

**Hon Kiri Allan**  
Minister of Justice

**Proactive release – Government Response to Privacy Commissioner’s Report,  
Review of statutory authorities for information matching**

Date of issue: 4 May 2023

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

No.	Document	Comments
1	<b>Government Response to Privacy Commissioner’s Report, Review of statutory authorities for information matching</b> <i>Cabinet paper</i>  Office of the Minister of Justice 30 March 2023	Released in full.
2	<b>Government Response to Privacy Commissioner’s Report, Review of statutory authorities for information matching</b> <i>Report</i>  Cabinet Office 30 March 2023	This document has been withheld because it is publicly available at <a href="https://bills.parliament.nz/v/4/6157ae2c-d6b4-4625-173f-08db362ee9b6">https://bills.parliament.nz/v/4/6157ae2c-d6b4-4625-173f-08db362ee9b6</a>
3	<b>Government Response to Privacy Commissioner’s Report, Review of statutory authorities for information matching</b> <i>Cabinet minute</i> <i>LEG-23-MIN-0024</i>  Cabinet Office 30 March 2023	Released in full.

## IN CONFIDENCE

Office of the Minister of Justice

Chair, Cabinet Legislation Committee

### **Government Response to the Privacy Commissioner's Report *Review of statutory authorities for information matching***

#### **Proposal**

- 1 This paper seeks approval of the Government's response to the Privacy Commissioner's report '*Review of statutory authorities for information matching*'.

#### **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.
- 5 Section 185 of the Privacy Act 2020 requires the responsible Minister to present a copy of a report under section 184 and provide a Government response to the House of Representatives.

#### **The Privacy Commissioner's findings**

- 6 The Privacy Commissioner considered the following information matching provisions:
  - **Births, Deaths, Marriages, and Relationships Registration Act 1995, s 78A** - This provision includes authorisation for the Registrar-General to provide death information to Immigration New Zealand (INZ) so that INZ can identify and remove or update the records of people who are

deceased from the INZ database of overstayers and temporary visa holders.

- **Citizenship Act 1977, s 26A** - The Department of Internal Affairs and INZ match information to remove from the INZ over-stayer records the names of people who have been granted New Zealand citizenship.
- **Corrections Act 2004, s 181 and Immigration Act 2009, s 294** – The Department of Corrections and INZ match information to identify prisoners who fall within the deportation provisions of the Immigration Act 2009 as a result of their criminal convictions.
- **Customs and Excise Act 201, s 310** – New Zealand Customs Service and the responsible department (generally the Ministry of Justice) match information to improve the enforcement of fines by identifying serious fines defaulters as they cross New Zealand borders, and to increase voluntary compliance through publicity about the programme targeted at travellers.
- **Immigration Act 2009, s 295** – INZ and the responsible department (generally the Ministry of Justice) match information to enable the Ministry of Justice to locate people who have outstanding fines in order to enforce payment.
- **Tax Administration Act 1994, Schedule 7 Part C subpart 2 cl 43** – Inland Revenue Department and the Ministry of Justice match information to enable the Ministry of Justice to locate people who have outstanding fines to enforce payment.

- 7 The Privacy Commissioner considered that the relevant information matching provisions should be continued without amendment.
- 8 The Privacy Commissioner intends to review the utility of section 295 of the Immigration Act 2009 again in 12 months as it is currently not used. The Ministry of Justice stopped operating this programme in September 2016 due to the significant level of manual work involved in retrieving the paper records and the relatively low return.
- 9 The Ministry of Justice is currently considering possible approaches to make the match cost effective. The Privacy Commissioner considers that the Ministry of Justice needs to show progress on developing options to make this match efficient and effective.

#### **Comment on the Privacy Commissioner's recommendations**

- 10 The draft Government response acknowledges and thanks the Privacy Commissioner for his report.

## Timing of the Government response

- 11 The Government response must be presented to the House by 12 April 2023.

## Consultation

- 12 Consultation with the following agencies and Ministers has been undertaken: Office of the Privacy Commissioner, Department of Internal Affairs, New Zealand Customs Service, Department of Corrections, Immigration New Zealand, and Inland Revenue Department.

## Financial implications

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

## Publicity and proactive release

- 14 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 11 October 2022 the Minister of Justice presented the Privacy Commissioner's report to the House entitled '*Review of statutory authorities for information matching*'.
- 2 **note** that the Privacy Commissioner recommended that the relevant information matching provisions should be continued without amendment.
- 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 Report of the Privacy Commissioner entitled '*Review of statutory authorities for information matching*'.
- 5 **note** that the Government response must be presented to the House by 12 April 2023.
- 6 **invite** the Minister of Justice to present the Government response to the House in accordance with Standing Order 252.

Authorised for lodgement

Hon Kiri Allan

Minister of Justice





# Cabinet Legislation Committee

## Minute of Decision

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*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.*

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### Government Response to the Privacy Commissioner's Report 'Review of Statutory Authorities for Information Matching'

Portfolio                      Justice

On 30 March 2023, the Cabinet Legislation Committee:

- 1        **noted** that on 11 October 2022, the Minister of Justice presented the Privacy Commissioner's report to the House entitled '*Review of statutory authorities for information matching*';
- 2        **noted** that the Privacy Commissioner recommended that the relevant information matching provisions should be continued without amendment;
- 3        **noted** the submission of the Minister of Justice and in particular the advice that the government acknowledges the report;
- 4        **approved** the government response, attached to this submission, to the Report of the Privacy Commissioner entitled '*Review of statutory authorities for information matching*';
- 5        **noted** that the government response must be presented to the House by 12 April 2023;
- 6        **invited** the Minister of Justice to present the government response to the House in accordance with Standing Order 381.

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Grant Robertson (Chair)  
Hon Kiri Allan  
Hon Andrew Little  
Hon David Parker  
Hon Kieran McAnulty  
Hon Barbara Edmonds  
Hon Dr Duncan Webb  
Hon Willow-Jean Prime  
Tangi Utikere, MP (Chief Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG