

Hon Ginny Andersen
Minister of Justice

Proactive release: Government Response to the Report by the Privacy Commissioner on the Identity Verification Service information matching enabling provision

Date of issue: 25 July 2023

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
1.	Government Response to the Report by the Privacy Commissioner on the identity Verification Service information matching enabling provision <i>Cabinet Paper</i> Office of the Minister of Justice 21 July 2023	Released in full.
2.	Government Response to the Report by the Privacy Commissioner on the identity Verification Service information matching enabling provision <i>Cabinet Minute LEG-23-MIN-0102</i> Cabinet Office 21 July 2023	Released in full.

Office of the Minister of Justice

Chair, Cabinet Legislation Committee

Government Response to the Report by the Privacy Commissioner on the Identity Verification Service information matching enabling provision

Proposal

- 1 This paper seeks approval of the Government's response to the Privacy Commissioner's report '*Report by the Privacy Commissioner, pursuant to section 184 of the Privacy Act 2020, on the Identity Verification Service information matching enabling provision: Electronic Identity Verification Act 2012, s.39*' (the Report).

Background

- 2 Information matching involves the comparison of one set of records with another, to find records in both sets of data that relate to the same person. Some statutory provisions aim to detect fraud in social assistance programmes, or to trace people who owe debts to the Crown but can also be used to ensure people get entitlements.
- 3 The Privacy Commissioner has a regulatory role to monitor the use of this data to safeguard individuals and maintain transparency and trust in Government.
- 4 Section 184(1)(a) of the Privacy Act 2020 requires the Privacy Commissioner to, at intervals of not more than five years, review the operation of every information matching provision and consider whether:
 - the authority conferred by the information matching provision should be continued; and
 - any amendments to the provision are necessary or desirable.

The Privacy Commissioner's findings

- 5 The Privacy Commissioner considered the following information matching provision:
 - **Electronic Identity Verification Act 2012, s 39** – This provision, operated by the Department of Internal Affairs (DIA), enables the Identity Verification System (IVS) programme which underpins the RealMe system launched in 2013. IVS allows people to prove that they are who they say they are in online transactions. When people apply for electronic identity credentials the information matched that occur depend on which information and documents, they provide to establish their identity. Some checks are made during the online application process for people who apply using their passport or citizenship certificate. Checks of the birth, death, marriage, civil union, name

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change, passport, citizenship, or immigration records may also be made by IVS staff, for any type of application.

- 6 The Privacy Commissioner found that only the information necessary to confirm the identity credentials for a match against a particular dataset is used when making that match.
- 7 The Privacy Commissioner's Report considered that this information matching provision should be continued without amendment.

Comment on the Privacy Commissioner's recommendations

- 8 The draft Government response acknowledges and thanks the Privacy Commissioner for his Report.

Timing of the Government response – Section 185 of the Privacy Act 2020

- 9 The Privacy Commissioner's Report was presented to the House of Representatives on 2 May 2023, in accordance with section 185 of the Privacy Act 2020.
- 10 A Government response must be presented to the House within 6 months of the Privacy Commissioner's Report being presented. The latest date to present the Government response is 2 November 2023.

Consultation

- 11 The Department of Internal Affairs and the Office of the Privacy Commissioner have been consulted on the proposed Government response.

Financial implications

- 12 There are no financial implications arising from tabling the proposed Government response.

Publicity and proactive release

- 13 I intend to proactively release this Cabinet paper with appropriate redactions on the Ministry of Justice website, as soon as practicable after the Government response is tabled.

Recommendations

The Minister of Justice recommends that the Cabinet Legislation Committee:

- 1 **note** that on 2 May 2023 the Minister of Justice presented the '*Report by the Privacy Commissioner, pursuant to section 184 of the Privacy Act 2020, on the Identity Verification Service information matching enabling provision: Electronic Identity Verification Act 2012, s.39*' to the House;
- 2 **note** that the Privacy Commissioner recommended that the relevant information matching provision should be continued without amendment;

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- 3 **note** the submission of the Minister of Justice and in particular her advice that the Government acknowledges the report;
- 4 **approve** the Government response, attached to this submission, to the Privacy Commissioner's Report;
- 5 **note** that the Government response must be presented to the House by 2 November 2023; and
- 6 **invite** the Minister of Justice to present the Government response to the House in accordance with Standing Orders.

Authorised for lodgement

Hon Kiri Allan

Minister of Justice



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Government Response to the Report by the Privacy Commissioner on the Identity Verification Service information matching enabling provision

Portfolio **Justice**

On 22 June 2023, the Cabinet Legislation Committee:

- 1 **noted** that on 2 May 2023 the Minister of Justice presented the 'Report by the Privacy Commissioner, pursuant to section 184 of the Privacy Act 2020, on the Identity Verification Service information matching enabling provision: Electronic Identity Verification Act 2012, s.39' to the House;
- 2 **noted** that the Privacy Commissioner recommended that the relevant information matching provision should be continued without amendment;
- 3 **noted** the submission of the Minister of Justice and in particular her advice that the government acknowledges the report;
- 4 **approved** the government response, attached as an appendix to the submission under LEG-23-SUB-0102, to the Privacy Commissioner's Report;
- 5 **noted** that the government response must be presented to the House by 2 November 2023;
- 6 **invited** the Minister of Justice to present the government response to the House in accordance with Standing Orders.

Rebecca Davies
Committee Secretary

Present:

Hon Andrew Little (Chair)
Hon Willow-Jean Prime
Hon Dr Duncan Webb

Officials present from:

Office of the Prime Minister
Officials Committee for LEG