



Privacy Commissioner
Te Mana Matapono Matatapu

Passports and Citizenship : review of statutory authorities for information matching

Report by the Privacy Commissioner to
the Minister of Justice pursuant to section
106 of the Privacy Act 1993 in relation to a
review of the operation of the:

- BDM/DIA Passports
- Citizenship/DIA Passports
- Births & Marriages/Citizenship
Applications
- Citizenship/BDM Citizenship by Birth

July 2014

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Abbreviations and acronyms

The main abbreviations and acronyms used in this report are:

1. Executive Summary

In this report I assess the ongoing value and suitability of the matches which are run by the Department of Internal Affairs to facilitate passport and citizenship applications.

Section 106 of the Privacy Act 1993 requires the Privacy Commissioner to carry out periodic reviews of the operation of each information matching provision and to consider whether:

- the authority conferred by each provision should be continued
- any amendments to the provision are necessary or desirable.

I conclude that the matches are necessary to provide the services efficiently and are operated in a manner consistent with the information matching controls in the Privacy Act.

I therefore recommend that the matches should continue.

A handwritten signature in black ink, appearing to be 'J. Edwards', written over a faint, larger version of the same signature.

John Edwards
Privacy Commissioner
July 2014

2. BDM/DIA Passport Eligibility

2.1 Match objective

To verify whether a person is eligible for a passport by comparing details with the Births, Deaths and Marriages registers. And to detect fraudulent applications.

2.2 Recommendation

I recommend that this match should continue and have no suggested amendments to its operation.

2.3 Match assessment

The match is assessed against the criteria in section 98 of the Privacy Act 1993. In particular, I consider that:

Assessment summary

This match is an effective method of identifying entitlement. The match has generally been operated in a manner consistent with the information matching controls in the Privacy Act.

Financial cost/benefit and other outcomes

Passport costs are not broken down to the level of the costs of operating the match. However, I am satisfied that the programme is cost-effective, because alternatives would necessarily cost more.

Compliance/operational difficulties

The programme had some early minor compliance difficulties, but these have been resolved.

Reporting was initially based upon a statistical return. This was not satisfactory because the available statistical reporting did not readily identify any weaknesses in the operation of this programme. From 2005/06 a new reporting process based upon an audit of the operation was trialled and adopted. For 2008/09 DIA, instead of conducting an audit of the system, provided a letter to OPC advising that there has been no change to the process, and reporting on privacy training activities. This did not meet the annual reporting requirements set for the programme. In the absence of an up to date audit the assessment of compliance as necessary under the Act could not be reasonably completed. DIA therefore was required to provide additional statistical information so that, knowing the operation of the match had not changed, there was a sufficient basis to assess the programme. DIA supplied that additional information.

For subsequent years, 2009/10 to 2011/12, DIA has provided audits, supplemented by statistics to illustrate the volume of records processed and the extent of the matching activity.

During this period the previous Commissioner reviewed the reporting requirements for this and similar matches, and decided that if there were no changes to the match, then the audits could be conducted on a 3-yearly cycle with management giving assurances on particular aspects for each year an audit was not required.

For 2012/13 DIA were able to give the assurances required, and reported the volume statistics.

Online transfer of data requires approval under information matching rule 3. In 2003 this match commenced operation without approval for the online transfer of data. An approval was granted in November after it had operated in June (as a pilot) and commenced full operation in October. In 2004 DIA failed to audit the online transfer by September 2004 (as required by a condition of the approval) and failed to apply for a new approval. In September 2005 DIA rectified this. A report on the operation was provided and in December 2005 a new approval was granted.

Scale of matching process

The scale of the match is appropriate. The matching involves different functional units within the Department of Internal Affairs Identity Services. No other agencies are involved.

Alternative methods to achieve results

As the checks are programed in to the system workflow, any alternative is likely to be less efficient and probably more onerous for applicants.

2.4 Match results

	2003/04	2004/05
Births searches	306,187	521,039
Marriages searches	57,464	89,623
Deaths searches	447,329	741,172
Total searches	810,980	1,351,834
Referred to BDM	928	6,051
Resolved within 48 hours	201	673
Resolved within 10 days	298	1,896
Resolved in > 10 days	355	2,800
Unresolved at 30 June of year	44	103
Passport application denied	0	0

The match was only fully operated from October 2003 so the 2003/04 results are for approximately nine months.

For the period 2005/06 to 2007/08 audit reports were relied upon and no statistics were requested, but the number of passports issued (diplomatic, official and standard) were:

	2005/06	2006/07	2007/08
Passports issued (diplomatic, official and standard)	384,808	396,742	411,397

From 2008/09 statistics have been requested to supplement the audit reports

	2008/09	2009/10	2010/11	2011/12	2012/13
Passport applications	382,475	438,514	596,672	608,007	632,906
Possible matches: Births	797,823	1,099,690	1,239,834	1,343,713	1,777,189
Possible matches: Marriage /	118,773	353,981	211,773	102,893	91,904

Relationships					
Possible matches: Deaths	1,374,962	1,453,671	2,337,341	2,487,321	3,257,715
Notice of adverse action	8,132	6,596	6,287	6,523	5,310
Successful challenges	*	6,530	6,141	6,481	5,070
Passports issued (diplomatic, official and standard)	387,523	432,889	603,669	603,765	615,584

*No data. DIA advise no passports were declined because of match results.

- Notices of adverse action are sent when Passports cannot satisfactorily match the information supplied to the appropriate birth, death, marriage or relationship record. Almost all of these are resolved by contacting the applicant for clarification.
- The difference between the number of applications and the number of passports issued primarily reflects applications that were still being processed at the start of the period.
- Passport renewals do not require Birth checks, but do require Death checks, so the transition from 10-year passports to 5-year passports has affected the numbers of the different types of checks made.

Audit Results

DIA was asked to trial the audit approach in 2005/06. The audit report concluded that all necessary match documentation was held, policies and guidelines for staff were adequate, and operational practices supported and reflected the requirements of the information matching provisions in the Privacy Act. The overall audit findings were that the matches were being operated in a satisfactory manner without any non-compliance issues.

Subsequent audits recommended the implementation of staff training refresher courses and confirmed their implementation.

2.5 Match operation

This programme was authorised in 2001 and commenced operation in 2003.

Passports staff enter the information provided on application forms into the passports processing system. They then log onto the On-line Life Event Verification (OLEV) system and, by entering the unique passport application number, use the identity information from the passports processing system as the basis for a search of the information in the registers.

For searches of the births and marriages entries, confirmation allows application processing to proceed. Where there is doubt, cases can be referred to BDM staff for resolution. If there appears to be a match with an entry from the register of deaths, the processing of the passport application is halted and the application referred for investigation of possible fraud.

2.6 Match authorisation

Births, Deaths, and Marriages Registration Act 1995, section 78A.

3. Citizenship/DIA Passport Eligibility

3.1 Match objective

To verify a person's eligibility to hold a New Zealand passport from citizenship register information.

3.2 Recommendation

I recommend that this match should continue and have no suggested amendments to its operation.

3.3 Match assessment

The match is assessed against the criteria in section 98 of the Privacy Act 1993. In particular, I consider that:

Assessment summary

This match is an effective method of identifying entitlement. The match has generally been operated in a manner consistent with the information matching controls in the Privacy Act.

Financial cost/benefit and other outcomes

The costs of operation of the match are not separately accounted for from the costs of operating passport issuance. However, I am satisfied that the programme is cost-effective, because alternatives would necessarily cost more.

Compliance/operational difficulties

The programme had some early minor compliance difficulties, but these have been resolved. This match is operated in conjunction with the BDM/DIA Passport Eligibility match, and the same issues with reporting and the conduct of audits as reported for that match apply.

In 2003/04 OPC queried the number of searches conducted and DIA discovered that the OLEV function for correlating/counting statistics had a flaw that caused it to overstate the number of searches. That flaw was corrected and OPC was provided with figures for searches that were obtained by directly querying the passport processing system rather than the OLEV function. These revised figures seemed more in line with what one might expect - given the potential for multiple searches required for each passport application.

Online transfer of data requires approval under of information matching rule 3. A pilot match was operated in 2003/04 without approval. An approval was granted in November 2003 for 12 months. A condition of that approval was that an audit be undertaken and the results provided to OPC by 30 September 2004 to ensure the online transfer was being operated securely. DIA failed to provide the audit results during the reporting period or apply for a new approval on the expiry of the old one. In September 2005 (after the end of the reporting period) a report on the operation of the expired approval, and a request for a new approval, were received and granted.

Scale of matching process

The scale of the match is appropriate. The matching involves different functional units within the Department of Internal Affairs Identity Services. No other agencies are involved.

Alternative methods to achieve results

As the checks are programed in to the system workflow, any alternative is likely to be less efficient to operate and probably more onerous for applicants.

3.4 Match results

DIA advise that almost all instances, where Passports staff cannot satisfactorily match the information supplied to the appropriate Citizenship record, are resolved by contacting the applicant for clarification.

Reporting on the operation of the match has been reviewed and changed to improve the basis on which the operation of the match is assessed.

Reporting on the match for the first two years was statistical. For 2005/06 DIA was asked to trial a new audit reporting process, because statistical reporting would not readily identify any weaknesses in the operation of the programme. A single audit report provided by DIA covers both passports matches because both matches use the OLEV system to process each passport application. From 2008/09 statistics were again requested to supplement the audit reports as the audit reports do not describe the scale of matching.

In 2002/03 the match operated for one week processing 44 applications. The match was only fully operated from October 2003.

	2003/04	2004/05
Searches	116,146	206,320
Referred to Citizenship	165	1,910
Resolved within 48 hours	22	97
Resolved within 10 days	37	484
Resolved in > 10 days	68	821
Unresolved at 30 June 2004	15	14
Passport application denied	0	0

For 2005/06, 2006/07 and 2007/08 audit reports only were relied upon assess the operation of the match. From 2008/09 on both audit reports and some statistical reporting have been used.

	2008/09	2009/10	2010/11	2011/12	2012/13
Passport applications	382,475	438,514	596,672	608,007	632,906
Possible matches to Citizenship records	336,169	460,999	522,672	573,136	488,459
Notice of adverse action (arising from failure to match)	1,094	694	778	744	855
Successful challenges	1,094	687	746	738	815
Passports issued (diplomatic, official and standard)	387,523	432,889	603,669	603,765	615,584

- Not all passport applications require matching to Citizenship records.
- Notices of adverse action are sent when Passports staff cannot satisfactorily match the information supplied to the appropriate Citizenship record. Almost all of these are resolved by contacting the applicant for clarification.
- The difference between the number of applications and the number of passports issued primarily reflects the number of applications being processed when statistics were compiled

Audit Results

This match is audited in conjunction with the BDM/DIA Passport Eligibility match, and the same audit results as reported above for the BDM/DIA Passport Eligibility match apply to this match.

3.5 Match operation

This programme was authorised in 2001 and commenced operation in 2003. It mirrors the BDM/DIA(P) Passport Eligibility Programme.

Possible matches from a copy of the Citizenship database are displayed to Passports staff as they process each application. The possible matches may involve one or more records. The details displayed include full name, date of birth, country of birth and the date that citizenship was granted. If the Passports staff are not able to confirm a match the file can be manually referred to Citizenship staff for resolution.

3.6 Match authorisation

Citizenship Act 1977 section 26A.

4. Births & Marriages/Citizenship Applications

4.1 Match objective

To verify a parent's citizenship status if required for determining an applicant's eligibility for New Zealand citizenship.

4.2 Recommendation

I recommend that this match should continue and have no suggested amendments to its operation.

4.3 Match assessment

The match is assessed against the criteria in section 98 of the Privacy Act 1993. In particular, I consider that:

Assessment summary

This match is an effective method of identifying eligibility. The match has generally been operated in a manner consistent with the information matching controls in the Privacy Act.

Financial cost/benefit and other outcomes

The costs of operation of the match are not separately accounted for from the costs of operating citizenship registration. However, I am satisfied that the programme is cost-effective, because alternatives would necessarily cost more.

Compliance/operational difficulties

The programme had some early minor operational and compliance difficulties, but these have been resolved.

- In 2006/07 the audit identified that the warning given of adverse action might not be adequate in all cases. This was resolved promptly by DIA.
- For 2008/09 DIA, instead of conducting an audit of the system as required, provided a letter advising that there has been no change to the process, and reporting on privacy training activities. This did not meet the annual reporting requirements set for the programme. In the absence of an up to date audit the assessment of compliance as necessary under the Act could not be reasonably completed. DIA therefore was required to provide additional statistical information so that, knowing the operation of the match had not changed, there was a sufficient basis to assess the programme. DIA supplied that additional information.

Scale of matching process

The scale of the match is appropriate. The matching involves different functional units within the Department of Internal Affairs Identity Services. No other agencies are involved.

Alternative methods to achieve results

As the checks are programed in to the system workflow, any alternative is likely to be less efficient to operate and probably more onerous for applicants.

4.4 Match results

DIA advises that almost all instances, where Citizenship staff cannot satisfactorily match the information supplied to the appropriate birth, death, marriage, or relationship record, are resolved by contacting the applicant for clarification.

Reporting on the operation of the match has been reviewed and changed to improve the basis on which the operation of the match is assessed.

Reporting on the match for the first year was statistical. From 2005/06 a new reporting process based upon an audit of the operation was trialled, because statistical reporting would not readily identify any weaknesses in the operation of the programme. From 2008/09 statistics were again requested to supplement the audit reports.

The match was only fully operated from March 2005.

2004/05

Applications	3,421
Register searches Births	2,359
Citizenship	5,478
Marriages	1,788
Person records created as a Births	445
result of a successful match Citizenship	219
Marriages	22
Referrals for further information	42
Section 103 notices issued	3
Successful challenges	2
Unsuccessful challenges	1

	2005/06	2006/07	2007/08
Citizenships by descent registered	6,483	7,278	8,040

	2008/09	2009/10	2010/11	2011/12	2012/13
Applications for citizenship by descent (may include more than one person)	6,918	9,044	9,397	10,004	10,846
Notice of adverse action (arising from failure to match)	8	5	9	7	9
Successful challenges	8	4	9	6	2
Citizenship by descent registered	7,936	8,373	8,814	9,331	10,587

- Notices of adverse action are sent when Citizenship cannot satisfactorily match the information supplied to the appropriate birth, death, marriage, or relationship record. Almost all of these are resolved by contacting the applicant for clarification.

- The difference between the number of applicants and the number registered is primarily due to the applicants not meeting eligibility criteria, rather than a failure to correctly match the record.

Audit Results

This match piloted the audit approach to reporting in 2005/06. Two issues were identified during the audit.

- The most recent version of the information matching agreement had not been provided to the Privacy Commissioner as required. This was supplied.
- There was an inconsistency between a clause in the information matching agreement and departmental practice on the issue of section 103 notices. The audit report recommended that DIA review the need to alter the clause by 1 October 2006.
- The audit found policies and guidelines for staff were adequate, and that operational practices supported and reflected the requirements of the information matching provisions in the Privacy Act.

The 2006/07 audit identified that adverse action notices to applicants did not give the required number of days warning that the application would be closed and returned. This was addressed by changing the letter template. The audit also recommended implementing staff training refresher courses.

The 2007/08 audit noted that the adverse action notices issue was resolved by 1 August 2007. And that staff training refresher courses were being provided, in response to the 2006/07 audit recommendation.

Subsequent audits found there were effective controls in place and no significant issues were identified. I have no current concerns with the operation of this match.

4.5 Match operation

This programme was authorised in 2001 and commenced operation in 2005.

This programme enables DIA Citizenship Office staff to verify information when processing applications involving:

- citizenship by descent;
- 1948 residence claims;
- claims regarding British people married to New Zealanders prior to 1949; and
- denials, renunciations and deprivations of citizenship.

DIA Citizenship Office staff enter into the Determinations Confirmation System (DCS) searchable information that includes family name, given name, date of birth, country of birth and Citizenship Certificate Number. The DCS searches copies of information from the births, deaths, marriages, and citizenship registers held together in the Data Aggregation Layer (DAL) and displays possible matches, which are verified manually against the information provided on the citizenship application form. If more than one individual's record matches the selection criteria, the user can enter more selection criteria to narrow down the search

results. If a clear match is not found, the applicant will be contacted for further identifying information and the application held pending their response.

Every search conducted using the DCS creates an auditable 'footprint' that provides protections against inappropriate browsing of personal information and could also be used in any investigation into a suspect grant of citizenship.

4.6 Match authorisation

Births, Deaths, and Marriages Registration Act 1995, section 78A.

5. Citizenship/BDM Citizenship by Birth

5.1 Match objective

To enable the Registrar-General to determine the citizenship-by-birth status of a person born in New Zealand on or after 1 January 2006, for the purpose of recording the person's citizenship status on his or her birth registration entry.

5.2 Recommendation

I recommend that this match should continue and have no suggested amendments to its operation.

5.3 Match assessment

The match is assessed against the criteria in section 98 of the Privacy Act 1993. In particular, I consider that:

Assessment summary

This match is an effective method of identifying eligibility. The match has generally been operated in a manner consistent with the information matching controls in the Privacy Act.

Financial cost/benefit and other outcomes

The costs of operation of the match are not separately accounted for from the costs of operating citizenship registration. However, I am satisfied that the programme would be highly likely to be considered cost-effective if costs were available.

Compliance/operational difficulties

The programme had an early misunderstanding of reporting requirements, but this has been resolved.

For 2008/09 DIA, instead of conducting an audit of the system, provided a letter advising that there had been no change to the process, and reporting on privacy training activities. This did not meet the annual reporting requirements set for the programme. In the absence of an up to date audit the assessment of compliance as necessary under the Act could not be reasonably completed. DIA therefore was required to provide additional statistical information so that, knowing the operation of the match had not changed, there was a sufficient basis to assess the programme. DIA supplied that additional information.

Scale of matching process

The scale of the match is appropriate. The matching involves different functional units within the Department of Internal Affairs Identity Services. No other agencies are involved.

Alternative methods to achieve results

As the checks are programed in to the system workflow, any alternative is likely to be less efficient to operate and probably more onerous for applicants.

5.4 Match results

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
Births registered	60,567	65,883	64,366	65,575	64,871	62,255	61,633
Notices of adverse action	1,139	1,506	1,703	1,489	1,470	1,425	1,495
Challenges received	133	219	378	310	398	347	269
Successful challenges	106	168	305	175	292	202	156
Citizenship by birth declined	1,003	1,338	1,398	1,314	1,178	1,314	1,393

Statistics were not requested for 2005/06.

Audit Results

This match used an audit approach to produce reporting in 2005/06 as a pilot. The audit report revealed that:

- all necessary match documentation was held
- policies and guidelines for staff were adequate
- operational practices supported and reflected the requirements of the information matching provisions in the Privacy Act.

The overall audit finding was that the match was being operated in a satisfactory manner, without any compliance issues.

Subsequent audits recommended the implementation of staff training refresher courses and confirmed their implementation.

5.5 Match operation

This programme was authorised in 2005 and started on 1 January 2006.

Birth registration application forms are scanned and loaded for overnight batch processing by DIA's Lifedata birth registration system. All potential matches identified by the system are displayed for an operator to review and select the correct match. Applications for which no parental match can be found on the Births Register are sent as an electronic file to the NZ Citizenship Office to confirm the citizenship status of a person's parent/s at the time of the person's birth.

Citizenship staff members check the relevant citizenship register or immigration records. Passport records are checked where a parent has indicated that he or she is a citizen or permanent resident of Australia, Tokelau, Niue or the Cook Islands. The record is updated with the results of the search and released back to BDM, normally on the same day it is received.

Where BDM cannot confirm that at least one of the parents is a citizen or permanent resident of either New Zealand, Australia, Cook Islands, Niue or Tokelau, BDM send a notice

of adverse action (s.103 letter) to the applicant. If no response to the letter is received by DIA within five working days of deemed delivery, the child's birth is registered but the register entry will record that the child is not a New Zealand citizen by birth.

5.6 Match authorisation

Citizenship Act 1977 section 26A.

6. Background:

6.1 Information matching

Information matching involves the comparison of one set of records with another, usually to find records in both sets that belong to the same person. Matching is commonly used to detect fraud in social assistance programmes, or to trace people who owe debts to the Crown, but can also be used ensure people get entitlements as in the case of the unenrolled voters matches.

Oversight of this growing area of activity is important to safeguard individuals and maintain transparency and trust in government. The Privacy Act regulates information matching through controls directed at:

- authorisation – ensuring that only programmes clearly justified in the public interest are approved
- operation – ensuring that programmes operate within the information matching framework
- evaluation – subjecting programmes to periodic review.

6.2 Section 106

Section 106 of the Privacy Act requires the Privacy Commissioner to undertake periodic reviews of the operation of each information matching provision and to consider whether:

- the authority conferred by each provision should be continued
- any amendments to the provision are necessary or desirable.

A periodic review is necessary to assess the ongoing value and suitability of a programme in light of experience operating the programme. A programme may lose effectiveness over time if hit rates have peaked or the wider context has changed.

To conduct these reviews I consider mainly the information matching guidelines set out in section 98 of the Privacy Act. In particular I focus on whether each provision:

- continues to achieve its objective by providing significant monetary benefits or other comparable benefits to society
- raises concern because of the scale of matching (because of the number of agencies involved, the frequency of matching, or the amount of personal information being disclosed)
- is operating within the information matching controls in the Privacy Act.