



Privacy (Information Sharing Agreement between Ministry of Justice and Crown Law Office) Order 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 14th day of August 2017

Present:

Her Excellency the Governor-General in Council

This order is made under sections 96J to 96L of the Privacy Act 1993, section 174(2) of the Senior Courts Act 2016, and section 237(2) of the District Court Act 2016—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Justice made in accordance with section 96N of the Privacy Act 1993.

Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
4	Information sharing agreement approved	3
	<i>Parties and lead agency</i>	
5	Parties to agreement and designation of lead agency	3
	<i>Purpose of agreement</i>	
6	Purposes for which information may be shared	3
	<i>Public services that agreement facilitates</i>	
7	Public services that agreement is intended to facilitate	3

	<i>Description of personal information shared under agreement</i>	
8	Personal information that may be shared under agreement	4
	<i>How personal information shared under agreement may be used</i>	
9	How parties may use personal information	4
	<i>Exemptions from information privacy principles</i>	
10	Exemption from information privacy principle 2 (source of personal information)	4
11	Exemption from information privacy principle 11 (limits on disclosure of personal information)	4
	<i>Adverse actions</i>	
12	Adverse actions	5
	<i>Miscellaneous</i>	
13	How to access agreement	5
14	Schedule 2A of Privacy Act 1993 amended	5
	Schedule	6
	Amendment to Schedule 2A of Privacy Act 1993	

Order

1 Title

This order is the Privacy (Information Sharing Agreement between Ministry of Justice and Crown Law Office) Order 2017.

2 Commencement

This order comes into force on 15 September 2017.

3 Interpretation

In this order, unless the context otherwise requires,—

Act means the Privacy Act 1993

agreement means the information sharing agreement approved under clause 4

CRI, in relation to a proceeding, means a criminal reference number given to the proceeding by the Registry of a court

permitted information means the permitted information specified in—

- (a) Part B of the items relating to court information in Schedule 2 of the Senior Courts Act 2016, regardless of whether the information is controlled by the judiciary; and

- (b) Part B of the items relating to court information in Schedule 1 of the District Court Act 2016, regardless of whether the information is controlled by the judiciary

personal information has the meaning given in section 2(1) of the Act

suppressed information means information that—

- (a) has been suppressed by or under a court order; or
- (b) is subject to a provision in any enactment that prohibits or restricts its disclosure.

4 Information sharing agreement approved

- (1) The information sharing agreement described in subclause (2) is approved.
- (2) The information sharing agreement is the Information Sharing Agreement Between the Ministry of Justice and the Crown Law Office made on 31 July 2017.
- (3) The agreement comes into force on the day on which this order comes into force.

Parties and lead agency

5 Parties to agreement and designation of lead agency

- (1) The parties to the agreement are—
 - (a) the Ministry of Justice; and
 - (b) the Crown Law Office.
- (2) The lead agency is the Ministry of Justice.

Purpose of agreement

6 Purposes for which information may be shared

The agreement authorises the sharing of personal information to enable the Crown Law Office to collect information that will assist the Solicitor-General—

- (a) to perform his or her duties under the Criminal Procedure Act 2011 to—
 - (i) maintain general oversight of the conduct of public prosecutions; and
 - (ii) assume responsibility for and conduct Crown prosecutions; and
- (b) manage the funding of Crown prosecutions.

Public services that agreement facilitates

7 Public services that agreement is intended to facilitate

The public services that the agreement is intended to facilitate are—

- (a) maintaining an efficient and effective criminal justice system; and

- (b) improving the quality of public prosecutions; and
- (c) managing the budget for Crown prosecutions.

Description of personal information shared under agreement

8 Personal information that may be shared under agreement

- (1) The Ministry of Justice may, under the agreement, share with the Crown Law Office—
 - (a) the CRI given to any proceeding commenced against a person; and
 - (b) any other information in relation to the proceeding that is permitted information.
- (2) The sharing of permitted information under subclause (1) enables the sharing of information about a person who has faced criminal charges in the District Court or High Court, including details of the case and its outcomes.
- (3) Permitted information shared by the Ministry of Justice under the agreement may include suppressed information.

How personal information shared under agreement may be used

9 How parties may use personal information

- (1) This clause applies to the use of personal information described in clause 8.
- (2) The Crown Law Office may use the personal information for 1 or more of the purposes specified in clause 6.

Exemptions from information privacy principles

10 Exemption from information privacy principle 2 (source of personal information)

- (1) The Crown Law Office is exempt from information privacy principle 2 as provided in subclause (2).
- (2) It is not a breach of information privacy principle 2 if the Crown Law Office collects personal information from the Ministry of Justice in accordance with the agreement for 1 or more of the purposes stated in clause 6.

11 Exemption from information privacy principle 11 (limits on disclosure of personal information)

- (1) The Ministry of Justice is exempt from information privacy principle 11 as provided in subclause (2).
- (2) It is not a breach of information privacy principle 11 if the Ministry of Justice discloses personal information to the Crown Law Office in accordance with the agreement for 1 or more of the purposes stated in clause 6.

*Adverse actions***12 Adverse actions**

- (1) No adverse actions will be taken as a result of the sharing of personal information under the agreement.
- (2) No procedures before taking an adverse action are therefore required.

*Miscellaneous***13 How to access agreement**

- (1) A copy of the agreement is available online at <http://www.justice.govt.nz>
- (2) A copy of the agreement is also available at the Ministry of Justice, Justice Centre, 19 Aitken Street, Thorndon, Wellington 6011.

14 Schedule 2A of Privacy Act 1993 amended

- (1) This clause amends the Privacy Act 1993.
- (2) In Schedule 2A, after the item relating to the information sharing agreement between the Ministry of Social Development and the Inland Revenue Department, insert the item set out in the Schedule of this order.

Schedule
Amendment to Schedule 2A of Privacy Act 1993

cl 14

Information sharing agreement between the Ministry of Justice and the Crown Law Office made on 31 July 2017	(a)	Maintaining an efficient and effective criminal justice system:	http://www.justice.govt.nz	Ministry of Justice	(a)	the CRI given to any proceeding commenced against a person:
	(b)	Improving the quality of public prosecutions:			(b)	permitted information, being permitted information that is specified in Part B of the items relating to court information in Schedule 2 of the Senior Courts Act 2016:
	(c)	Managing the budget for Crown prosecutions.			(c)	permitted information, being permitted information that is specified in Part B of the items relating to court information in Schedule 1 of the District Court Act 2016.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 15 September 2017, approves an information sharing agreement entered into under the Privacy Act 1993 (the **Act**) between the Ministry of Justice and the Crown Law Office.

Under the agreement, the Ministry of Justice will supply to the Crown Law Office the following personal information relating to persons who have been prosecuted in proceedings in the District Court or High Court:

- the criminal reference number relating to the proceeding;
- permitted information relating to the proceeding.

The Crown Law Office will use the information supplied by the Ministry of Justice to check the accuracy of information received from Crown solicitors and prosecuting agencies. This will enable the Solicitor-General to carry out his or her responsibilities in relation to the conduct of Crown prosecutions, including the managing of funding. It will also assist the Solicitor-General to carry out his or her statutory responsibility to maintain general oversight of the conduct of public prosecutions.

This order inserts into Schedule 2A of the Act information regarding the agreement that is required to be inserted under section 96L of the Act.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 17 August 2017.
This order is administered by the Ministry of Justice.