



## Customs and Excise Amendment Act 2014

Public Act 2014 No 72  
Date of assent 11 December 2014  
Commencement see section 2

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### The Parliament of New Zealand enacts as follows:

- 1 Title**  
This Act is the Customs and Excise Amendment Act 2014.
- 2 Commencement**  
This Act comes into force on 12 December 2014.
- 3 Principal Act**  
This Act amends the Customs and Excise Act 1996 (the **principal Act**).

**4 New section 280M inserted (Direct access to database information for counter-terrorism investigation purposes)**

After section 280L, insert:

**“280M Direct access to database information for counter-terrorism investigation purposes**

- “(1) The purpose of this section is to facilitate access by the New Zealand Security Intelligence Service and the New Zealand Police, for counter-terrorism investigation purposes, to information stored in a database.
- “(2) The chief executive may allow the following persons to access a database to search for information, including personal information, for counter-terrorism investigation purposes:
- “(a) the Director of Security:
  - “(b) 1 or more suitable employees or officers of the New Zealand Security Intelligence Service designated by the Director of Security:
  - “(c) the Commissioner of Police:
  - “(d) 1 or more suitable Police employees designated by the Commissioner.
- “(3) Before allowing access to a database in accordance with subsection (2), the chief executive must enter into a written agreement with the Director of Security or the Commissioner of Police (as the case may be).
- “(4) Before entering into a written agreement under subsection (3), the chief executive must consult with the Privacy Commissioner.
- “(5) The Director of Security and the Commissioner of Police must take all reasonable steps to ensure that—
- “(a) a record is kept of—
    - “(i) every occasion on which persons access a database; and
    - “(ii) the reason for accessing the database; and
    - “(iii) the identity of the person who accessed the database; and
  - “(b) every person who accesses a database—
    - “(i) searches only for information for counter-terrorism investigation purposes; and
    - “(ii) complies with the terms of the written agreement referred to in subsection (3).

- “(6) In this section,—
- “**access a database** includes remote access to a database
  - “**counter-terrorism investigation purposes** means the detection, investigation, and prevention of any actual, potential, or suspected—
    - “(a) terrorist act; or
    - “(b) facilitation of a terrorist act
  - “**database** means any information recording system used by the Customs to store information
  - “**Director of Security** means the Director of Security holding office under the New Zealand Security Intelligence Service Act 1969
  - “**information**—
    - “(a) means—
      - “(i) any information held by the Customs that relates to goods, passengers, crew, or craft and their movements:
      - “(ii) any other border-related information held by the Customs; and
    - “(b) includes, but is not limited to,—
      - “(i) arrival and departure information:
      - “(ii) information the Customs is entitled to view under any of sections 38G to 38K:
      - “(iii) information specified in section 282(1):
      - “(iv) border information (as defined in section 282D):
      - “(v) information collected or generated by the Customs in the course of preventing, detecting, or investigating border-related offences; but
    - “(c) except as provided in paragraph (b)(i) and (iii) to (iv), does not include information which the Customs is not entitled to view under sections 38G to 38K
  - “**terrorist act** has the same meaning as in section 5(1) of the Terrorism Suppression Act 2002.
- “(7) This section is repealed on 1 April 2017.”
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**Legislative history**

9 December 2014	Divided from Countering Terrorist Fighters Legislation Bill (Bill 1–2), third reading
11 December 2014	Royal assent

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This Act is administered by the New Zealand Customs Service.

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