



# **Privacy (Information Sharing Agreement between Inland Revenue and Internal Affairs) Order 2014**

Jerry Mateparae, Governor-General

## **Order in Council**

At Wellington this 30th day of June 2014

Present:

His Excellency the Governor-General in Council

Pursuant to sections 96J to 96L of the Privacy Act 1993, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Revenue made in accordance with section 96N of that Act, makes the following order.

### **Contents**

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
4	Information sharing agreement approved	3
5	Parties to agreement and designation of lead agency	3

	<i>Nature of exemptions</i>	
6	Exemption from information privacy principle 2 (source of personal information)	3
7	Exemption from information privacy principle 11 (limits on disclosure of personal information)	3
	<i>Public services</i>	
8	Public services that agreement intended to facilitate	4
	<i>Description of personal information shared under agreement</i>	
9	Personal information that may be shared under agreement	4
	<i>How personal information shared under agreement may be used</i>	
10	How parties may use personal information	5
	<i>Adverse actions</i>	
11	Adverse actions	6
12	Procedure before adverse action taken	7
	<i>Miscellaneous</i>	
13	How to access agreement	7
14	Amendment to Schedule 2A of Privacy Act 1993	7
15	Revocation	7
	<b>Schedule</b>	8
	<b>Amendment to Schedule 2A of Privacy Act 1993</b>	

---

## Order

- 1 Title**  
This order is the Privacy (Information Sharing Agreement between Inland Revenue and Internal Affairs) Order 2014.
- 2 Commencement**  
This order comes into force on 11 August 2014.
- 3 Interpretation**  
(1) In this order, unless the context otherwise requires,—  
**Act** means the Privacy Act 1993

**agreement** means the information sharing agreement approved under clause 4

**Inland Revenue** means the Inland Revenue Department

**Internal Affairs** means the Department of Internal Affairs

**personal information** means information about an individual.

- (2) Any term that is used but not defined in this order has the same meaning as in Part 9A of the Act.

#### **4 Information sharing agreement approved**

- (1) The information sharing agreement described in subclause (2) is approved.
- (2) The agreement is the “Supply of adult passport information for the purpose of locating overseas based student loan borrowers and child support liable parents living overseas who are in default of their repayment or contact obligations” Information Sharing Agreement made on 6 June 2014.
- (3) The agreement comes into force on the day this order comes into force.

#### **5 Parties to agreement and designation of lead agency**

- (1) The parties to the agreement are Inland Revenue and Internal Affairs.
- (2) The lead agency is Inland Revenue.

#### *Nature of exemptions*

#### **6 Exemption from information privacy principle 2 (source of personal information)**

Inland Revenue is exempted from information privacy principle 2 in relation to any personal information that—

- (a) is about an applicant for a New Zealand passport; and
- (b) Inland Revenue has collected from Internal Affairs under the agreement.

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

Internal Affairs is exempted from information privacy principle 11 in relation to personal information that—

- (a) it has obtained from passport applications; and
- (b) it discloses to Inland Revenue under the agreement.

*Public services*

**8 Public services that agreement intended to facilitate**

The agreement is intended to facilitate the following public services:

- (a) Inland Revenue collecting student loan debt (including core assessment, penalties, and interest):
- (b) Inland Revenue collecting child support liable parent debt (including core assessments and penalties):
- (c) Inland Revenue advising overseas-based borrowers of their student loan obligations and entitlements, and requiring compliance with those obligations:
- (d) Inland Revenue advising liable parents living overseas of their child support payment obligations and entitlements, and requiring compliance with those obligations.

*Description of personal information shared  
under agreement*

**9 Personal information that may be shared under agreement**

- (1) Internal Affairs may, under the agreement, share with Inland Revenue the following types of personal information held on individual person records relating to adult passports under issue status:
  - (a) first name(s):
  - (b) surname:
  - (c) date of birth:
  - (d) passport number:
  - (e) personal telephone number:
  - (f) work telephone number:
  - (g) mobile telephone number:
  - (h) home address:
  - (i) passport delivery address:
  - (j) email address.

- (2) Inland Revenue may, under the agreement, share a person's passport number with Internal Affairs for the purpose of verifying a person's identity if—
  - (a) Inland Revenue has received (under the agreement) from Internal Affairs a record that is unclear or incomplete; and
  - (b) the passport number to be shared with Internal Affairs is a passport number that Internal Affairs has previously shared with Inland Revenue.

*How personal information shared under  
agreement may be used*

**10 How parties may use personal information**

- (1) Inland Revenue may use the following types of personal information collected under the agreement for comparing it with information contained in relevant Inland Revenue records:
  - (a) first name(s):
  - (b) surname:
  - (c) date of birth.
- (2) The purpose of subclause (1) is to enable Inland Revenue to identify any person falling within any 1 of the following groups (an **applicable person**):
  - (a) overseas-based borrowers who are in default of their student loan repayment obligations:
  - (b) overseas-based borrowers who have not kept their contact details with Inland Revenue up to date:
  - (c) liable parents living overseas who are in default of their child support payment obligations:
  - (d) liable parents living overseas who have not kept their contact details with Inland Revenue up to date.
- (3) Inland Revenue may use any of the following types of personal information collected under the agreement to locate and contact an applicable person:
  - (a) personal telephone number:
  - (b) work telephone number:
  - (c) mobile telephone number:
  - (d) home address:
  - (e) passport delivery address:
  - (f) email address.

- (4) Inland Revenue may share a person's passport number with Internal Affairs in the situation described in clause 9(2).
- (5) In subclause (1), **relevant Inland Revenue records** means records held by Inland Revenue relating to—
  - (a) overseas-based borrowers who are in default of their student loan repayment obligations or who have not kept their contact details up to date;
  - (b) liable parents living overseas who are in default of their child support payment obligations or who have not kept their contact details up to date.

*Adverse actions*

**11 Adverse actions**

- (1) Subclauses (2) and (3) state the adverse actions that Inland Revenue can reasonably be expected to take as a result of the sharing of personal information under the agreement.
- (2) In relation to an overseas-based borrower who is in default of his or her student loan repayment obligations, Inland Revenue can be expected to take steps to recover overdue student loan repayments from that person, which may, without limitation, include—
  - (a) requiring the person to pay his or her student loan balance in full; or
  - (b) requiring the person to pay his or her overdue student loan debt; or
  - (c) requiring the person to pay part of his or her overdue student loan debt and the remainder by instalment arrangement; or
  - (d) requiring the person to pay his or her entire overdue student loan debt by instalment arrangement; or
  - (e) taking legal action against the person if he or she continues to fail to comply with his or her student loan repayment obligations.
- (3) In relation to a liable parent living overseas who is in default of his or her child support payment obligations, Inland Revenue can be expected to take steps to recover overdue child support payments from that person, which may, without limitation, include—

- (a) requiring the person to pay his or her overdue child support liability in full; or
- (b) requiring the person to pay part of his or her overdue child support liability and the remainder by instalment arrangement; or
- (c) requiring the person to pay his or her entire overdue child support liability by instalment arrangement; or
- (d) taking legal action against the person if he or she continues to fail to comply with his or her child support payment obligations.

## **12 Procedure before adverse action taken**

- (1) Before taking any adverse action against a person as a result of sharing personal information under the agreement, Inland Revenue must confirm with that person the person's identity and address.
- (2) The agreement provides that Inland Revenue will (in accordance with section 96R(a)(ii) of the Act) not provide notice of adverse action under section 96Q of the Act.

### *Miscellaneous*

## **13 How to access agreement**

- (1) A copy of the agreement is available online at <http://www.ird.govt.nz>
- (2) A copy of the agreement is also available at Inland Revenue, Asteron Centre, Level 5, 55 Featherston Street, Wellington.

## **14 Amendment to Schedule 2A of Privacy Act 1993**

In Schedule 2A of the Privacy Act 1993, replace the item relating to the supply of adult passport information with the item set out in the Schedule of this order.

## **15 Revocation**

The Privacy (Information Sharing Agreement Between Inland Revenue and Internal Affairs) Order 2013 (SR 2013/374) is revoked.

## Schedule

cl 14

### Amendment to Schedule 2A of Privacy Act 1993

Supply of adult passport information for the purpose of locating overseas based student loan borrowers and child support liable parents living overseas who are in default of their repayment or contact obligations: Information Sharing Agreement made on 6 June 2014

- |     |  |   |                |     |                            |
|-----|--|---|----------------|-----|----------------------------|
| (a) | Inland Revenue collecting student loan debt (including core assessment, penalties, and interest):  | <a href="http://www.ird.govt.nz">http://www.ird.govt-<br/>.nz</a> | Inland Revenue | (a) | first name(s):             |
| (b) | Inland Revenue collecting child support liable parent debt (including core assessments and penalties):   |   |                | (b) | surname:                   |
| (c) | Inland Revenue advising overseas-based borrowers of their student loan obligations and entitlements, and requiring compliance with those obligations:                |   |                | (c) | date of birth:             |
| (d) | Inland Revenue advising liable parents living overseas of their child support payment obligations and entitlements, and requiring compliance with those obligations. |   |                | (d) | passport number:           |
|     |  |   |                | (e) | personal telephone number: |
|     |  |   |                | (f) | work telephone number:     |
|     |  |   |                | (g) | mobile telephone number:   |
|     |  |   |                | (h) | home address:              |
|     |  |   |                | (i) | passport delivery address: |
|     |  |   |                | (j) | email address.             |

Schedule

**Privacy (Information Sharing Agreement  
between Inland Revenue and Internal  
Affairs) Order 2014**

2014/223

Martin Bell,  
for 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 11 August 2014, approves a new information sharing agreement under the Privacy Act 1993 (the **Act**) between the Inland Revenue Department (**Inland Revenue**) and the Department of Internal Affairs (**Internal Affairs**). Under the agreement, Internal Affairs will supply Inland Revenue with adult passport information (**personal information**) relating to overseas-based borrowers and liable parents living overseas who are in default of their student loan repayment or child support payment obligations or have not kept their contact details with Inland Revenue up to date.

This order includes provisions stating—

- the information privacy principles from which the parties to the agreement are exempt:
- the public services that the agreement is intended to facilitate:
- how Inland Revenue may use the personal information:
- the adverse actions that Inland Revenue may take as a result of the sharing of the personal information.

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

The order revokes and replaces the Privacy (Information Sharing Agreement Between Inland Revenue and Internal Affairs) Order 2013.

---

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 3 July 2014.

This order is administered by the Inland Revenue Department.

---