



Privacy Commissioner  
Te Mana Mātāpono Matatapu

## Review of a statutory authority for information matching - Immigration Act 2009, s 295 – August 2023

Report by the Privacy Commissioner  
to the Minister of Justice pursuant to  
section 184 of the Privacy Act 2020 in  
relation to a review of the operation of  
an information matching provision:

Immigration Act 2009, s 295

August 2023

## Commissioner's Recommendation

In this report I reassess the ongoing value and suitability of the Immigration Act 2009, s 295 information matching provision. I last reviewed this provision in September 2022 and because it was not being used I committed to reviewing it again after one year.

Section 184 of the Privacy Act 2020 requires the Privacy Commissioner to carry out a review of the operation of each information matching provision at intervals of not more than 5 years and consider whether:

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

I consider that this information matching provision should be repealed.

My detailed assessment of the programme follows. Appendix A gives a brief background to information matching, section 184, and the approach I have taken in undertaking this review.



Michael Webster  
**Privacy Commissioner**

30 August 2023

## **Immigration Act 2009, s 295 - INZ/Justice Fines Defaulters Tracing information match**

### **1.1 Programme objective**

To enable the Ministry of Justice to locate people who have outstanding fines in order to enforce payment.

### **1.2 Recommendation**

I recommend that the authority conferred by section 295 of the Immigration Act 2009 should be repealed.

### **1.3 Programme assessment**

This programme was one of a number of initiatives that Justice have used to locate people with outstanding fines. The use of multiple sources of information contributes to the success of Justice's programme to recover outstanding fines. This programme was authorised, and operation commenced in 2006.

Justice stopped operating this programme on 28 September 2016 because of the significant level of manual work involved in retrieving the paper records and the relatively low return. In order for Justice to use the information on the arrival / departure cards efficiently, Justice would need digital access to this source of information. This access will shortly be available from the online arrival cards system, however Justice advise that they have no plans to work on reinstating this match.

#### *Previous reviews:*

The utility of this provision was previously assessed in the report "Immigration and Justice Matches" (September 2012), in a "Review of statutory authorities for information matching" (Sept 2017) and in Review of the Operation of Five Information Matching Provisions (Sept 2022).

## **Appendix A: Background to 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 programmes.

Oversight of this 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; and
- evaluation – subjecting programmes to periodic review.

### **Section 184**

Section 184 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, in particular, 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); and
- is operating within the information matching controls in the Privacy Act.