



Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Amendment Order 2023

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 15th day of May 2023

Present:

Her Excellency the Administrator of the Government in Council

This order is made under section 145 of the Privacy Act 2020—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Revenue made in accordance with section 149 of that Act.

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Order

1 Title

This order is the Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Amendment Order 2023.

2 Commencement

This order comes into force on 1 July 2023.

3 Principal order

This order amends the Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Order 2017.

4 Clause 3 amended (Interpretation)

- (1) In clause 3(1), definition of **Act**, replace “1993” with “2020”.
- (2) In clause 3(1), definition of **information privacy principle**, replace “section 6” with “section 22”.
- (3) In clause 3(1), definition of **personal information**, replace “section 2(1)” with “section 7(1)”.
- (4) In clause 3(1), replace the definition of **Revenue Acts** with:
Revenue Acts means the Acts referred to in section 16C(1) of the Tax Administration Act 1994
- (5) In clause 3(2), replace “Part 9A” with “subpart 1 of Part 7”.

5 Clause 4 amended (Information sharing agreement approved)

In clause 4(2), after “, as amended in September 2021”, insert “and July 2023”.

6 Clause 6 amended (Purposes for which information may be shared)

After clause 6(e), insert:

- (f) testing systems and processes to enable subsequent sharing and use for any purpose in paragraphs (a) to (e) where sharing for such a purpose is either already occurring or is reasonably anticipated;
- (g) statistical analysis and research for any purpose in paragraphs (a) to (d).

7 Clause 9 amended (Public services that agreement is intended to facilitate)

After clause 9(d), insert:

- (e) research and analysis for any purpose in paragraphs (a) to (d).

8 Clause 11 amended (How parties may use personal information)

In clause 11(3), replace “the purpose described in clause 6(e)” with “any purpose in clause 6(e), (f), or (g)”.

9 Clause 12 amended (Adverse actions)

In clause 12(6), replace “the purpose set out in clause 6(e)” with “any purpose in clause 6(e), (f), or (g)”.

10 New clause 12A inserted (Procedure for adverse actions by Ministry of Social Development in relation to child support payments)

After clause 12, insert:

12A Procedure for adverse actions by Ministry of Social Development in relation to child support payments

- (1) This clause applies to adverse actions in respect of benefits (for example, a decision to reduce or suspend the benefit).
- (2) The agreement provides that the Ministry of Social Development will not provide notice of an adverse action under section 152 of the Act in respect of adverse actions specified in Schedule 2 of the agreement that may be taken by the Ministry in relation to child support payments.
- (3) Before taking any of those adverse actions against an individual as a result of sharing personal information under the agreement, the Ministry must comply with—
 - (a) all applicable internal policies and guidelines of the Ministry; and
 - (b) the Solicitor-General’s Prosecution Guidelines (as applicable).
- (4) The Ministry must, immediately after any decision to reduce or suspend a benefit, take steps that are reasonable to notify the individual of—
 - (a) the details of their benefit change; and
 - (b) their right to review and appeal the Ministry’s decision.

11 Clause 13 amended (Procedure before adverse action taken)

- (1) In the heading to clause 13, replace “**adverse action**” with “**other adverse actions**”.
- (2) In clause 13(1)(a), replace “section 96R(a)(ii)” with “section 153(a)(ii) of the Act”.
- (3) In clause 13(1)(a), replace “section 96Q” with “section 152”.

- (4) In clause 13(1)(b), replace “section 96R(a)(ii)” with “section 153(a)(ii) of the Act”.
- (5) In clause 13(1)(b), replace “section 96Q” with “section 152”.
- (6) After clause 13(6), insert:
- (7) This clause does not apply to adverse actions referred to in clause 12A (that is, by the Ministry of Social Development in relation to child support payments).

12 Schedule 2 of Act amended

- (1) This clause amends the Privacy Act 2020.
- (2) In Schedule 2, item relating to the Information Sharing Agreement Between Ministry of Social Development and Inland Revenue Department, second column, insert as the last item:
Administration, research, and analysis for the purposes set out in the agreement for which information may be shared

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 July 2023, amends the Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Order 2017 (the **principal order**). That order approves the information sharing agreement entered into in July 2017 under the Privacy Act 2020 (the **Act**) between the following:

- the Inland Revenue Department (**IRD**);
- the Ministry of Social Development (**MSD**).

The major change made by this order relates to information sharing between IRD and MSD in relation to child support payments. The agreement provides (in accordance with section 153(a)(ii) of the Act) that MSD may dispense with the requirement under section 152 of the Act to give notice of adverse action against an individual where the adverse action is in relation to child support and is as a result of the sharing of personal information with IRD about that individual.

This order specifies the procedure that MSD must follow before taking adverse action against an individual.

In addition, changes are made to update the principal order in respect of changes made to the agreement after September 2021.

**Privacy (Information Sharing Agreement between
Inland Revenue and Ministry of Social Development)
Amendment Order 2023**

2023/80

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This order is administered by the Inland Revenue Department.

Wellington, New Zealand:

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