



Privacy (Information Sharing Agreement between Department of Internal Affairs and Registrar-General) Order 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 11th day of November 2019

Present:

Her Excellency the Governor-General in Council

This order is made under sections 96J to 96L of the Privacy Act 1993—

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

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Order

- 1 Title**
This order is the Privacy (Information Sharing Agreement between Department of Internal Affairs and Registrar-General) Order 2019.
- 2 Commencement**
This order comes into force on 12 December 2019.
- 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

BDMRR Act means the Births, Deaths, Marriages, and Relationships Registration Act 1995

celebrant means a person—

- (a) authorised to act as a marriage celebrant under the Marriage Act 1955; or
- (b) appointed under section 26 of the Civil Union Act 2004 as a civil union celebrant

DIA means the Department of Internal Affairs

identity services means all services provided by DIA or the Registrar-General under the relevant legislation, including any of the following:

- (a) the registration or recording of life events;
- (b) the issuing of travel documents;
- (c) the provision of access to information relating to life events and travel documents

information privacy principle means an information privacy principle in section 6 of the Act

life event means a birth, death, marriage, civil union, name change, acquisition or grant of New Zealand citizenship, change of citizenship status, or appointment or authorisation to act as a celebrant

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

Registrar-General has the same meaning as in section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995

relevant legislation means any of the following:

- (a) Births, Deaths, Marriages, and Relationships Registration Act 1995;
- (b) Citizenship Act 1977;
- (c) Citizenship (Western Samoa) Act 1982;
- (d) Civil Union Act 2004;
- (e) Marriage Act 1955;
- (f) Passports Act 1992

source document has the same meaning as in section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995

travel document means a New Zealand travel document as defined in section 2 of the Passports Act 1992.

- (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 information sharing agreement is the Information Sharing Agreement between DIA and the Registrar-General made on 18 October 2019.
- (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 Registrar-General; and
 - (b) DIA.
- (2) The lead agency is DIA.

Purposes for which information may be shared

6 Purposes for which information may be shared

The agreement authorises the sharing of personal information for 1 or more of the following purposes:

- (a) accessing all personal information about an individual that is required to enable an identity service to be provided to the individual;
- (b) notifying an individual of an identity service that they may be eligible to access;
- (c) verifying an individual's identity;
- (d) ensuring that an individual accessing an identity service is not required to provide to a party personal information that the Registrar-General or DIA already holds;
- (e) verifying the eligibility of an individual prior to the registration of a life event;
- (f) verifying that the eligibility and entitlement requirements are met by an individual prior to issuing a travel document;
- (g) verifying an individual's citizenship status;
- (h) updating records relating to an individual (or a person related to the individual) when the individual dies;
- (i) updating records relating to an individual and their children, if the individual renounces, or is deprived of, New Zealand citizenship;
- (j) preventing, detecting, investigating, and prosecuting offences;
- (k) conducting civil proceedings.

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) the efficient provision of identity services; and
- (b) the prevention, detection, investigation, and prosecution of offences; and
- (c) the conduct of civil proceedings.

Personal information that may be shared under agreement

8 Personal information that may be shared under agreement

- (1) The personal information about an individual that the Registrar-General may share with DIA is the information—
 - (a) specified in the second column of Schedule 1; and
 - (b) described in the third column of Schedule 1.
- (2) The personal information about an individual that DIA may share with the Registrar-General is—
 - (a) the information—
 - (i) specified in the second column of Schedule 2; and
 - (ii) described in the third column of Schedule 2; and
 - (b) the information—
 - (i) specified in the second column of Schedule 3; and
 - (ii) described in the third column of Schedule 3; and
- (3) The personal information about an individual that DIA may share within DIA is—
 - (a) the information—
 - (i) specified in the second column of Schedule 2; and
 - (ii) described in the third column of Schedule 2; and
 - (b) the information—
 - (i) specified in the second column of Schedule 3; and
 - (ii) described in the third column of Schedule 3.

9 How parties may use personal information

- (1) DIA may—
 - (a) use the personal information described in items 1 to 7 and 10 to 13 of Schedule 1 for 1 or more of the purposes specified in clause 6:
 - (b) use the personal information described in item 8 of Schedule 1 for 1 or more of the purposes specified in clause 6(a) to (f), (j), and (k):

- (c) use the personal information described in item 9 of Schedule 1 for 1 or more of the purposes specified in clause 6(a), (c) to (e), (j), and (k):
 - (d) use the personal information described in items 1 to 3 of Schedule 2 for 1 or more of the purposes specified in clause 6:
 - (e) use the personal information described in item 1 of Schedule 3 for 1 or more of the purposes specified in clause 6(a) to (e), (g), (j), and (k):
 - (f) use the personal information described in items 3 and 4 of Schedule 3 for 1 or more of the purposes specified in clause 6(a) to (d), (g), (j), and (k):
 - (g) use the personal information described in items 5 to 7 of Schedule 3 for 1 or more of the purposes specified in clause 6.
- (2) The Registrar-General may—
- (a) use the personal information described in item 1 of Schedule 2 for 1 or more of the purposes specified in clause 6(a) to (g), (j), and (k):
 - (b) use the personal information described in items 2 to 4 of Schedule 2 for 1 or more of the purposes specified in clause 6:
 - (c) use the personal information described in item 1 of Schedule 3 for 1 or more of the purposes specified in clause 6(a) to (e), (g), (j), and (k):
 - (d) use the personal information described in item 2 of Schedule 3 for 1 or more of the purposes specified in clause 6(a) to (d), (j), and (k):
 - (e) use the personal information described in items 3 and 4 of Schedule 3 for 1 or more of the purposes specified in clause 6(a) to (d), (g), (j), and (k):
 - (f) use the personal information described in items 5 to 7 of Schedule 3 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) Subclause (2) exempts the parties from information privacy principle 2.
- (2) It is not a breach of information privacy principle 2 if—
 - (a) personal information—
 - (i) is collected by DIA from the Registrar-General; or
 - (ii) is collected by the Registrar-General from DIA; or
 - (iii) is collected by DIA from information held within DIA; and
 - (b) that information is collected—
 - (i) in accordance with the agreement; and
 - (ii) for 1 or more of the purposes stated in clause 6.

11 Exemption from information privacy principle 10 (limits on use of personal information)

- (1) Subclause (2) exempts the parties from information privacy principle 10.
- (2) It is not a breach of information privacy principle 10 if—
 - (a) personal information—
 - (i) that is collected by DIA from the Registrar-General is used by DIA; or
 - (ii) that is collected by the Registrar-General from DIA is used by the Registrar-General; or
 - (iii) that is collected by DIA from information held within DIA is used within DIA; and
 - (b) that information is used—
 - (i) in accordance with the agreement; and
 - (ii) in accordance with clause 9.

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

- (1) Subclause (2) exempts the parties from information privacy principle 11.
- (2) It is not a breach of information privacy principle 11 if—
 - (a) personal information—
 - (i) is collected by DIA from the Registrar-General; or
 - (ii) is collected by the Registrar-General from DIA; or
 - (iii) is collected by DIA from information held by DIA; and
 - (b) that information is disclosed—
 - (i) in accordance with the agreement; and
 - (ii) when using that information in accordance with clause 9.

Adverse actions

13 Adverse actions

- (1) This clause states the adverse actions that each party can reasonably be expected to take in relation to an individual as a result of the sharing of personal information under the agreement.
- (2) The Registrar-General can reasonably be expected to do any of the following:
 - (a) decline to provide an identity service, including, for example, declining to—
 - (i) register an individual as a New Zealand citizen by birth; or
 - (ii) register parents' details; or

- (iii) register or record a life event; or
 - (iv) issue a certificate; or
 - (v) provide a copy of a source document; or
 - (vi) issue a marriage or civil union licence; or
 - (vii) register a name in respect of an individual:
- (b) exercise the Registrar-General's powers to correct information held by the Registrar-General:
- (c) conduct civil proceedings in relation to a refusal to provide an identity service.
- (3) DIA can reasonably be expected to—
- (a) perform and exercise other functions and powers under the Citizenship (Western Samoa) Act 1982 or the Citizenship Act 1977, including—
 - (i) removing an individual's name from a citizenship register in circumstances where it has been erroneously registered:
 - (ii) declining to register an individual as a New Zealand citizen by descent:
 - (iii) providing adverse advice to the Minister of Internal Affairs in relation to an application for an evidentiary certificate of citizenship:
 - (iv) providing adverse advice to the Minister of Internal Affairs in relation to an application for the grant of citizenship:
 - (v) providing adverse advice to the Minister of Internal Affairs in relation to a potential deprivation of New Zealand citizenship:
 - (vi) causing an appropriate entry to be inserted on the deprivations or renunciations register (as applicable) if a citizen has renounced citizenship or been deprived of citizenship by the Minister:
 - (b) perform and exercise other functions and powers under the Passports Act 1992, including—
 - (i) declining to issue a travel document:
 - (ii) cancelling an existing travel document:
 - (iii) issuing a New Zealand passport for a period shorter than the standard duration:
 - (c) investigate any matter that may constitute an offence under any legislation administered by DIA and prosecute the offence or report any suspected offence to the New Zealand Police:
 - (d) conduct civil proceedings in relation to the deprivation of an individual's citizenship or the provision of an identity service.

14 Procedure before adverse action taken

- (1) Before a party takes an adverse action as a result of the sharing of personal information under the agreement, the party must take reasonable steps to confirm the accuracy of the information.
- (2) The agreement provides that a party will not provide notice of an adverse action under section 96Q of the Act if the personal information shared relates to a situation where a party has reasonable grounds to suspect that an offence has been committed or will be committed and the personal information is relevant to the prevention, detection, investigation, or prosecution of an offence.

Miscellaneous

15 How to access agreement

- (1) A copy of the agreement is available online at <https://www.dia.govt.nz>
- (2) A copy of the agreement is also available at the Department of Internal Affairs, 45 Pipitea Street, Thorndon, Wellington 6011.

16 Schedule 2A of Privacy Act 1993 amended

- (1) In the Privacy Act 1993, Schedule 2A, repeal the item relating to the Information Sharing Agreement between the Department of Internal Affairs and the Registrar-General.
- (2) In the Privacy Act 1993, Schedule 2A, after the item relating to the agreement between the Registrar-General and the New Zealand Police, insert the item set out in Schedule 4 of this order.

17 Revocation

The Privacy (Information Sharing Agreement between Department of Internal Affairs and Registrar-General) Order 2018 (LI 2018/275) is revoked.

Schedule 1

Personal information that may be shared by Registrar-General

cl 8(1)

Item	Information	Description
1	Birth information	Information relating to the individual's birth that is maintained by the Registrar-General under the BDMRR Act, excluding any information protected by sections 63 to 66 of that Act
2	Death information	Information relating to the individual's death as maintained by the Registrar-General under the BDMRR Act
3	Marriage information	Information relating to the individual's marriage as maintained by the Registrar-General under the BDMRR Act
4	Civil union information	Information relating to the individual's civil union that is maintained by the Registrar-General under the BDMRR Act

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Item	Information	Description
5	Name change information	Information relating to the individual's name change as maintained by the Registrar-General under the BDMRR Act
6	Overseas death information	Information relating to the death of an individual outside New Zealand that is maintained by the Registrar-General
7	Overseas name change information	Information relating to the name change of an individual outside New Zealand that is maintained by the Registrar-General
8	Overseas marriage or civil union information	Information relating to the individual's marriage or civil union outside New Zealand or the dissolution of the individual's marriage or civil union outside New Zealand that is maintained by the Registrar-General
9	Celebrant information	Information relating to the individual's appointment or authorisation to act as a celebrant as maintained by the Registrar-General under the BDMRR Act
10	Communications information	Details of communications the individual has had with the Registrar-General, including details of the content of any meetings, telephone calls, emails, or letters
11	Customer alerts	An alert that indicates the Registrar-General holds personal information about the individual that is of some concern or that indicates particular care needs to be taken when providing an identity service to that individual, including alerts that indicate that— <ul style="list-style-type: none"> (a) the individual is under investigation; or (b) information about the individual provided to the Registrar-General has not yet been registered; or (c) the individual's appearance has changed
12	Contact details	Information that may be used to contact the individual, including any telephone numbers, postal addresses, email addresses, or social media account details, and information about the individual's preferred communication medium
13	Name change lodgements	All deed poll name changes lodged with the Registrar-General that are included in the birth information or name change information (as applicable) for the individual

Schedule 2
Personal information (relating to citizenship) that may be shared by
DIA

cl 8(2), (3)

Item	Information	Description
1	Citizenship information	Information relating to the individual's citizenship history and current status, as maintained by the Secretary for Internal Affairs under the Citizenship (Western Samoa) Act 1982, Citizenship Act 1977, or another Act
2	Communications information	Details of communications the individual has had with DIA regarding citizenship, including details of the content of any meetings, telephone calls, emails, or letters
3	Customer alerts	An alert that indicates that DIA holds personal information about the individual regarding citizenship that is of some concern or that indicates that particular care needs to be taken when providing an identity service to that individual, including alerts that indicate that— <ul style="list-style-type: none">(a) the individual is under investigation; or(b) information about the individual provided to DIA has not yet been registered; or(c) the individual's appearance has changed
4	Contact details	Information that may be used to contact an individual, including any telephone numbers, postal addresses, email addresses, or social media account details, and information about the individual's preferred communication medium

**Schedule 3
Personal information (relating to travel documents) that may be
shared by DIA**

cl 8(2), (3)

Item	Information	Description
1	New Zealand passport information	Information relating to the individual's New Zealand passport history, including any information provided in any applications by the individual for a New Zealand passport
2	New Zealand emergency travel document information	Information relating to the individual's New Zealand emergency travel document history, including any information relating to any applications by the individual for a New Zealand emergency travel document
3	New Zealand certificate of identity information	Information relating to the individual's New Zealand certificate of identity history, including any information relating to any applications by the individual for a New Zealand certificate of identity
4	New Zealand refugee travel document information	Information relating to the individual's New Zealand refugee travel document history, including any information relating to any applications by the individual for a New Zealand refugee travel document
5	Communications information	Details of information provided by the individual to DIA regarding travel documents, including details of the content of any meetings, telephone calls, emails, or letters
6	Customer alerts	An alert that indicates that DIA holds personal information about the individual regarding travel documents that is of some concern or that indicates that particular care needs to be taken when providing an identity service to that individual, including alerts that indicate that— <ul style="list-style-type: none">(a) the individual is under investigation; or(b) information about the individual provided to DIA has not yet been registered; or(c) the individual's appearance has changed
7	Contact details	Information that may be used to contact the individual, including any telephone numbers, postal addresses, email addresses, or social media account details, and information about the individual's preferred communication medium

**Schedule 4
Amendment to Schedule 2A of Privacy Act 1993**

cl 16

Information Sharing Agreement between Department of Internal Affairs and Registrar-General made on 18 October 2019	(a)	the efficient provision of identity services:	https://www.dia.govt.nz	Department of Internal Affairs	(a)	birth information:	
	(b)	the prevention, detection, investigation, and prosecution of offences:			(b)	death information:	
	(c)	the conduct of civil proceedings				(c)	marriage information:
						(d)	civil union information:
						(e)	name change information:
						(f)	celebrant information:
						(g)	overseas death information:
						(h)	overseas name change information:
						(i)	overseas marriage and civil union information:
						(j)	citizenship information:
						(k)	New Zealand passport information:
						(l)	New Zealand emergency travel document information:
						(m)	New Zealand certificate of identity information:
						(n)	New Zealand refugee travel document information:
						(o)	communications information:
						(p)	customer alerts:
						(q)	contact details:
						(r)	name change lodgements.

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 12 December 2019, approves an information sharing agreement entered into under the Privacy Act 1993 (the **Act**) between the Department of Internal Affairs and the Registrar-General of Births, Deaths, and Marriages.

Under the agreement, each party can share with the other party, and the Department of Internal Affairs may share within the Department of Internal Affairs, the personal information they hold as set out in *Schedules 1 to 3*.

The personal information that may be shared includes information relating to an individual's birth, death, marriage, civil union, name changes, citizenship, New Zealand travel documents, and contact details.

The purposes for which the personal information may be shared include verifying an individual's identity or citizenship, verifying an individual's eligibility to have a life event registered or recorded, and verifying an individual's eligibility to be issued a New Zealand travel document.

The sharing of this information between the parties is intended to facilitate the efficient provision of identity services, the prevention, detection, investigation, and prosecution of offences, and the conduct of civil proceedings.

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.

This order revokes the Privacy (Information Sharing Agreement between Department of Internal Affairs and Registrar-General) Order 2018, which is superseded.

Regulatory impact assessment

The Department of Internal Affairs produced a regulatory impact assessment on 18 January 2019 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <https://www.treasury.govt.nz/publications/risa/regulatory-impact-assessment-impact-summary-information-sharing-identity-services>

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Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 14 November 2019.
This order is administered by the Department of Internal Affairs.

Wellington, New Zealand:

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