

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKURAU ROHE**

**CIV-2026-404-000001
[2026] NZHC 1**

BETWEEN

NEIGHBOURLY LIMITED
Applicant

AND

UNKNOWN DEFENDANTS
Respondent

Hearing: On the papers

Counsel: J Edwards and Y Fu for Applicant

Judgment: 5 January 2026

JUDGMENT OF JOHNSTONE J

*This judgment was delivered by me on 5 January 2026 at 4.00 pm
Pursuant to r 11.5 of the High Court Rules
Registrar/Deputy Registrar*

Date:

Solicitors/counsel:
Russell McVeagh, Auckland

[1] By without notice application dated 5 January 2026, Neighbourly Limited seeks orders requiring "unknown defendants" to delete, and otherwise to refrain from dealing with, data which has been stolen from Neighbourly. For the reasons set out below, I consider it appropriate to grant orders, substantially as sought.

Background

[2] Neighbourly's Chief Product Officer, Benjamin Haywood, has provided a draft affidavit, to which he intends to attest as soon as he can present it to a lawyer practising in Sydney (where he is based). Mr Haywood's affidavit establishes the following.

[3] Neighbourly hosts an online platform, intended to assist neighbours to connect, share local information, discuss relevant issues, trade items and organise events. It functions as a community notice board featuring verified users, referred to as "members". In order for members to participate, they provide Neighbourly (as the platform operator) with a range of personal information.

[4] Further, members' real names and addresses are published on their Neighbourly profile, but they are generally viewable only by other address-verified members within their neighbourhood. Members can choose to hide their street number, even from other members within their neighbourhood. By default, members' posts are viewable only by other verified members in their neighbourhood. And members can post messages to restricted groups or neighbourhoods, or to particular members individually.

[5] Neighbourly seeks to hold copies of all of this information (Members' Information) confidentially.

[6] On 1 January 2026, Neighbourly was notified that a significant database of Members' Information had been listed for sale on the dark web. The author of the listing claims to possess over 213,000,000 lines of data totalling 150 GB, including members' contact details, platform interactions and direct messages.

[7] Neighbourly temporarily shut down its platform. Its investigation identified a system vulnerability and an occasion on which 150 GB of data was downloaded from

its system. The vulnerability was addressed, and the Neighbourly platform has been restored.

[8] Nevertheless, the downloaded data is consistent with that of which the listing claims possession. The downloaded data would be of value to anyone minded to engage in identity-related fraud.

[9] Mr Haywood refers to the data listed for sale as "Stolen Data". While he has not addressed the question whether the data was downloaded with or without the authority of Neighbourly or its members, I readily infer that it cannot have been downloaded for any authorised purpose of sale on the dark web. On that basis, it is appropriate to adopt Mr Haywood's description.

[10] Mr Haywood has provided Neighbourly's undertaking as to damages. Neighbourly's counsel has confirmed that it has notified its members, the Office of the Privacy Commissioner, and the National Cyber Security Centre of the data security breach.

Assessment

[11] I am satisfied there is a clear *prima facie* case that mere retention of the Stolen Data, let alone its use or dissemination, would involve breach of a duty of confidence owed to Neighbourly and its members.¹ The balance of convenience falls squarely in favour of preventing access, use or dissemination of the Stolen Data. Threshold for interim relief is accordingly met, at least on a without notice basis.

[12] Further, the potential for imminent, anonymous sale of the Stolen Data justifies Neighbourly's application being dealt with urgently and without notice. That the identity of suitable defendants remains at least temporarily unknown is no impediment.² Orders can be made in terms directed to any person who may have, or gain, possession or control of the Stolen Data.

¹ See the elements of such breach, outlined in *Commerce Commission v Unknown Defendants* [2019] NZHC 2609, (2019) 15 TCLR 505 at [14].

² Above n 1 at [26]–[28] and *Te Whatu Ora Health New Zealand v Unknown Defendants* [2022] NZHC 3568 at [18].

Result and orders

[13] Neighbourly's application is granted. I make orders as follows:

- (a) Unauthorised Persons:
 - (i) must not access or perform any operations upon any part of the Stolen Data, except for the purpose of complying with these orders;
 - (ii) must immediately and permanently delete any and all copies of the Stolen Data;
 - (iii) must provide Neighbourly with a written undertaking that they have done so, whether upon its request or otherwise; and
 - (iv) must permanently delete and take down any and all publications of, or links to copies of, the Stolen Data or information derived from it.
- (b) In these orders:
 - (i) "Stolen Data" means any data comprised of, or deriving from, a set of around 150 GB of data, relating to members of the online platform of Neighbourly Limited (Neighbourly), obtained by download from Neighbourly's system and advertised for sale via the dark web on or prior to 1 January 2026; and
 - (ii) "Unauthorised Persons" means all persons who have any part of such Stolen Data in their possession or control without Neighbourly's written consent.
- (c) These orders do not address data which has come lawfully into any person's possession and forms part of the public domain.

[14] I further direct that:

- (a) Neighbourly is to inform its members that these orders have been made.
- (b) This proceeding is to be listed for mention in the next convenient duty Judge's list to be convened following 30 January 2026.

[15] I reserve leave to any person affected by these orders to apply to the Court for variation on 48 hours' notice.

Johnstone J