

Privacy Commissioner's Submission to the Governance and Administration Committee 296-1

Executive summary

1. I am pleased to provide this submission on the Births, Deaths, Marriages, and Relationships Registration (BDMRR) Bill (the Bill). My office was extensively consulted by the Department of Internal Affairs during the development of this Bill.
2. The Bill seeks to modernise the current Births, Deaths, Marriages, and Relationships Registration Act 1995 (the Act).
3. The Bill deals with the collection, use, access and disclosure of important personal information about individuals from their birth and to their death. I support the Bill's intent to modernise and clarify the BDMRR process.
4. My comments relate to the amendments to allow for new digital and online channels to provide public access to births, deaths, marriages and relationships information. These amendments reflect my office's discussions with officials during the policy development process.

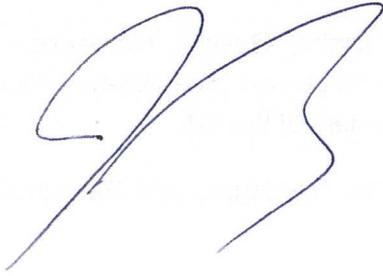
Clause 91 – Registrar-General may make certain information available to search online

5. The Act allows only for historic information to be available to search online. Clause 91 amends this position and provides a new provision allowing the Registrar-General to make certain births, deaths and marriage information available to search online.
6. My office has been consulted in the development of clause 91 and I have no concerns about the proposed changes.
7. I am pleased to note that the amendments allow for improved public access to births, deaths and marriage information while maintaining appropriate privacy safeguards.
8. These safeguards include requiring searchers to have a certain level of knowledge before a search can be undertaken (eg in the case of birth records the searcher needs the year of birth, the place and the person's name). This system appropriately protects against 'fishing expeditions' by allowing for searchers to confirm only information already held thereby also ensuring that the privacy of associated individuals is protected. For example, a marriage record search will confirm the fact of a marriage but will not reveal to whom the person was married.

9. These safeguards are similar to the *Scotland's People* model. I understand that Scotland has similar births, deaths and marriage access rules to New Zealand and they have operated their model since the late 1990s without any reported privacy breaches.

Conclusion

10. I trust that the comment included in this submission will assist the Committee.
11. I do not wish to speak to this submission but am happy to make myself available to the Committee if that would be of assistance.

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a final downward stroke.

John Edwards
Privacy Commissioner