

Version  
as at 15 June 2023



**Privacy (Information Sharing Agreement between  
Registrar-General and New Zealand Police) Order 2019**  
(LI 2019/231)

Patsy Reddy, Governor-General

**Order in Council**

At Wellington this 23rd day of September 2019

Present:

Her Excellency the Governor-General in Council

This order is made under sections 96J to 96L of the Privacy Act 1993 and section 78AA of the Births, Deaths, Marriages, and Relationships Registration Act 1995—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Police made in accordance with section 96N of the Privacy Act 1993.

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**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This order is administered by the New Zealand Police.**

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## **Order**

- 1 Title**  
This order is the Privacy (Information Sharing Agreement between Registrar-General and New Zealand Police) Order 2019.
- 2 Commencement**  
This order comes into force on 24 October 2019.
- 3 Interpretation**  
(1) In this order, unless the context otherwise requires,—  
**Act** means the Privacy Act 1993

**agreement** means the information sharing agreement approved under clause 4

**BDMRR Act** means the Births, Deaths, Marriages, and Relationships Registration Act 2021

**information privacy principle** means an information privacy principle in section 6 of the Act

**non-disclosure direction** has the same meaning as in section 4 of the BDMRR Act

**NZ Police** means the New Zealand Police

**personal information** has the same meaning as in section 2(1) of the Act

**Registrar-General** has the same meaning as in section 4 of the BDMRR Act.

- (2) Any term that is used but not defined in this order has the same meaning as in Part 9A of the Act.

Clause 3(1) **BDMRR Act**: amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Clause 3(1) **non-disclosure direction**: amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Clause 3(1) **Registrar-General**: amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

#### **4 Information sharing agreement approved**

- (1) The information sharing agreement described in subclause (2) is approved.
- (2) The information sharing agreement is the Information Sharing Agreement between the Registrar-General and the New Zealand Police made on 9 September 2019.
- (3) The agreement comes into force on the day on which this order comes into force.

#### *Parties and lead agency*

#### **5 Parties to agreement and designation of lead agency**

- (1) The parties to the agreement are—
  - (a) the Registrar-General; and
  - (b) NZ Police.
- (2) The lead agency is NZ Police.

#### *Purpose for which information may be shared*

#### **6 Purpose for which information may be shared**

- (1) The agreement authorises the Registrar-General to share personal information with NZ Police for the purpose of assisting NZ Police to perform its functions relating to the maintenance of the law specified in section 9 of the Policing Act 2008.

- (2) The sharing of personal information furthers this purpose by improving the accuracy of the personal information held by NZ Police on its national database of identity information, which will enable NZ Police to—
  - (a) correctly identify individuals (for example, by linking identities, or detecting and correcting false identity information); and
  - (b) protect the identity of individuals who have a non-disclosure direction in force in respect of their birth information or name change information.

*Public services that agreement facilitates*

**7 Public services that agreement is intended to facilitate**

The public services that the agreement is intended to facilitate are to enable NZ Police to—

- (a) more effectively perform its functions specified in section 9(a) to (h) of the Policing Act 2008; and
- (b) intervene to prevent harm to an individual or to the public.

*Personal information that may be shared under agreement*

**8 Personal information that may be shared under agreement**

- (1) When the death of an individual is registered under section 46 of the BDMRR Act, the Registrar-General may share with NZ Police the information described in item 1 of Schedule 1.
- (2) When an individual's name change is registered under section 71 (if the individual's birth is registered in New Zealand) of the BDMRR Act, the Registrar-General may share with NZ Police the information described in item 2 of Schedule 1.
- (3) When an individual's name change is registered under section 71 (if the individual's birth cannot be registered in New Zealand) of the BDMRR Act, the Registrar-General may share with NZ Police the information described in item 3 of Schedule 1.
- (4) When a non-disclosure direction is made or withdrawn or expires in relation to an individual's birth information, the Registrar-General may share with NZ Police the information described in item 4 of Schedule 1.
- (5) When a non-disclosure direction is made or withdrawn or expires in relation to an individual's name change registered under section 71 (if the individual's birth is registered in New Zealand) of the BDMRR Act, the Registrar-General may share with NZ Police the information described in item 5 of Schedule 1.
- (6) When a non-disclosure direction is made or withdrawn or expires in relation to an individual's name change registered under section 71 (if the individual's birth cannot be registered in New Zealand) of the BDMRR Act, the Registrar-

General may share with NZ Police the information described in item 6 of Schedule 1.

- (7) As soon as is reasonably practicable after the date on which the agreement comes into force (the **commencement date**), the Registrar-General may share with NZ Police on 1 occasion only,—
- (a) in respect of an individual whose birth information is subject to a non-disclosure direction at the commencement date, the information specified in item 4(a), (b), (c), and (d)(i) of Schedule 1; and
  - (b) in respect of an individual whose name change information is subject to a non-disclosure direction at the commencement date, and whose birth is registered in New Zealand, the information specified in item 5(a), (b), (c), (d), and (e)(i) of Schedule 1; and
  - (c) in respect of an individual whose name change information is subject to a non-disclosure direction at the commencement date, and whose birth is not registered in New Zealand, the information specified in item 6(a), (b), (c), and (d)(i) of Schedule 1.

Clause 8(1): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Clause 8(2): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Clause 8(3): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Clause 8(5): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Clause 8(6): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

## **9 How NZ Police may use personal information**

- (1) NZ Police may use the personal information set out in Schedule 1 for the purpose specified in clause 6.
- (2) Personal information shared by the Registrar-General with NZ Police will be compared by NZ Police with the personal information held by NZ Police on its national database of identity information.
- (3) As a result of that comparison, NZ Police's national database of identity information may be amended by NZ Police to—
  - (a) record an individual as deceased;
  - (b) record an individual's name change;
  - (c) record that a non-disclosure direction in respect of an individual's birth or name change information—
    - (i) is in force; or
    - (ii) has been withdrawn; or
    - (iii) has expired.

*Exemptions from information privacy principles***10 Exemption from information privacy principle 2 (source of personal information)**

- (1) Subclause (2) exempts NZ Police from information privacy principle 2.
- (2) It is not a breach of information privacy principle 2 if—
  - (a) personal information is collected by NZ Police from the Registrar-General; and
  - (b) the collection of that information is—
    - (i) in accordance with the agreement; and
    - (ii) for the purpose stated in clause 6.

**11 Exemption from information privacy principle 11 (limits on disclosure of personal information)**

- (1) Subclause (2) exempts the Registrar-General from information privacy principle 11.
- (2) It is not a breach of information privacy principle 11 if—
  - (a) personal information is disclosed by the Registrar-General to NZ Police; and
  - (b) the information is disclosed—
    - (i) in accordance with the agreement; and
    - (ii) for the purpose stated in clause 6.

*Adverse actions***12 Adverse actions**

- (1) The Registrar-General will not take any adverse action as a result of the sharing of personal information under the agreement.
- (2) NZ Police can reasonably be expected to take the following adverse actions against an individual as a result of the sharing of personal information under the agreement:
  - (a) intervene to prevent crime:
  - (b) investigate offences:
  - (c) detain a person:
  - (d) arrest a person:
  - (e) prosecute offences.

**13 Procedure before taking adverse action**

- (1) Before taking any adverse action against an individual as a result of the sharing of personal information under the agreement, NZ Police must—

- (a) take reasonable steps to confirm the accuracy of the information; and
  - (b) comply with—
    - (i) all applicable internal policies and guidelines; and
    - (ii) all applicable legislation; and
    - (iii) the Solicitor-General’s Prosecution Guidelines (if applicable); and
  - (c) have regard to the principles of natural justice.
- (2) The agreement provides that, in accordance with section 96R(a)(ii) of the Act, NZ Police will not provide notice of adverse action under section 96Q of the Act in the following circumstances:
- (a) if, as a result of the sharing of the personal information, NZ Police has reasonable grounds to suspect that an offence has been, or will be, committed and the personal information is relevant to the prevention, detection, investigation, or prosecution of that offence; or
  - (b) if notice of the adverse action may defeat the purpose of taking the action.

*Miscellaneous*

**14 How to access agreement**

- (1) A copy of the agreement is available online at <https://www.police.govt.nz> and <https://www.dia.govt.nz>
- (2) A copy of the agreement is also available at New Zealand Police Headquarters, 180 Molesworth Street, Wellington 6011.

**15 Schedule 2A of Privacy Act 1993 amended**

- (1) This clause amends the Privacy Act 1993.
- (2) In Schedule 2A, after the item relating to the information sharing agreement between the Ministry of Social Development and New Zealand Customs, insert the item set out in Schedule 2 of this order.

## Schedule 1

### Personal information that Registrar-General may share with NZ Police

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Item	Information	Description
1	Death information if an individual's death is registered in New Zealand	In the case of an individual whose death is registered in New Zealand, information relating to the individual's death that is maintained by the Registrar-General under the BDMRR Act
2	Name change information if an individual's name change is registered, and the individual's birth is registered in New Zealand	In the case of an individual whose name change is registered, and whose birth is registered in New Zealand,— (a) information relating to the individual's name change that is maintained by the Registrar-General under the BDMRR Act; and (b) the individual's birth information as currently registered, including all previous name changes (if any)
3	Name change information if an individual's name change is registered, but the individual's birth is not registered in New Zealand	In the case of an individual whose name change is registered, but whose birth is not registered in New Zealand, information relating to the individual's name change that is maintained by the Registrar-General under the BDMRR Act
4	Non-disclosure direction made, withdrawn, or expired in relation to an individual's birth information	In the case of an individual who requests a non-disclosure direction in respect of their birth information, or who (or on whose behalf) a request is made to withdraw a non-disclosure direction in respect of their birth information,— (a) the information relating to the individual's request that is maintained by the Registrar-General under the BDMRR Act; and (b) the individual's birth information as currently registered; and (c) the date on which the non-disclosure direction was made; and (d) the date on which the non-disclosure direction— (i) will expire; or (ii) was withdrawn (if the non-disclosure direction was withdrawn)
5	Non-disclosure direction made, withdrawn, or expired in relation to an individual's name change information, if the individual's birth is registered in New Zealand	In the case of an individual whose birth is registered in New Zealand and who requests a non-disclosure direction in respect of their name change information, or who (or on whose behalf) a request is made to withdraw a non-disclosure direction in respect of their name change information,— (a) the information relating to the individual's request that is maintained by the Registrar-General under the BDMRR Act; and (b) information relating to the individual's name change that is maintained by the Registrar-General under the BDMRR Act; and



<b>Item</b>	<b>Information</b>	<b>Description</b>
		<ul style="list-style-type: none"><li>(c) the individual's birth information as currently registered; and</li><li>(d) the date on which the non-disclosure direction was made; and</li><li>(e) the date on which the non-disclosure direction—<ul style="list-style-type: none"><li>(i) will expire; or</li><li>(ii) was withdrawn (if the non-disclosure direction was withdrawn)</li></ul></li></ul>
6	Non-disclosure direction made, withdrawn, or expired in relation to an individual's name change information, if the individual's birth is not registered in New Zealand	<p>In the case of an individual whose birth is not registered in New Zealand and who applies for a non-disclosure direction in respect of their name change information, or who (or on whose behalf) a request is made to withdraw a non-disclosure direction in respect of their name change information,—</p> <ul style="list-style-type: none"><li>(a) the information relating to the individual's request that is maintained by the Registrar-General under the BDMRR Act; and</li><li>(b) information regarding to the individual's name change that is maintained by the Registrar-General under the BDMRR Act; and</li><li>(c) the date on which the non-disclosure direction was made; and</li><li>(d) the date on which the non-disclosure direction—<ul style="list-style-type: none"><li>(i) will expire; or</li><li>(ii) was withdrawn (if the non-disclosure direction was withdrawn)</li></ul></li></ul>

**Schedule 2**  
**Amendment to Schedule 2A of Privacy Act 1993**

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Information Sharing Agreement between Registrar-General and New Zealand Police made on 9 September 2019	Assisting NZ Police to perform its functions relating to the maintenance of the law specified in section 9 of the Policing Act 2008	<a href="https://www.police.govt.nz">https://www.police.govt.nz</a> <a href="https://www.dia.govt.nz">https://www.dia.govt.nz</a>	New Zealand Police	(a) death information if an individual's death is registered in New Zealand:
				(b) name change information if an individual's name change is registered, and the individual's birth is registered in New Zealand:
				(c) name change information if an individual's name change is registered, but the individual's birth is not registered in New Zealand:
				(d) non-disclosure direction made, withdrawn, or expired in relation to an individual's birth information:
				(e) non-disclosure direction made, withdrawn, or expired in relation to an individual's name change information, if the individual's birth is registered in New Zealand:
				(f) non-disclosure direction made, withdrawn, or expired in relation to an individual's name change information, if the individual's birth is not registered in New Zealand.

Version as at  
15 June 2023

**Privacy (Information Sharing Agreement between  
Registrar-General and New Zealand Police) Order 2019**

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Schedule 2

Michael Webster,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 26 September 2019.

## Notes

### **1** *General*

This is a consolidation of the Privacy (Information Sharing Agreement between Registrar-General and New Zealand Police) Order 2019 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57): section 147