



Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Amendment Order 2021

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 4th day of October 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

This order is made under section 145(1) of the Privacy Act 2020—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Revenue made in accordance with section 149 of that Act.

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Order

1 Title

This order is the Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Amendment Order 2021.

2 Commencement

This order comes into force on 8 October 2021.

3 Principal order

This order amends the Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Order 2017.

4 Clause 4 replaced (Information sharing agreement approved)

Replace clause 4 with:

4 Information sharing agreement approved

- (1) The information sharing agreement described in subclause (2) is approved.
- (2) The agreement is the Information Sharing Agreement Between Ministry of Social Development And Inland Revenue Department made in July 2017, as amended in September 2021.
- (3) The amendments made in September 2021 come into force on 8 October 2021.

5 Clause 6 amended (Purposes for which information may be shared)

After clause 6(d), insert:

- (e) assessing the potential costs to the Crown of policy proposals (at any stage of development) and modelling the impact of the proposals on individuals, or groups of individuals, who may be affected.

6 Clause 9 amended (Public services that agreement is intended to facilitate)

After clause 9(c), insert:

- (d) the development of public policy using personal information to assess the potential costs to the Crown and the impact on individuals, or groups of individuals, who may be affected.

7 Clause 11 amended (How parties may use personal information)

After clause 11(2), insert:

- (3) However, personal information that is shared solely for the purpose described in clause 6(e) may only be used for that purpose.

8 Clause 12 amended (Adverse actions)

- (1) In clause 12(1), replace “under the agreement” with “for the purposes set out in clause 6(a) to (d)”.
- (2) After clause 12(5), insert:
- (6) The parties may not take any adverse action as a result of the sharing of personal information solely for the purpose set out in clause 6(e).

9 Principal Act

Clause 10 amends the Privacy Act 2020.

10 Schedule 2 amended

In Schedule 2, item relating to the Information Sharing Agreement Between Ministry of Social Development And Inland Revenue Department made in September 2018, second column, after the item relating to the accurate and efficient assessment and enforcement of obligations relating to benefits and subsidies, including recovering any associated debt, insert “The development of public policy using personal information to assess the potential costs to the Crown and the impact on individuals, or groups of individuals, who may be affected”.

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 8 October 2021, amends the Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Order 2017 (the **2017 order**). This order—

- approves amendments to the information sharing agreement between Inland Revenue and the Ministry of Social Development, which allow the Inland Revenue Department and the Ministry of Social Development to share personal information for use in policy development:
- provides that personal information shared solely for policy development purposes may not be used for enforcement or any other purpose for which information may be shared under the 2017 order:
- allows information used for enforcement or other purposes to be used for policy development purposes.

**Privacy (Information Sharing Agreement between
Inland Revenue and Ministry of Social Development)
Amendment Order 2021**

2021/300

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 7 October 2021.
This order is administered by the Inland Revenue Department.

Wellington, New Zealand:

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