

7 September 2017

Hon Amy Adams
Minister of Justice
Parliament Buildings

WELLINGTON

Dear Minister

Proposed information exchange between Republic of Korea (South Korea) and the Ministry of Social Development

The Ministry of Social Development is currently negotiating a social security agreement with the South Korean National Pension Service. 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 1990 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 South Korea.

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

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.

I have attached for your information a more detailed analysis that this summary is based on.

Public interest

Very small numbers of people will be affected by this particular agreement (approximately 50 people on current numbers). However, this agreement continues a policy 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

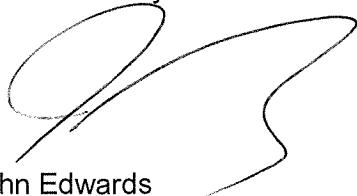
I am also satisfied that South Korea will provide adequate protection of privacy. In some aspects South Korean law provides for greater protection than New Zealand's current privacy law.

Conclusion

I support an Order in Council for this agreement.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'John Edwards', written over a white background.

John Edwards
Privacy Commissioner