

**Approved information  
sharing agreement: between  
the Department of Internal  
Affairs and the Registrar-  
General, Births, Deaths and  
Marriages**

A report by the Privacy Commissioner  
to the Minister of Internal Affairs under  
section 96P of the Privacy Act 1993.

March 2019

## Executive Summary

This is my report on the approved information sharing agreement (AISA) between the Department of Internal Affairs (DIA) and the Registrar-General, Births, Deaths and Marriages.

The AISA was approved by the Privacy (Information Sharing Agreement between Department of Internal Affairs and Registrar-General) Order 2018 (2018/275) which came into force on 17 January 2019. This Order-in-Council was made under Part 9A of the Privacy Act 1993.

The purpose of this AISA is to facilitate the provision of and assessment of eligibility for identity services, registration of life events, and prevention, detection, investigation and prosecution of offences relating to life events or travel documents.

I am satisfied that the AISA meets the requirements set out in Part 9A of the Privacy Act, and in particular those set out in section 96N, as set out below.

This AISA is intended to permit the internal sharing of information between the identity and life event business units within DIA. I am satisfied that the overview of operational detail provided in this AISA (clause 13 and diagram at clause 7) meets the requirements of section 96I(2)(c) of the Privacy Act and gives sufficient information for people to understand how the programme will operate.

My detailed comments on the agreement are structured under headings that reflect the specific criteria for approved information sharing agreements in Section 96N of the Privacy Act.



John Edwards  
**Privacy Commissioner**

## Comments on the agreement

### 1. Does the information sharing agreement facilitate the provision of any public service or public services?

The AISA is intended to facilitate information sharing internally within various business units in DIA and between DIA and the Registrar-General, as per clause 6, for the purposes of the:

- (a) provision of identity services under the Births, Deaths, Marriages, and Relationships Registration Act 1995, the Citizenship Act 1977, the Citizenship (Western Samoa) Act 1982, the Passports Act 1992 and their regulations;
- (b) accurate and efficient registration of life events;
- (c) accurate and efficient assessment of eligibility for identity services; and
- (d) the prevention, detection, investigation and prosecution of crime.

These purposes meet the criteria of supporting the delivery of public services.

### 2. Is the type and quantity of personal information to be shared under the agreement no more than is necessary to facilitate the provision of that public service or those public services?

Under the proposed AISA, DIA will internally share personal information relating to life events and travel documents about an identifiable individual. The information will flow from Births, Deaths & Marriages, Customer Services, Citizenship, and Passports business units, and relates mainly to personal register details (for example, birth, death, marriage, civil union and name change registers), citizenship and travel document information, contact information, and administrative information (clause 9).

DIA has expressly excluded pre-adoptive birth registrations and pre-sexual assignment or reassignment birth registrations from the scope of the agreement, given the high level of sensitivity of that information and the potential serious consequences for the privacy of the individual were it to be shared inappropriately.

I am satisfied that the type and quantity of personal information to be disclosed under the AISA is reasonably necessary to achieve the policy objective of facilitating the provision of and assessment of eligibility for identity services, registration of life events, and prevention, detection, investigation and prosecution of crime.

### 3. Will the agreement unreasonably impinge on the privacy of individuals and contain adequate safeguards to protect their privacy?

I am satisfied that this agreement does not unreasonably impinge on the privacy of individuals and contains adequate safeguards to protect individuals' privacy.

These safeguards are important as the information sharing authorised by the agreement will enhance individual staff access to the personal information of the public interacting with DIA.

I note that among the safeguards the parties are required to:

- ensure information is transferred via secure mechanisms that meet mandated security standards (NZISM);
- have procedures for the appointment and training of authorised staff so that information is shared appropriately and is only used for the purposes specified in the agreement;
- regularly undertake internal 'first line assurance' (involving operational checking of their own work) and an internal audit on the operation of the agreement to check the safeguards are operating as intended, that they remain sufficient to protect the privacy of individuals, and to ascertain whether any issues have arisen in practice that need to be resolved; and
- regularly report on the operation of the agreement.

**4. Will the benefits of sharing personal information under the agreement be likely to outweigh the financial and other costs of sharing it?**

I am satisfied that this agreement will result in positive benefits that outweigh the costs of sharing the information. Consolidating the various business functions relating to identity services and travel documents within DIA under one single customer view framework will enable DIA to provide public services more efficiently.

**5. Are there any potential conflicts or inconsistencies between the sharing of personal information under the agreement and any other enactment, and have they been appropriately addressed?**

I am not aware of any potential conflicts between the agreement and any other enactment. Section 78AA of the Births, Deaths, Marriages, and Relationships Registration Act 1995 permits the disclosure of information under an AISA.

The AISA extends the information sharing included under section 26A and Schedule 4 of the Citizenship Act 1977. DIA is extending this under the authority provided by section 96B(3)(d)(i) of the Privacy Act. The extension is as follows:

Current Authorised Purposes under section 26A of the Citizenship Act 1977	Purposes in the Identity Services AISA
<ul style="list-style-type: none"> <li>• To verify whether a person is eligible to hold a New Zealand passport.</li> <li>• For the Registrar-General to be satisfied whether or not a person is a New Zealand citizen.</li> </ul>	<p><u>Purposes related to existing sharing under s 26A of the Citizenship Act 1977:</u></p> <ul style="list-style-type: none"> <li>• enable evidence of identity validation;</li> <li>• ensure eligibility requirements are met prior to the registration of a life event; and</li> <li>• ensure eligibility requirements are met prior to issuing a travel document.</li> </ul> <p><u>Purposes related to existing ad-hoc sharing being regularised through the AISA:</u></p> <ul style="list-style-type: none"> <li>• enable the prevention, detection, investigation and prosecution of offences, and the conduct of civil proceedings including judicial review, relating to life events or travel documents.</li> </ul> <p><u>Purposes related to new extensions in the context of sharing information for citizenship purposes:</u></p> <ul style="list-style-type: none"> <li>• create an on demand, temporary single view of an individual DIA customer to facilitate provision of identity services;</li> <li>• notify customers of services they may be entitled to;</li> <li>• ensure, when applying for additional identity services, that customers are not required to provide identity and life event records that DIA already holds;</li> <li>• ensure eligibility requirements are met for roles that require New Zealand citizenship;</li> <li>• cleanse or update identity and life event records upon the death of an individual; and</li> <li>• update identity and life event records upon the renunciation or deprivation of an individual's New Zealand citizenship.</li> </ul>

## 6. Reporting

Discussions are underway with DIA on what reporting is required for this AISA. I am confident that an appropriate reporting regime will be established.