

26 August 2014

Judith Collins
Minister of Justice
Parliament Buildings

WELLINGTON 6160

Dear Minister

Proposed information exchange between Italy and the Ministry of Social Development

I am writing to let you know that I am satisfied that the proposed agreement is acceptable, and that it is reasonable to sign the agreement and issue the Order in Council.

The Ministry of Social Development negotiated a social security agreement with the Italian National Social Security Institute in 1998. The purpose of the agreement is to share responsibility for social security pensions for people who have entitlements from both countries.

Under the New Zealand Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act the agreement cannot come into force unless the Privacy Commissioner has reported to the relevant Ministers about:

- whether the agreement complies with New Zealand requirements and is in the public interest; and
- the adequacy of privacy protection in Italy.

Once the Order in Council is issued MSD and the Italian National of Social Security Institute will still need to agree a satisfactory Supplementary Administrative Arrangement covering the technical details, before information can be exchanged. MSD has drafted a satisfactory proposal and are seeking the agreement of the Italians.

A more detailed analysis is contained in the report that I have attached for your information. A summary of that report is as follows.

Compliance with New Zealand requirements

MSD has drafted a Supplementary Administrative Arrangement, specifying the information to be exchanged and how exchanges will be handled, that complies with New Zealand's law. If Italy agrees to the supplementary arrangement without material change, then I agree the information exchange can proceed and should be able to function successfully.

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If Italy does not agree to MSD's draft of the Supplementary Administrative Arrangement, it will be necessary for me to review and approve the amendments before the information exchange can take place.

Public interest

Small numbers of people will be affected by this particular agreement (fewer than 200 on current numbers). However, this is just one of an overall programme of superannuation agreements with other countries. The agreements aim to share financial obligations fairly between states, and the overall programme of agreements is financially significant for New Zealand.

In addition, the agreement may simplify the administrative arrangements for the individuals receiving superannuation.

There is therefore sufficient public interest in the programme.

Adequacy

I am also satisfied that Italy will provide adequate protection of privacy. Italy complies with European Union standards for privacy protection. It is therefore on a par with New Zealand's privacy law.

Conclusion

I do not oppose an Order in Council for this agreement.

If you need any further information, please contact me. I have also written to the Minister for Social Development to inform her of my decision.

Yours sincerely



John Edwards
Privacy Commissioner