

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 affixed to this code) [LS]
of practice by the Privacy Commissioner)

B H SLANE
Privacy Commissioner

Justice Sector Unique Identifier Code Amendment No. 1, 2005

I, **MARIE SHROFF**, Privacy Commissioner, now issue under section 51 of the Privacy Act 1993, this amendment to the Justice Sector Unique Identifier Code 1998.

Issued by me at Wellington on 22 December 2005.

The seal of the Privacy Commissioner)
was affixed to this amendment to the)
Justice Sector Unique Identifier Code) [LS]
1998 by the Privacy Commissioner)

Marie Shroff
Privacy Commissioner

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 1993, 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. A full version of Amendment No. 1 is available at www.privacy.org.nz.

Interpretation

3. (1) In this code:

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

[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.

Note: Amendment No. 1 removed the definitions of Law Enforcement Agency Record Number and major traffic offence.

- (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.

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) Land Transport New Zealand];

Note: Amendment No. 1 substituted Land Transport New Zealand for the Land Transport Safety Authority.

(d) the Ministry of Justice;

(e) the Ministry of Transport; and

(f) the Police.

- (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: Amendment No. 1 substituted the new subrule (5)(3).
- (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.
Note: A justice sector agency will only assign a unique identifier to an individual whose identity has been verified using a protocol developed specially for this purpose by the justice sector. The protocol in question relies on data such as the name, address and date of birth of an individual, and in some instances on fingerprint records held by the Police.
- (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

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 (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 (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 (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 (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>Land Transport New Zealand – may assign for the purposes of (a) recording notifications from Police of individuals forbidden to drive, and advising Police when those individuals have had valid licences issued; and (b) recording offence notifications from Police of individuals where identification was not confirmed, and advising Police of valid licence details when so determined; and (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>

Ministry of Justice	Assigned to an individual as a result of the alleged commission by that individual of an offence.	<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 sentences and other orders, and the management of offenders subject to such sentences and orders; and (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>
Land Transport New Zealand	Assigned to an individual as a result of the issue of a driver licence.	<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 Justice – may assign for the purposes of (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 (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 (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 (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>Ministry of Transport - 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 Vehicle Register; or holders of licences issued under</p>

		the Road User Charges Act 1977.
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.

Note: Amendment No. 1 added the Schedule.

Legislative history

5 February 1998 – Proposed code released for public consultation
30 March 1998 – Closing date for public submissions
3 April 1998 – Code issued
16 April 1998 – Date of notification in the Gazette
30 June 1998 – Code commences
10 November 2005 – Proposed amendment released for public consultation
16 December 2005 – Closing date for public submissions
22 December 2005 – Amendment issued
19 January 2006 – Date of notification in the Gazette
2 March 2006 – Amendment commences

Justice Sector Unique Identifier Code 1998

ISBN 0-478-11716-7

This edition: February 2006

Available to download at www.privacy.org.nz