

27 October 2023

Section 9(2)(a)

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Our ref: OIA 107289

Tēnā koe Section 9(2)(a)

Official Information Act request: Criminal Records (Clean Slate) Act 2004

I refer to your email of 2 September 2023, to the New Zealand Police requesting information relating to the Criminal Records (Clean Slate) Act 2004 (the Act). On 8 September 2023, your request was transferred to the Ministry of Justice (the Ministry). Specifically, you requested:

Can you please confirm that a Traffic and Criminal History, that is disclosed under the Criminal Disclosure Act 2008 will include EVERY conviction that a person has regardless of whether those convictions are covered by the Criminal Records (Clean Slate) Act 2004, or not.

Your request has been referred to me for response and is being managed in accordance with the provisions of the Official Information Act 1982.

As you may be aware, the Ministry holds criminal records. A prosecuting agency may request from the Ministry the full disclosure of a specified individual's criminal record, including any previous convictions that might otherwise be able to be concealed under the clean slate scheme.

For a request of this kind to be accepted for consideration by the Ministry, the request must include:

- the full name and date of birth of the individual
- the reason for the full disclosure request (e.g., for purposes of prosecution)
- the relevant principle(s) of the Privacy Act 2020, and
- the relevant exception(s) under section 19 of the Criminal Records (Clean Slate) Act 2004 (e.g., the eligible individual's criminal record is relevant to any criminal or civil proceedings).

The Ministry does not keep a record of the number of declined (or approved) requests made by prosecuting agencies. The Ministry cannot confirm that every record disclosed under the Criminal Disclosure Act 2008 will include every conviction, every time.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'S. Wheeler', with a stylized flourish at the end.

Sally Wheeler
Acting General Manager, Criminal Justice