

Te Rau o te Tika - Justice System Kaupapa Inquiry

Requesting personal information

This factsheet provides information about how claimants in Te Rau o te Tika, the Waitangi Tribunal's Justice System Kaupapa Inquiry (Wai 3060) can request their personal information from government agencies.

The information in this factsheet has been prepared by Te Kāhui Rau Rikiriki, the team that is managing the Crown's response to the Inquiry.

You can email us at:

Crown.Wai3060@justice.govt.nz

Requesting personal information about yourself or someone else

Some claimants in the Justice System Kaupapa Inquiry may choose to request their personal information from government agencies so that they can include it in their evidence to the Inquiry.

Government agencies may hold records about you if you've ever spent time in a state institution like a prison, youth residence, care home – or if you've interacted with the courts or connected with the government in other ways.

What information can I request?

You can request information about yourself under the Privacy Act 2020, except for court records.

If you want to request information about someone else, you should request this under the Official Information Act 1982.

Advice for making a request

You may need to contact more than one agency to get all the records you need.

You may need to show ID, like a passport or New Zealand driver's license. This is to protect the privacy of the people who the records are about.

Give the agency as much information you can – for example, the type of record you're looking for, and the dates and locations, if you know them.

Who should I send the request to?

- To get copies of your personal records, you need to make requests to the agencies that control them.
- Archives NZ has a helpful summary of which agencies are responsible for different records, and contact details for each agency. [Personal records – Archives New Zealand](#)
- If you need some help identifying which agency may hold your records, you can ask Archives for help: [Ask an archivist – Archives New Zealand](#)
- You can find contact details on the next page for agencies that may be able to give you access to your personal records.

Agency	Records may include	Contact detail
Department of Corrections	<ul style="list-style-type: none"> Prison custody records Probation records Psychologist reports Rehabilitation programme records 	<ul style="list-style-type: none"> Email: info@corrections.govt.nz Post: Ministerial Services Department of Corrections PO Box 1206 Wellington 6140
Oranga Tamariki	<ul style="list-style-type: none"> Records on individuals – children in care and their families; adopted child and adoptive parents; foster carers. Records on residences, homes and other institutions – site details and policies; logs and registers; reports; administrative files; legal documents. 	<ul style="list-style-type: none"> Email: myrequest@ot.govt.nz Phone: 0508 326 459 (ask for Customer Information Requests)
New Zealand Police	<ul style="list-style-type: none"> Investigation files for identifiable individuals 'Use of force' records Police complaints 	<ul style="list-style-type: none"> You can use the online form here: Request for Personal Information New Zealand Police - online forms Post your request to NZ Police, PO Box 3017, Wellington 6011
Archives NZ	<ul style="list-style-type: none"> Records transferred to Archives NZ by the above agencies and their predecessor agencies Appraisal reports and disposal schedules relating to agency records and how long they are kept. 	<ul style="list-style-type: none"> To get copies of your personal records that may be held by Archives NZ, you need to make a request to the agency that controls them. Fill out this form for research help or to ask our archivists a question. Ask an archivist – Archives New Zealand
Ministry of Justice	<ul style="list-style-type: none"> Criminal conviction histories Legal aid records 	<ul style="list-style-type: none"> Click here to Get your own criminal record New Zealand Ministry of Justice Email: privacy@justice.govt.nz Phone: 04 918 8800 Post: Privacy Officer, Ministry of Justice, SX10088, Wellington
Courts	<ul style="list-style-type: none"> Youth Court records Coronial inquest files District Court files – including criminal proceedings Family Court files – including adoption, care of children domestic violence, family proceedings, 	<ul style="list-style-type: none"> Email or write to the registrar of the relevant court. See this link for contact details for each court

Costs

- Government agencies will provide most personal records for free.
- It's free to get a copy of your own criminal conviction history.
- You may need to pay a fee for a search for court records. Parties to proceedings do not need to pay a fee. People who are not parties to proceedings can request a waiver from the fees. Information about fees for accessing court records, and how to seek a waiver from the fees is here: <https://www.justice.govt.nz/about/news-and-media/media-centre/media-information/fees-for-access-to-court-documents/>

Court records have specific rules

- Court records have different rules, and are not subject to the Privacy Act or the Official Information Act.
- There are also different rules if you are a party to a court proceeding. A 'party' to court proceedings is a person who either makes an application to the court or is responding to an application. Parties to court proceedings may be called different names, depending on what kind of proceedings they are involved with.
- In criminal cases the parties are the prosecution and the defendant. A witness is not a party to the proceedings.
- In family court the parties are the applicant and the respondent. If a child's parents are involved in Family Court proceedings about the child, the parents are the parties to the proceedings. The child is not a party to the proceedings.

"Party to proceedings"

- People who are a party to the court proceedings are more likely to have a right to access the court records.
- You can apply for access to court documents by letter or email to the registrar of the relevant court (see [contact details](#)). Alternatively you can complete the [application for access to court documents](#) (PDF, 1332 KB).

If you are not a 'party to proceedings'

- If you are not a party to the court proceedings, many court records can only be accessed if a judge permits you to.
- You can apply for access to court documents by letter or email to the registrar of the relevant court (see [contact details](#)). Alternatively you can complete the [application for access to court documents](#) (PDF, 1332 KB).
- Make sure you include your name and contact details, and enough information about the document that it can be identified. You should also say why you want access to the document, and detail any conditions to access that you are prepared to meet, such as that you could view the document but not have a copy.
- It will help the process if you address any issues that are likely to arise. For example, if you were a child at the time of the court process, you will not be a party to proceedings and will need to explain why you want to access the records.
- It is important to note that in some circumstances the court will provide a copy of your request (including your name and address) to the parties to the relevant proceeding (or to their lawyer). They are able to say whether they object to the records being shared.

Requesting sensitive personal information as a claimant in Wai3060

- Some claimants in the Justice System Kaupapa Inquiry may choose to request their personal information so that they can include it in their evidence to the Inquiry. If you request your personal information by making a Privacy Act request to an agency, any information provided will be shared just with you or your lawyer. It will not be shared with all the other claimants. It will be your choice as to what information you include in any evidence that you provide to the Inquiry.
- However, any information submitted to the Waitangi Tribunal (or any court) as part of a hearing process, becomes part of the official record. Claimants can make a request to the Tribunal that information is treated confidentially, which usually means that the information is shared only with the Tribunal, its staff and the Crown.
- For most courts and tribunals, 100 years after the Tribunal or court process finishes, information that forms the court record becomes publicly available. Some records from the Waitangi Tribunal may be available to the public sooner than that.

Having difficulties or want to talk to someone about records?

- If you're having difficulties knowing how to access records and which agency to talk to, we're happy to point you in the right direction.
- Contact us at: Crown.Wai3060@justice.govt.nz

If you are unhappy with the response you've received:

If your complaint relates to a request to a government agency for your own information, you can make a complaint to the Privacy Commissioner:

- **Mail:** Privacy Commissioner, Office of the Privacy Commissioner, P O Box 10-094, Wellington 6143
- **Email:** enquiries@privacy.org.nz
- **Website:** www.privacy.org.nz

If your complaint relates to a request to a government agency for information about another person, you can make a complaint or seek an investigation and review of the agency's decision by the Ombudsman:

- **Mail:** The Ombudsman, Office of the Ombudsman, PO Box 10-152, Wellington 6143
- **Email:** info@ombudsman.parliament.nz
- **Website:** www.ombudsman.parliament.nz