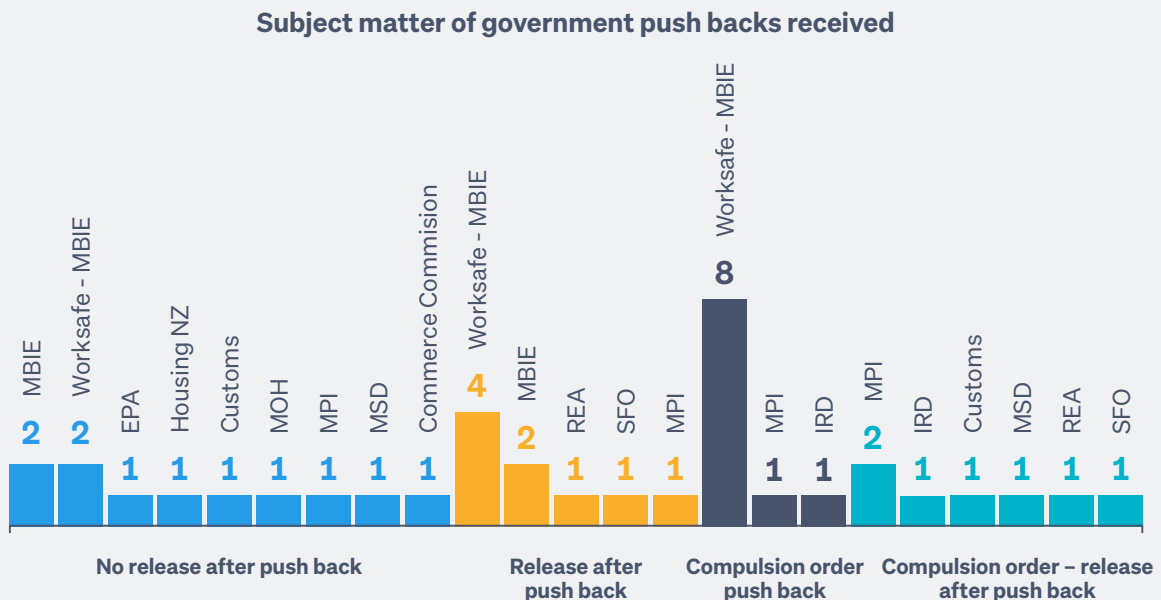
Government agency enquiries

Some are up, some are down. No news is good news, right?



Government agency push backs

Just like police requests, we only release member data to a government agency (or their enforcement agencies) if we receive a legal request and are satisfied the request is reasonable and appropriate.



Case study

From 1 October 2018 dog tail docking and dew claw removal became illegal under new animal welfare regulations, unless under very specific circumstances.

For breeders of particular dog breeds, this practice is historically entrenched and a habit, so some do not even realise the harm it causes. From our experience this practice is more from ignorance than an intention to break the law.

Unfortunately a few of our members didn't receive the memo, like the one below.

- ✓ A member listed a litter of doberman puppies. The listing disclosed that the tails and dew claws had been removed.
- ✓ Some of our eagle-eyed members let us know via the Community Watch button which can be found at the bottom of every listing.
- ✓ Trade Me's Trust & Safety team got in touch with the SPCA and notified them about the listing.
- ✓ After reviewing the listing and determining that a possible regulation breach had occurred requiring investigation, the SPCA sent through a Privacy Act request for the member's contact information, as an enforcement agency of the Animal Welfare Act 1999.
- ✓ Trade Me's Trust & Safety team released the information under Principle 11(e) of the Privacy Act.
- ✓ A SPCA inspector investigated this case and it is our understanding that the seller was brought up to speed on the new regulations.

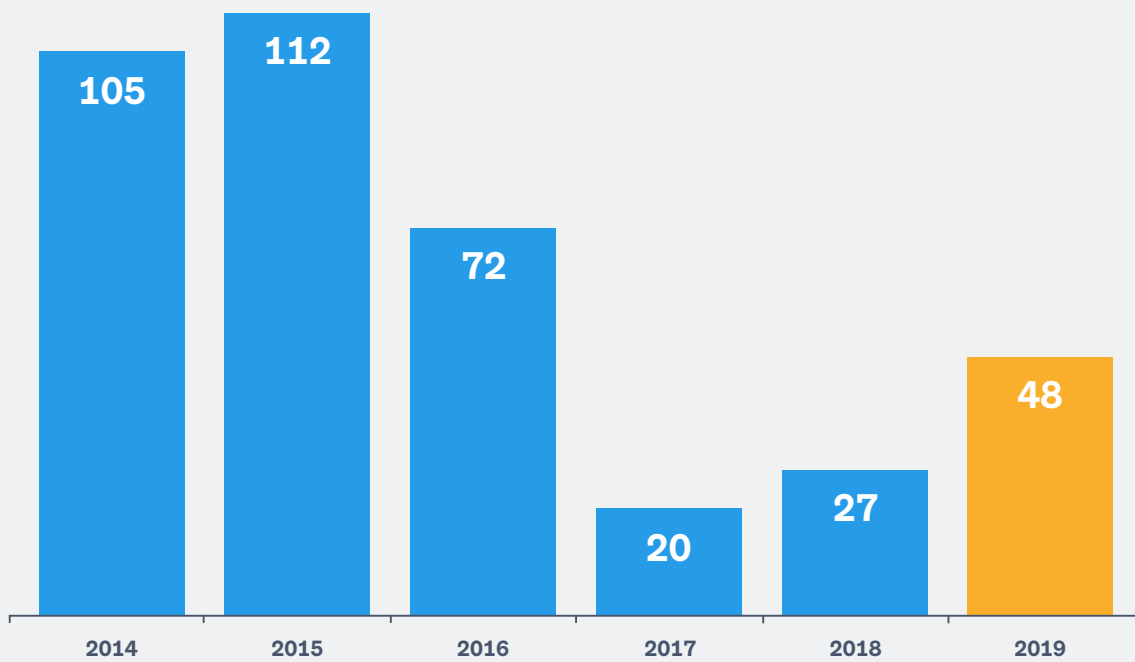
Consented insurance releases

The graph below shows consented releases we've made to insurance investigators. We require investigators to get our members to sign a Trade Me privacy waiver. This makes it easy for us to ensure the request is reasonable, focused and consented to.

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.



Releases to insurance investigators under Privacy Principle 11(d)



Disputes Tribunal

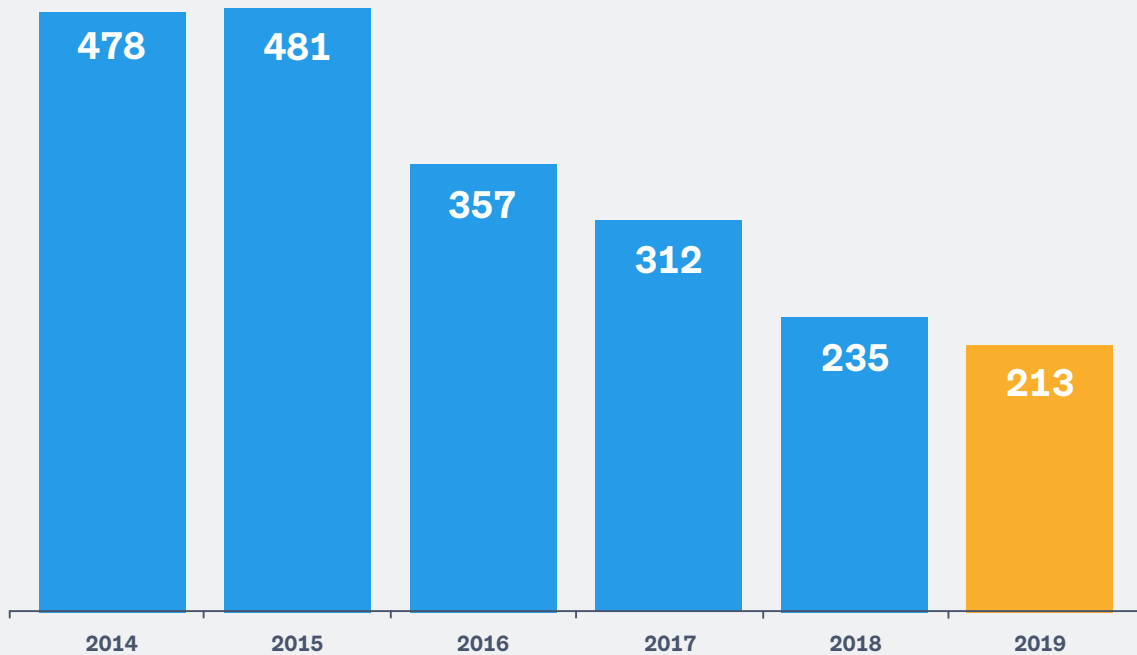
The number of trades that end up in the Disputes Tribunal is small and the number continues to get smaller.

It is clear that our Trust and Safety Disputes Team and our Buyer Protection policy has done a great job in helping to resolve disputes before they reach critical point.

We will 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



Access to and deletion of your data

Access to your information

You are welcome to request the data a company holds about you at any time.

To get the information Trade Me holds about you, email us with a request under Principle 6 of the Privacy Act.

There are all sorts of reasons why we might push back on your request to see your own information. We will ask for some ID to make sure we don't release your information to someone else, we will also ask for a tailored request for what information you're actually looking for. This helps us avoid privacy breaches and to reply to everyone within a reasonable amount of time.

Sometimes we come across people asking for all the information we hold about them, then abandon the request when we ask for more details. These cases show up as a 'push back' in this section.

Push backs also include requests for information about other members. If you request information from us that will include another member's data, then we will not release it under Principle 6 of the Privacy Act.

Deletion of your information

You can request a company deletes your personal information under Principle 9 of the Privacy Act.

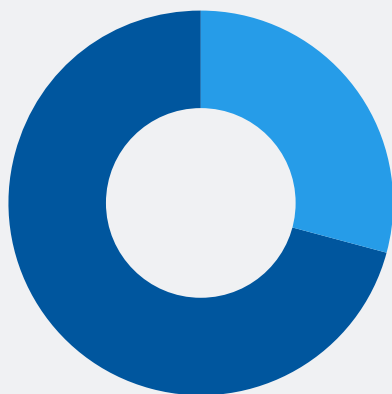
We often need to hold on to your information, which will mean your deletion request might be declined.

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 to remain closed but not deleted. Trade Me has to retain details of our own agreements with members who have registered with us and accepted our terms and conditions.



Access to information



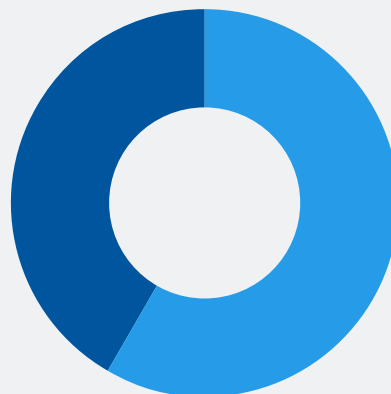
41

Access to info requests approved

29

Access to info requests abandoned

Deletion of information



167

Deletion requests approved

405

Deletion requests declined

Frequently asked questions

What is an 'enquiry'?

An enquiry could be:

- 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?

Very safe! We follow industry best practice methods to keep data safe. However, we are constantly working on ways to make it even safer.

Does Trade Me need members' permission to release information?

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?

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



