

16 April 2013

Hon Judith Collins  
Minister of Justice  
Parliament Buildings  
**WELLINGTON 6160**

Dear Minister

**Proposed information exchange between Malta and the Ministry of Social Development**

The Ministry of Social Development is currently negotiating a social security agreement with the Malta Department of Social Security. The purpose of the agreement is to share responsibility for social security pensions for people who have entitlements from both countries.

Under the Social Welfare (Transitional Provisions) 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 Malta.

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

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**

The information that is to be shared appears to be reasonable in the circumstances and not excessive. The scale of the programme is also reasonable.

The programme will operate using existing information systems that function successfully under the information matching rules in the Privacy Act. It appears that the programme should therefore be able to comply with New Zealand privacy requirements.

IM/0082/A317469

**Public interest**

Very small numbers of people will be affected by this particular agreement (fewer than 10 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 Malta will provide adequate protection of privacy. Malta 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



Katrine Evans  
**Assistant Commissioner (Legal & Policy)**