

## Review of statutory authorities for information matching

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  
the:

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

Immigration Act 2009, section 300

Social Security Act 2018, schedule 6,  
clause 13

June 2021

## Commissioner's Recommendation

In this report I assess the ongoing value and suitability of the following three information matching provisions:

- Births, Deaths, Marriages, and Relationships Registration Act 1995, section 78A [BDM(Deaths)/IR Deceased Taxpayers Programme]
- Immigration Act 2009, section 300 [INZ/MoH Publically Funded Health Eligibility Programme]
- Social Security Act 2018, schedule 6, clause 13 [MSD/Justice Fines Defaulters Tracing Programme]

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 the authority conferred by these information matching provisions should be continued without amendment.

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



John Edwards  
Privacy Commissioner  
June 2021

**1. BDM(Deaths)/IR Deceased Taxpayers Programme** (Births, Deaths, Marriages, and Relationships Registration Act 1995, section 78A)

**1.1 Programme objective**

To identify taxpayers who have died so that IR can close their accounts.

**1.2 Recommendation**

I recommend that the authority conferred by section 78A of the Births, Deaths, Marriages, and Relationships Registration Act 1995 should be continued without amendment.

**1.3 Programme assessment**

*Financial cost/benefit and other outcomes*

The programme is a cost-effective approach to identifying people who have died and whose estate have not yet notified IR.

*Compliance/operational difficulties*

During 2019/20 incorrect matches were loaded to the new IR system and staff were not made sufficiently aware of a simple process to re-activate accounts.

*Scale of matching*

The scale of the programme is appropriate. The programme involves only two agencies and only information necessary to achieve the purposes of the programme is transferred.

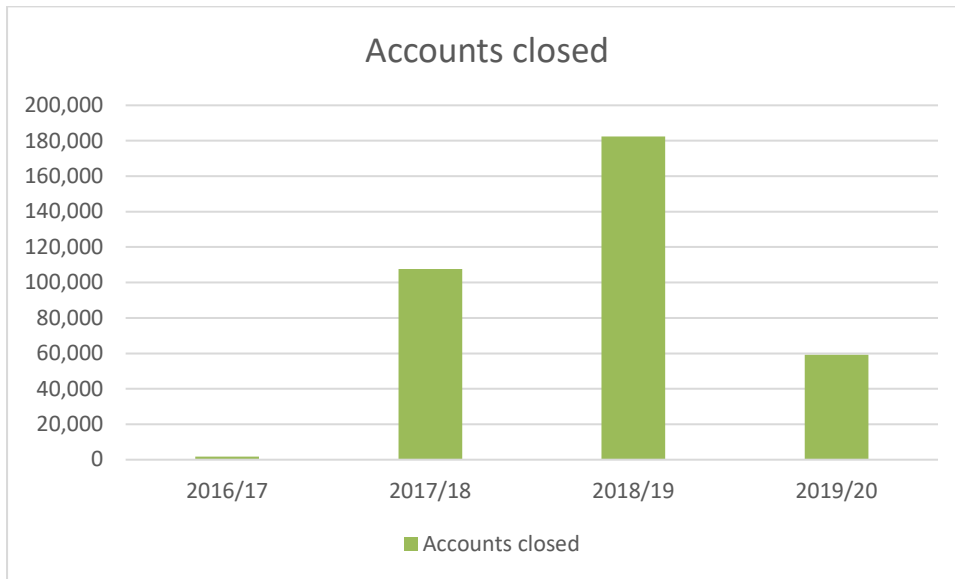
*Alternative methods to achieve results*

The programme serves as supplement to existing methods such as relying on notification from the executor of the deceased's estate.

*Amendment to the information matching provision*

No amendment to this provision is suggested. The provision is being replaced by an Approved Information Sharing Agreement (AISA).

## 1.4 Programme results



## 1.5 Programme operation

This programme was authorised by the Births, Deaths, Marriages, and Relationships Registration Act 1995, s.78A in 2001 and has operated since 2016.

BDM provides IR with records of newly deceased individuals. These records include full name, gender, date of birth, date of death, home address, spouse's details and other information that may help to confirm their identity.

The records are matched against IR records. Where the records clearly match and the deceased person's tax and social policy affairs do not require IR staff to take manual actions (for example, the account balance is nil), the account may be automatically closed.

Where the match is less certain, or the deceased person had debt or social policy obligations that require staff to take manual action staff check the match and manually close the account following standard IR processes.

## **2. INZ/MoH Publically Funded Health Eligibility Programme (Immigration Act 2009, section 300)**

### **2.1 Programme objectives**

The Ministry of Health (MoH) conducts a match with Immigration New Zealand (INZ) under section 300 of the Immigration Act 2009 to determine an individual's eligibility for access to publically funded health and disability support services.

### **2.2 Recommendation**

I recommend that the authorities conferred by section 300 of the Immigration Act 2009 should be continued without amendment.

### **2.3 Programme assessment**

#### *Financial cost/benefit and other outcomes*

The programme is a cost-effective approach to identify people who Public Health Organisations (PHOs) are claiming funding for, but who are not eligible for that funding.

The MoH estimate the programme costs \$226,000 for the last Information Match that took place in 2018. This matched 2.2 million patients which was double that in the previous Information Match. An approximate cost per million patients to operate is \$100,000. The MoH estimate that payments relating to people not eligible for funding amounting to approximately \$9,050,000 have been identified, and a further \$2,200,000 in payments relating to people who were eligible but overseas for more than 12 months. Savings from the programme result from stopping future payments to PHOs rather than from recoveries of past overpayments.

#### *Compliance/operational difficulties*

No compliance issues or operation difficulties with this programme have been identified.

#### *Scale of matching*

The scale of the programme is appropriate. INZ ensures that only the necessary data is provided to the MoH.

#### *Alternative methods to achieve results*

No alternative methods have been identified. The process operates as a 'backstop' to catch instances where the PHO has enrolled a person who is not eligible.

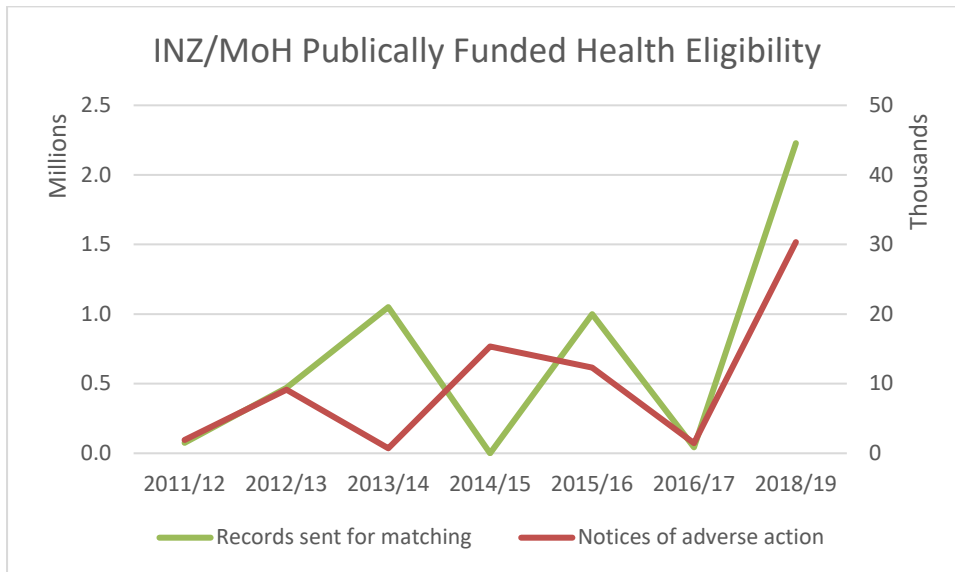
#### *Amendment to the information matching provision*

I have not received any advice from the MoH suggesting changes to the provision authorising this programme are needed. I am satisfied that the provision is suitably constrained and does not require amendment.

#### *Previous reviews:*

The utility of this provision was previously assessed in the report Unenrolled Voters Programme, INZ/MoH Publicly Funded Health Eligibility Programme Matches (August 2016).

## 2.4 Programme results



2013/14:- at 30 June 2014 the majority of notices were still to be sent out.

2014/15:- no new records were sent for matching while MoH dealt with the matches returned in June 2014.

2017/18: - no matching undertaken.

2019/20: - no matching undertaken as the 2018/19 match covered the remaining unmatched patients on the register and were still being followed up in 2019/20. MoH intend to resume matching in 2021 for new patients who have not already been matched.

## 2.5 Programme operation

MoH receives Enrolment Registers from PHOs. These lists of patients support the PHOs' claims for public funding.

MoH selects records either from particular providers to enable a review of the capitation funding provided to those practices ('Schedule 1' matches), or randomly selects them from across all PHO Enrolment Registers ('Schedule 2' matches).

INZ matches the records for MoH and returns any relevant immigration information. MoH then filters the matched records according to various eligibility criteria. MoH sends letters to people who appear to be ineligible for the public funding to give them the opportunity to provide evidence of eligibility. This constitutes notice of adverse action under section 103 of the Privacy Act 1993.

If the patient is not able to provide evidence of eligibility, MoH advises the PHO and requests that the PHO remove the ineligible person from the Enrolment Register and make no further claim for capitation payment for that person.

### **3. MSD/Justice Fines Defaulters Tracing Programme (Social Security Act 2018, schedule 6, clause 13)**

#### **3.1 Programme objective**

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

#### **3.2 Recommendation**

I recommend that the authority conferred by clause 13, schedule 6 of the Social Security Act 2018 should be continued without amendment.

#### **3.3 Programme assessment**

##### *Financial cost/benefit and other outcomes*

During the review period, this programme has been successful in providing Justice with contact information enabling it to collect a significant amount of unpaid fines.

##### *Compliance/operational difficulties*

In 2013, as part of a thematic review to support my assessment of agency compliance with destruction requirements set out in Part 10 and Schedule 4 of the Privacy Act, I assessed this programme as not compliant. Justice was not destroying information in accordance with the information matching agreement governing the programme. Justice modified its data retention processes to comply and provided confirmation that the issue was remedied in early 2015.

##### *Scale of matching*

While the number of records sent is significant, up to a maximum of 20,000 records per day, the amount of information disclosed by Justice to MSD is limited to name, date of birth and a unique identifier. I do not consider the scale of matching a concern.

##### *Alternative methods to achieve results*

This programme is one of a number of initiatives that Justice uses 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.

##### *Amendment to the information matching provision*

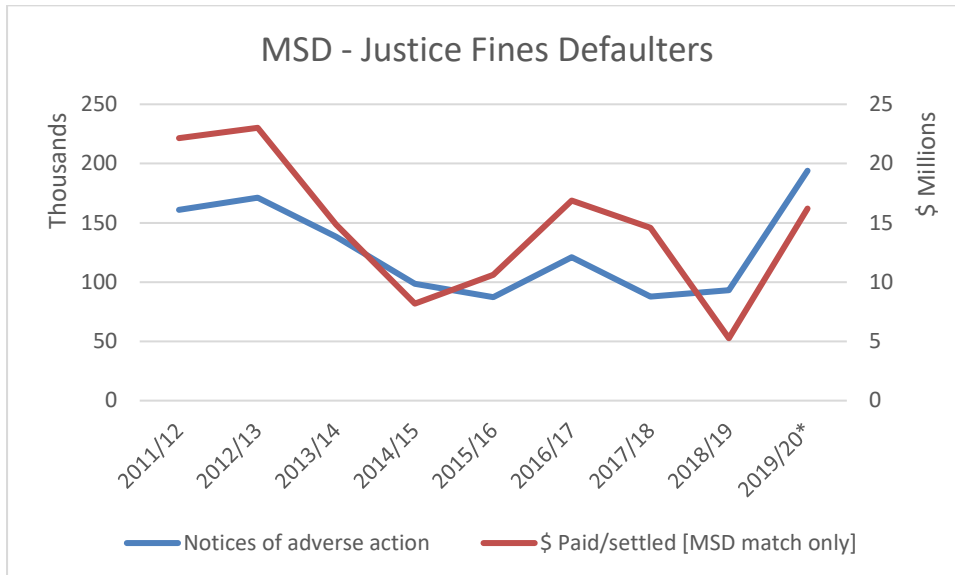
I have not received any advice from Justice suggesting amendments to the provision authorising this programme. I am satisfied that the provision is suitably constrained and does not require amendment.

##### *Previous reviews:*

The operation of this programme has been previously assessed in the reports Social Welfare, Unqualified Voters and Fines Defaulters Matches (April 2011) and Unqualified Voters, Justice Fines Defaulters and Working for Families Matches (June 2016).

### 3.4 Programme results

This programme operates in conjunction with the IR/Justice Fines Defaulters Tracing programme. For the purposes of this assessment, I report the value of payments that are attributed to this programme only.



These results do not include payment or settlements that may have also involved matching of information from Inland Revenue.

### 3.5 Programme operation

On a daily basis Justice send MSD details of fines defaulters with whom they have lost contact. The defaulters eligible for selection include those where Justice does not have a current address, and no current arrangement to pay is in place. Justice sends the full name, date of birth (and a unique identifier which is generated and used solely in this programme) for the selected fines defaulters.

MSD matches the Justice information with beneficiary full name and date of birth information held in its files. For matched records, MSD returns to Justice the last known residential address, postal address, residential, cell-phone and work phone numbers for the person, and the unique identifier originally provided by Justice. Match information is only provided for fines defaulters who have been in receipt of a benefit within the last two years, or where data has been confirmed as correct within the last two years.



## 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.