

**Reprint  
as at 11 August 2014**



**Privacy (Information Sharing  
Agreement Between Inland  
Revenue and Internal Affairs)  
Order 2013**

(SR 2013/374)

Privacy (Information Sharing Agreement Between Inland Revenue and Internal Affairs) Order 2013: revoked, on 11 August 2014, by clause 15 of the Privacy (Information Sharing Agreement between Inland Revenue and Internal Affairs) Order 2014 (LI 2014/223).

Jerry Mateparae, Governor-General

**Order in Council**

At Wellington this 2nd day of September 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to sections 96J and 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

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Inland Revenue Department.**

Minister of Revenue made in accordance with section 96N of that Act, makes the following order.

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## **Order**

### **1 Title**

This order is the Privacy (Information Sharing Agreement Between Inland Revenue and Internal Affairs) Order 2013.

### **2 Commencement**

This order comes into force on 3 October 2013.

### **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

**applicable person** means a person falling within any 1 of the groups listed in clause 10(2)

**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 who are in Default of their Repayment Obligations and Child Support Liable Parents Living Overseas who are in Default of their Repayment and Contact Obligations Information Sharing Agreement.

### **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 (inclusive of core assessment, penalties, and interest):
- (b) Inland Revenue collecting child support liable parent debt (inclusive of 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) liable parents living overseas who are in default of their child support payment obligations:

- (c) 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 overseas-based borrowers who are in default of their student loan repayment obligations and liable parents living overseas who are in default of their child support payment obligations or 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 be reasonably expected to take as a result of sharing 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) To avoid doubt, section 96Q of the Act does not apply because the agreement provides that Inland Revenue will dispense with the giving of notice under that section.

### *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 Life Centre, Level 5, 12–22 Featherston Street, Wellington.

**14 Schedule 2A of Privacy Act 1993 amended**

- (1) This clause amends the Privacy Act 1993.
  - (2) In Schedule 2A, insert the items set out in the Schedule of this order.
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**Schedule**  
**Amendment to Schedule 2A of Privacy Act 1993**

Supply of Adult Passport Information for the Purpose of Locating Overseas-Based Student Loan Borrowers who are in Default of their Repayment Obligations and Child Support Liable Parents Living Overseas who are in Default of their Repayment and Contact Obligations Information Sharing Agreement	(a)	Inland Revenue collecting student loan debt (inclusive of core assessment, penalties, and interest):	<a href="http://www.ird.govt.nz">http://www.ird.govt- .nz</a>	Inland Revenue	(a)	first name(s)
	(b)	Inland Revenue collecting child support liable parent debt (inclusive of 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

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **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 3 October 2013, approves an 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 who are in default of their student loan repayment obligations:
- liable parents living overseas who are in default of their child support payment obligations:
- liable parents living overseas who 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, and the adverse actions that Inland Revenue may take as a result of the sharing of the personal information.

This order inserts into Schedule 2A of the Act information relating to the agreement as required under section 96L of the Act.

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Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 5 September 2013.

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## **Reprints notes**

### **1    *General***

This is a reprint of the Privacy (Information Sharing Agreement Between Inland Revenue and Internal Affairs) Order 2013 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Privacy (Information Sharing Agreement between Inland Revenue and Internal Affairs) Order 2014 (LI 2014/223): clause 15

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