



Justice Sector Unique Identifier Code 1998

**Incorporating
Amendments No 1 and No 2**

**Privacy Commissioner
Te Mana Matapono Matatapu**

NEW ZEALAND

Justice Sector Unique Identifier Code 1998

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This version of the code includes various notes which are set out in italics. This material is not part of the code but is included to assist users of the code. Reference must always be made to the rules or clauses themselves.

Justice Sector Unique Identifier Code 1998

I, BRUCE HOULTON SLANE, Privacy Commissioner, having given notice in accordance with section 48(1) of the Privacy Act 1993 of my intention to issue a code of practice and having satisfied the other requirements of the subsection, now issue under section 46 of the Act the Justice Sector Unique Identifier Code 1998.

Issued by me at Auckland on 3 April 1998

The SEAL of the)
Privacy Commissioner was) [L.S.]
affixed to this code of practice)
by the Privacy Commissioner)

B H Slane
Privacy Commissioner

Note: Similar statements of issuance, not repeated here, accompanied Amendments No. 1 and 2.

Note: This edition, consolidated as at 30 June 2011, incorporates Amendments No.1 and 2.

Note: A code of practice issued under section 46 of the Privacy Act 1993 is deemed to be a regulation for the purposes of the Regulations (Disallowance) Act 1989 – Privacy Act, section 50.

Title

1. This code of practice may be referred to as the Justice Sector Unique Identifier Code 1998.

Commencement

2. This code is to come into force on 30 June 1998.

Note: The code has been amended by Amendment No. 1, which commences on 2 March 2006, and Amendment No. 2, which commenced on 5 February 2008.

Interpretation

3. (1) In this code:

justice sector agency means an agency referred to in clause 4(1);

...

Note: Amendment No. 1 deleted definition of Law Enforcement Agency Reference Number.

...

Note: Amendment No. 1 deleted definition of major traffic offence.

[offence means an indictable offence, a summary offence, or an infringement offence as those terms are defined in section 2 of the Summary Proceedings Act 1957, and includes any action other than an indictable offence, a summary offence or an infringement offence, in respect of which a warrant for imprisonment, order for community work, or warrant to arrest is imposed against an individual by any New Zealand court];

Note: Amendment No. 1 added the definition of offence.

rule means the rule set out in clause 5;

the Act means the Privacy Act 1993.

- (2) Terms and expressions used in this code and defined in the Privacy Act 1993 or Acts Interpretation Act 1924 have the same meanings respectively as in those Acts.

Note: The reference to the Acts Interpretation Act 1924 should be taken to be a reference to the Interpretation Act 1999 which replaced the 1924 Act – see Interpretation Act 1999, section 22(2).

Application of code and subrules

4. (1) This code applies to the following agencies and to agents exercising any of the functions of any such agency under delegated or other authority.
- (a) ...
Note: Amendment No. 1 removed the reference to the Department of Courts.
- (b) the Department of Corrections;
- [[c) New Zealand Transport Agency;]]
Note: Amendment No. 1 substituted Land Transport New Zealand for Land Transport Safety Authority. Amendment No. 2 substituted New Zealand Transport Agency for Land Transport New Zealand.
- (d) the Ministry of Justice;
- (e) the Ministry of Transport;
- (f) the Police;
- [(g) the Ministry of Social Development; and
- (h) the Registrar of Motor Vehicles.]
Note: Paragraphs (g) and (h) inserted by Amendment No. 2.
- (2) Subrules (1), (2)(a) and (4) apply only in relation to the assignment of unique identifiers after the commencement of the Act.
- (3) Subrules (2)(b) and (3) apply only in relation to the assignment of unique identifiers after the commencement of this code.
- (4) Subrule (5) applies to any unique identifier whether assigned before or after the commencement of the code.

Rule modifying the application of information privacy principle 12

5. Information privacy principle 12 is modified in accordance with the Act by the following rule which applies to the justice sector agencies referred to in clause 4(1):

Rule 12 Unique Identifiers

- (1) A justice sector agency must not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable to agency to carry out any one or more of its functions efficiently.
- (2) A justice sector agency must not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another justice sector agency, unless:

- (a) those two agencies are associated persons within the meaning of section OD7 of the Income Tax Act 1994; or
 - (b) subrule (3) applies.
- [(3) A justice sector agency may assign to an individual being processed through the justice system a unique identifier previously assigned by another justice sector agency in the circumstances set out in the Schedule.]
Note: Substituted by Amendment No. 1.
- (4) A justice sector agency that assigns unique identifiers to individuals must take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.
 - (5) A justice sector agency must not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or for a purpose that is directly related to one of those purposes.

Schedule

Note: Schedule inserted by Amendment No.1.

Agency originally assigning the unique identifier	Circumstances in which unique identifier is originally assigned	Circumstances in which unique identifier may be re-assigned by other justice sector agencies
Police	Assigned to an individual as a result of the alleged commission by that individual of an offence.	<p>Ministry of Justice – may assign for the purposes of</p> <p>(a) management of proceedings, enforcement of fines and other orders, and communication with other law enforcement agencies where this is necessary for the efficient conduct of proceedings, including the administration of resulting sentences and the enforcement of fines and other orders; and</p> <p>(b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p> <p>Department of Corrections - may assign for the purposes of</p> <p>(a) providing information on the imposition of sentences, and the efficient administration of sentences and other orders, and the management of offenders subject to such sentences and orders; and</p> <p>(b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p> <p>[New Zealand Transport Agency] – may assign for the purposes of</p> <p>(a) recording notifications from Police of individuals forbidden to drive, and advising Police when those individuals have had valid licences issued; and</p> <p>(b) recording offence notifications</p>

		<p>from Police of individuals where identification was not confirmed, and advising Police of valid licence details when so determined; and</p> <p>(c) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual or commercial operator concerned.</p> <p>Note: <i>Amendment No 2 substituted New Zealand Transport Agency for Land Transport New Zealand.</i></p> <p>[Ministry of Social Development – may assign for the purposes of (a) the management and review of family group conferences under Part 4 of the Children, Young Persons, and their Families Act 1989; and (b) providing information to other justice sector agencies on the outcome of family group conferences for child and youth offending, and the imposition of orders and sentences; and (c) the efficient administration of orders and sentences; and (d) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.]</p> <p>Note: <i>Amendment No 2 inserted entry relating to Ministry of Social Development.</i></p>
<p>Ministry of Justice</p>	<p>Assigned to an individual as a result of the alleged commission by that individual of an offence.</p>	<p>Police – may assign for the purposes of the prevention, detection, investigation, and prosecution of offences and the administration of sentences and the enforcement of fines and other orders.</p> <p>Department of Corrections - may assign for the purposes of (a) providing information on the imposition of sentences, and the efficient administration of</p>

		<p>sentences and other orders, and the management of offenders subject to such sentences and orders; and</p> <p>(b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p>
<p>[New Zealand Transport Agency] <i>Note: Amendment No 2 substituted New Zealand Transport Agency for Land Transport New Zealand</i></p>	<p>Assigned to an individual as a result of the issue of a driver licence.</p>	<p>Police – may assign for the purposes of the prevention, detection, investigation, and prosecution of offences and the administration of sentences and the enforcement of fines and other orders.</p> <p>Ministry [of] Justice – may assign for the purposes of</p> <p>(a) management of proceedings, enforcement of fines and other orders, and communication with other justice sector agencies where this is necessary for the efficient conduct of proceedings, including the administration of resulting sentences and the enforcement of fines and other orders; and</p> <p>(b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p> <p><i>Note: Amendment No. 2 corrected an error in the heading to this entry.</i></p> <p>Department of Corrections - may assign for the purposes of</p> <p>(a) providing information on the imposition of sentences, and the efficient administration of sentences and other orders, and the management of offenders subject to such sentences and orders; and</p> <p>(b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected</p>

		<p>to identify any individual concerned.</p> <p>[Ministry of Transport - may assign for the purpose of verifying the identity of people who are, or apply to be, holders of licences issued under the Road User Charges Act 1977.]</p> <p><i>Note: Amendment No 2 substituted this entry.</i></p> <p>[Registrar of Motor Vehicles - may assign for the purpose of verifying the identity of people who are, or apply to be, registered as owners of vehicles on the Motor Register.]</p> <p><i>Note: Amendment No 2 inserted this entry.</i></p>
Department of Corrections	Assigned for the purposes of providing information on the imposition of sentences, and the efficient administration of sentences and other orders, and the management of offenders subject to such sentences and orders.	Ministry of Justice – may assign for the purposes of statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.

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This consolidation: June 2011
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