

## Privacy Commissioner finds Immigration NZ in breach

18 August 2015

Privacy Commissioner John Edwards has referred a case to the Director of Human Rights Proceedings after finding Immigration New Zealand breached a migrant's privacy by failing to correct his date of birth.

The complainant came to New Zealand as a refugee in 2011 from Ethiopia.

Through no fault of his own, he arrived in New Zealand with incorrect information on his travel documents. His parents had died when he was very young and there was no record of his birth. Not knowing how old he was, his sponsor had the Ethiopian government issue a birth certificate saying he was born in early 2000. This estimated date was incorrect.

Immigration New Zealand took the birth certificate at face value and put the incorrect birth date on his refugee visa when he arrived.

After arriving in New Zealand the complainant began to question the accuracy of his birth date. He underwent medical testing that showed he was at least 3 years older than the date of birth recorded by Immigration New Zealand. In 2014, he obtained a new birth certificate from Ethiopia that listed his birth date as 1996. This meant he was at least 18 years old, in contrast to his visa that said he was only 14 years old.

On two occasions, the man asked Immigration New Zealand to amend his birth date. Immigration New Zealand refused, arguing that an individual's birth date forms a cornerstone of their identity, and changing it would set a dangerous precedent.

Privacy Commissioner John Edwards said "Like many government agencies, Immigration New Zealand has improved its systems and processes to safely manage the information it holds. However, they need to ensure that those systems can also respond to the specific circumstances of the individuals they work with.

"In this case, a young adult was being restricted from accessing things he was entitled to in New Zealand, such as a driver's licence, financial assistance from Studylink and WINZ and the adult minimum wage. Immigration New Zealand needed to look at these tangible effects of not changing his birth date rather than the theoretical risk of changing it."

Immigration New Zealand offered to add an 'amendment requested but not granted' note to the man's file. In some situations this approach provides a satisfactory solution, but in this case it was not sufficient because it would not enable the young man to access the services that he was excluded from due to age restrictions.

For more information, [read the case note](#).

ENDS

**Note for Editors**

Please note: we are exercising our [naming policy](#) in this case.

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