

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

House of Representatives, 9 July 1976

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. (Mr Faulkner) Mr Gordon

WANGANUI COMPUTER CENTRE

ANALYSIS

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A BILL INTITULED

5 An Act to provide for the establishment and operation of a computer based information system to aid the Departments of Police and Justice and the Ministry of Transport to carry out effectively their roles in relation to the law and the administration of justice, and to ensure that the system makes no unwarranted intrusion upon the privacy of individuals

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Wanganui Computer Centre Act (1975) 1976. 5

(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

2. Interpretation—In this Act, unless the context otherwise requires,—

New 10

“Access”, in relation to the computer system, means the placing of information on that system and the retrieval of information from that system:

“Audit”, in relation to the computer system, means the periodic examination of that system and its operating and control procedures: 15

“Commissioner” means the Wanganui Computer Centre Privacy Commissioner appointed under section 5 of this Act:

Struck Out 20

“Policy Committee” means the Wanganui Computer Centre Policy Committee established under section 19 of this Act:

“Computer Centre” means the Wanganui Computer Centre established under section 3 of this Act: 25

New

“Computer Centre” or “Wanganui Computer Centre” means the Wanganui Computer Centre established under section 3 of this Act:

“Computer installation” means any computer installation other than the computer system in connection with the Wanganui Computer Centre that is capable of entering, processing, and retrieving information: 30

“Computer system” means the computer system established under subsection (2) of section 3 of this Act: 35

“Hardware” means the mechanical, electromechanical, and electronic components of the computer system; and includes all storage media during the time that the storage media contains any information to which

New

section 4 of this Act applies; but does not include the information that may from time to time be contained thereon:

5 "Management Committee" means the Management Committee established under section 23 of this Act:

"Minister" means the Minister of State Services:

New

10 "Policy Committee" means the Wanganui Computer Centre Policy Committee established under section 19 of this Act:

15 "Software" means the application programs (being sets of instructions for solving given problems by computer) of the computer system, and the documentation relating to the application of the computer system to its functions under this Act.

"State Services Commission" means the State Services Commission as constituted under section 3 of the State Services Act 1962.

20 *Struck Out*

3. Establishment of Wanganui Computer Centre—

(1) There shall be established under the administration of the State Services Commission a computer system to be known as the Wanganui Computer Centre.

25 (2) The Computer Centre shall comprise the central system, including the computer hardware and software associated with it, and remote units in such localities as the Policy Committee may determine from time to time in consultation with the Commissioner.

30 *New*

3. Establishment of Wanganui Computer Centre and computer system—

35 (1) There shall be established under the administration of the State Services Commission, a Computer Centre to be known as the Wanganui Computer Centre.

(2) There shall be established, in connection with the Wanganui Computer Centre, a computer system that shall consist of—

40 (a) The central equipment at Wanganui comprising hardware and the software associated with that hardware; and

New

(b) The remote terminals in such localities as the Policy Committee may determine from time to time in consultation with the Commissioner.

Struck Out

4. Use of Wanganui Computer Centre—(1) The Computer Centre shall be used solely for the storage, processing, and retrieval of—

New

4. Use of computer system—(1) The computer system shall be used solely for the storage, processing, and retrieval of—

(a) The information specified in the Schedule to this Act; and

(b) Such other information as may be prescribed by Order in Council made under section 30 of this Act upon the advice of the Minister given upon the recommendation of the Policy Committee after consultation by that Committee with the Commissioner.

(2) The storage, processing, and retrieval of any such information shall be subject to such conditions (if any) as may be specified in relation thereto in the Schedule to this Act or in any such Order in Council made under section 30 of this Act.

(3) Access to the **(Computer Centre)** computer system to obtain information stored thereon shall be restricted to—

(a) The Department that provided, for storage on the **(Computer Centre)** computer system, the information that is being sought; and

(b) Any other Department or Departments specified in the Schedule to this Act or in any such Order in Council made under section 30 of this Act as having access to the information that is being sought; and

(c) The State Services Commission for the purpose of carrying out its functions under this Act; and

(d) The Commissioner pursuant to section 16 of this Act.

(4) The Policy Committee shall, after consultation with the Commissioner and the Management **(Subcommittee)** Committee, determine from time to time either generally or particularly, the maximum periods for which information may be retained on the **(Computer Centre)** computer system.

(5) The Department that provided the information shall ensure that any information that is retained on the (*Computer Centre*) computer system for the maximum period for which it may be retained thereon (as so determined) is deleted
5 therefrom forthwith after the expiration of that period.

Wanganui Computer Centre Privacy Commissioner

5. Wanganui Computer Centre Privacy Commissioner—

(1) For the purposes of this Act there shall be appointed, as an officer of Parliament, a Wanganui Computer Centre
10 Privacy Commissioner.

(2) Subject to the provisions of section 8 of this Act, the Commissioner shall be appointed by the Governor-General on the recommendation of the House of Representatives.

(3) The person so appointed shall be a barrister or
15 solicitor of the Supreme Court of not less than 7 years practice, whether or not he holds or has held any judicial office. Any person appointed as the Commissioner may hold that office concurrently with any other office held by him.

(4) No person shall be deemed to be employed in the
20 service of Her Majesty for the purposes of the State Services Act 1962 or the Superannuation Act 1956 by reason of his appointment under this section.

6. Term of office of Commissioner—(1) Except as otherwise provided in this Act, the Commissioner shall hold office
25 for a term of 5 years.

(2) Unless his office sooner becomes vacant, the Commissioner shall hold office until his successor is appointed. Every such person may from time to time be reappointed.

(3) The Commissioner may at any time resign his office
30 by writing addressed to the Speaker of the House of Representatives or to the Prime Minister if there is no Speaker or the Speaker is absent from New Zealand.

7. Removal or suspension from office—(1) The Commissioner may at any time be removed or suspended from office
35 by the Governor-General upon an address from the House of Representatives for disability, bankruptcy, neglect of duty, or misconduct.

(2) When Parliament is not in session the Commissioner
40 may be suspended from his office by the Governor-General in Council for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

(3) No such suspension shall continue in force beyond the end of the next ensuing session of Parliament.

8. Filling of vacancy—(1) If the Commissioner dies, or retires, or resigns, or is removed or suspended from office, the vacancy thereby created shall be filled in accordance with this section. 5

(2) If any vacancy in the office of Commissioner occurs, otherwise than by reason of the suspension of the Commissioner, at any time while Parliament is in session, it shall be filled by the appointment of a Commissioner by the Governor-General on the recommendation of the House of Representatives: 10

Provided that, if no such recommendation is made in that session, the provisions of subsection (3) of this section shall apply as if the vacancy had occurred while Parliament was not in session. 15

(3) If any such vacancy occurs by reason of the suspension of the Commissioner or at any time while Parliament is not in session, the following provisions shall apply:

(a) The Governor-General in Council may appoint a Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the House of Representatives: 20

(b) If the appointment is not so confirmed within 2 months after the commencement of the next ensuing session, the appointment shall lapse, and there shall be deemed to be a further vacancy in the office of Commissioner. 25

9. Functions and powers of Commissioner—(1) The functions of the Commissioner shall be to investigate any complaint lodged by any person under section 15 of this Act, and to inquire of his own motion into any other matters relating to the operation of this Act: 30

Provided that this subsection shall not restrict section 18 of this Act. 35

(2) The Commissioner may from time to time do all such things as are reasonably necessary to enable him to carry out his functions, including conducting, or causing to be conducted, an inspection and audit of the Computer Centre and the computer system and their operations at any time. 40

(3) Every investigation carried out by the Commissioner shall be conducted in private.

10. Oath of secrecy to be taken by Commissioner—

(1) Before entering upon the exercise of the duties of his office, the Commissioner shall take an oath that he will faithfully and impartially perform the duties of his office, and that he
5 will not, except as provided for in this Act, divulge any information received by him under this Act.

(2) The oath shall be administered in accordance with the Oaths and Declarations Act 1957 by the Speaker or the Clerk of the House of Representatives.

10 11. Staff of Commissioner—(1) Subject to the provisions of this section, the Commissioner may appoint such officers and employees as may be necessary for the efficient carrying out of his functions.

(2) The number of persons that may be appointed under
15 this section, whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by the Minister.

(3) The salaries of persons appointed under this section, and the terms and conditions of their appointments, shall be
20 such as are approved by the Minister of Finance.

(4) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Superannuation Act 1956 by reason of his appointment under this section.

25 12. Commissioner and staff to maintain secrecy—(1) The Commissioner and every person holding any office or appointment under him shall be deemed for the purposes of the Official Secrets Act 1951 to be persons holding office under Her Majesty.

(2) The Commissioner and every such person as aforesaid shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.

(3) Every person holding any office or appointment under the Commissioner shall, before he begins to perform any
35 official duty under this Act, take an oath, to be administered in accordance with the Oaths and Declarations Act 1957 by the Commissioner, that he will not divulge any information received by him under this Act except for the purposes of giving effect to this Act.

40 13. Annual report of Commissioner—Without limiting his right to report at any other time, the Commissioner shall in each year make a report to Parliament on the exercise of his functions.

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14. **Information to individuals**—(1) Subject to subsection (3) of this section, every person shall have the right to apply to the Commissioner, in such manner as may be determined from time to time by the Commissioner, for a copy of all or part of the information recorded about the person on the Computer Centre. Subject to subsection (3) of this section, the Commissioner shall, on being satisfied as to the identity of the applicant and that he is entitled to make the application, forthwith acquire a copy of the required information.

New

14. **Information to individuals**—(1) Subject to subsection (3) of this section, every person shall have the right to apply to the Commissioner, in such reasonable manner as may be determined from time to time by the Commissioner, for a copy of all or part of the information recorded about the applicant on the computer system, other than information stored under the subject headings “modus operandi” and “wanted persons” as shown in the Schedule to this Act. Subject to subsection (3) of this section, the Commissioner shall, on being satisfied as to the identity of the applicant and that he is entitled to make the application, forthwith acquire a copy of the required information.

(2) Subject to the directions of the Policy Committee the Commissioner may (*subject to the directions of the Policy Committee,*) decline to release any information that has been requested under subsection (1) of this section if in the opinion of the Commissioner the release of the information would be likely to be detrimental to the administration of justice.

New

(2A) The Commissioner shall forward the information to which the applicant is entitled by registered post to the Postmaster of any permanent post office nominated by the applicant, and the Commissioner shall advise the applicant that this has been done. The applicant shall be responsible for collecting in person, or by an agent acting upon written attested authority to the satisfaction of the Postmaster, the information from the nominated permanent post office, and the applicant or agent shall be required to produce such personal identification as the Director-General of the Post Office and the Commissioner shall from time to time decide.

(3) Unless the Commissioner is satisfied that there are good and sufficient reasons to the contrary, no person shall be entitled to make more than one request under this section during any 12 months' period.

5 (4) No fee shall be charged for the provision of any such information.

Struck Out

10 (5) The Commissioner shall forward the information by registered post to the Postmaster nominated by the applicant, and the Postmaster shall arrange for the applicant to collect the information from him after he has been satisfied as to the identity of the applicant.

15 15. **General provisions relating to complainants**—Any person who has reason to believe that the information recorded about him on the (*Computer Centre*) computer system is wrongly so recorded because of inaccuracies, omissions, or the inclusion of unauthorised data, or is so recorded as to present a misleading impression, may lodge a complaint in writing with the Commissioner.

20 16. **Investigation**—(1) In respect of any complaint received, the Commissioner shall, after satisfying himself as to the identity of the complainant, direct the appropriate Department or Departments to the effect that all information held in the (*Computer Centre*) computer system relative to
25 the complaint be printed and be submitted to the Commissioner for investigation; and he may, if he so wishes, supervise the printing of the information:

Provided that this subsection shall not restrict section 18 of this Act.

30 (2) If at any time during the course of an investigation it appears to the Commissioner that there may be sufficient grounds for determining that a complaint is justified, he shall report his opinion and his reasons therefor to the Department or Departments affected, which shall be given the opportunity
35 to be heard on the matter.

17. **Result of investigation**—(1) Where the Commissioner determines that any complaint is justified, he shall forthwith direct the Department or Departments concerned to make such deletions or alterations to the information held on the
40 (*Computer Centre*) computer system, or held elsewhere by

the Department or Departments concerned as he considers to be necessary, and the Department or Departments shall forthwith comply with his directions.

(2) If within a reasonable time the Commissioner is not satisfied that the action that the Department or Departments have taken has complied with his directions, he shall send a report on the matter to the Prime Minister, and shall thereafter make such report to Parliament on the matter as he thinks fit. 5

(3) The Commissioner shall inform the complainant in such manner and at such time as he thinks proper of the result of the investigation. 10

18. Commissioner may refuse to investigate complaint—

(1) The Commissioner may, in his discretion, decide not to investigate, or (as the case may require) not to investigate further, any complaint, if: 15

- (a) The subject-matter of the complaint is trivial; or
- (b) The complaint is frivolous or vexatious or is not made in good faith; or

Struck Out

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(c) The complaint relates to any matter of which the complainant had knowledge more than 12 months before the complaint is received by the Commissioner; or

(d) Having regard to all the circumstances of the case, investigation, or further investigation, is unnecessary. 25

Struck Out

(2) In any case where the Commissioner decides not to investigate or further investigate a complaint, he shall inform the complainant of that decision, and may if he thinks fit state his reasons therefor. 30

New

(2) In any case where the Commissioner decides not to investigate or further investigate a complaint, he shall—

(a) Inform the complainant of that decision, and (unless he thinks it undesirable) state his reasons therefor; and 35

(b) Forward all the papers in relation to the complaint to the Policy Committee.

Policy Committee and Management (Subcommittee)
Committee

19. Wanganui Computer Centre Policy Committee—

5 (1) For the purposes of this Act there shall be a Committee, to be called the Wanganui Computer Centre Policy Committee.

(2) The Policy Committee shall consist of:

10 (a) One member, who shall be a Judge of the Supreme Court of New Zealand or a person who has held that office, to be appointed by the Minister as Chairman of the Policy Committee:

15 (b) One member, who shall be a member of the New Zealand Law Society, to be appointed by the Attorney-General after consultation with the Council of the New Zealand Law Society, which member shall be the Deputy Chairman of the Policy Committee:

20 (c) Two members, to be appointed by the Minister after consultation with the Attorney-General and such interested groups as the Minister considers to be appropriate:

25 (d) One member, to be appointed by the Minister after consultation with the New Zealand Computer Society and such other bodies as the Minister considers appropriate, which member shall have a technical knowledge in the computer fields:

(e) The Chairman of the State Services Commission:

(f) The Secretary for Justice:

30 (g) The Commissioner of Police:

(h) The Secretary for Transport.

35 (3) In the absence from any meeting of the Policy Committee of the Chairman of the State Services Commission, the Secretary for Justice, the Commissioner of Police, or the Secretary for Transport, the member who is absent may authorise any other officer of his Department having the status of a deputy or an assistant permanent head of the Department, or some other senior officer of the Department approved by the Minister responsible for the Department, to attend in his stead.

40 **20. Term of office—**(1) Unless his office sooner becomes vacant, every appointed member of the Policy Committee shall hold office for a term of 3 years, but may from time to time be reappointed.

(2) Any appointed member of the Policy Committee may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister. 5

(3) Notwithstanding subsection (1) of this section, every appointed member of the Policy Committee, unless he sooner vacates office under subsection (2) of this section, shall continue to hold office until his successor comes into office.

21. Meetings of Policy Committee—(1) Each member of the Policy Committee appointed under any of the provisions of paragraphs (a), (b), and (c) of subsection (2) of section 19 of this Act shall have a deliberative vote; and, in the case of an equality of votes, the Chairman of the Policy Committee shall have a casting vote. 10 15

(2) The persons who are members of the Policy Committee by virtue of paragraph (d) of subsection (2) of section 19 of this Act, or of holding one of the positions designated in paragraphs (e), (f), (g), and (h) of that subsection, shall be entitled to attend all meetings of the Policy Committee and to be heard thereat, but shall have no voting rights. 20

(3) At all meetings of the Policy Committee the quorum necessary for the transaction of business shall be the Chairman or the Deputy Chairman and 2 other members who have voting rights. 25

(4) All matters to be decided by the Policy Committee shall be decided by a majority of the valid votes recorded thereon.

(5) Meetings of the Policy Committee shall be held at such times and places as the Policy Committee, or the Chairman or his deputy, from time to time determines: 30

Provided that the Policy Committee shall hold a meeting at least once every **(2)** 3 months.

(6) No act or proceeding of the Policy Committee, or of any person acting as a member of that Committee, shall be invalidated in consequence of there being a vacancy in the number of that Committee at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being or had ceased to be such a member. 35 40

(7) Save as expressly provided by this Act, the Policy Committee may regulate its own procedure in such manner as it thinks fit.

22. Functions and powers of Wanganui Computer Centre Policy Committee—(1) The functions of the Policy Committee shall be to determine the policy of the Computer Centre and the computer system relating to the privacy and the protection of the rights of the individual insofar as these are affected by the operation of the Computer Centre and the computer system, and to determine such other matters as it is required to do under this Act.

(2) The Policy Committee shall have such powers as are necessary for the effective performance of its functions.

Struck Out

(3) The Policy Committee shall exercise its functions and powers under the general direction and control of the Minister.

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New

(3) The Policy Committee shall from time to time report to the Minister regarding the exercise of its functions and powers.

Struck Out

23. Management Subcommittee—(1) There shall be established, as a subcommittee of the Policy Committee, a subcommittee to be known as the Management Subcommittee.

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New

23. Management Committee—(1) For the purposes of this Act there shall be a committee to be known as the Management Committee.

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(2) The Management ~~(Subcommittee)~~ Committee shall consist of:

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(a) The Chairman of the State Services Commission, who shall be the Chairman of the Management ~~(Subcommittee)~~ Committee;

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(b) The Secretary for Justice, who shall be the Deputy Chairman of the Management ~~(Subcommittee)~~ Committee;

(c) The Secretary for Transport;

(d) The Commissioner of Police;

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(e) One member of the Policy Committee who has voting rights on that Committee and who has been appointed to the Management ~~(Subcommittee)~~ Committee by the Policy Committee.

(3) In the absence from any meeting of the Management (Subcommittee) Committee of the Chairman of the State Services Commission, the Secretary for Justice, the Commissioner of Police, or the Secretary for Transport, the member who is absent may authorise any other officer of his Department having the status of a deputy or an assistant permanent head of the Department, or some other senior officer of the Department approved by the Minister responsible for the Department, to attend in his stead. 5

(4) The Management (Subcommittee) Committee shall be responsible for determining all matters of policy in respect of the operation of the Computer Centre and the computer system; but it shall have no functions or powers in respect of policy matters relating to privacy and the protection of the rights of the individual insofar as these are affected by the operation of the Computer Centre and the computer system. 15
In the event of any disagreement between the Management Committee and the Policy Committee, the decision of the Policy Committee shall prevail.

(5) The Management (Subcommittee) Committee shall not delegate any of its powers. 20

(6) The Chairman of the Management (Subcommittee) Committee shall cause minutes of each of its meetings to be prepared, and a copy thereof to be forwarded to the Chairman of the Policy Committee. If any such minutes are subsequently altered in the course of their confirmation, the Chairman of the Management (Subcommittee) Committee shall cause a copy of the altered minutes to be forwarded to the Chairman of the Policy Committee, whose attention shall be drawn to the alteration. 30

(7) Subject to the provisions of this section, the Management (Subcommittee) Committee may regulate its own procedure in such manner as it thinks fit.

Miscellaneous Provisions

24. Services for Policy Committee and Management (Subcommittee) Committee—The State Services Commission shall provide such secretarial, recording, clerical, and other services as may be necessary to enable the Policy Committee and the Management (Subcommittee) Committee to discharge their functions. 35
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25. Fees and allowances—(1) The Policy Committee (*is hereby declared to be a statutory Board*) and the Management Committee are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

- 5 (2) There may be paid to the Commissioner, and to the Chairman and other appointed members of the Policy Committee (*whether acting in each case as a member of that Committee or as a member of the Management Subcommittee*) and the Management Committee, out of money
- 10 appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall
- 15 apply accordingly as if the person holding the office of Commissioner were a member of a statutory Board within the meaning of that Act.

26. Security of information—

Struck Out

- 20 (1) The State Services Commission and Departments with access to the Computer Centre shall take all practicable precautions to ensure that information stored in the Computer Centre is not made available from the Computer Centre to any person not authorised to receive it.

New

- 25 (1) The State Services Commission and Departments with access to the computer system shall take all reasonable precautions to ensure that access to the computer system is not made available to any person who
- 30 or Department that is not authorised under this Act to have access thereto.

(2) The State Services Commission shall (*keep a*) record (*of*) every request for information from the (*Computer Centre*) computer system.

- 35 (3) The Policy Committee shall determine from time to time the form and the period of retention of the record referred to in subsection (2) of this section.

Struck Out

- 40 27. Processing of Computer Centre records—(1) The Computer Centre or any part thereof shall not in any circumstances be connected to any other computer installation whatsoever.

Struck Out

(2) The information stored in the Computer Centre shall not be processed by any other computer installation whatsoever which has not been approved under this Act as forming a part of the Computer Centre:

Provided that the Policy Committee may from time to time, with the approval of the Privacy Commissioner, exempt from this restriction either particularly or generally and on such terms and conditions as it thinks fit such non-personal statistical information as it thinks fit, being information requested for research or statistical purposes.

New

27. Processing of information—(1) Except as provided in subsections (2) and (3) of this section, neither the computer system nor any part thereof shall form part of any other computer installation.

(2) Notwithstanding the provisions of subsection (1) of this section, the Policy Committee, with the approval of the Commissioner, may from time to time, subject to it being satisfied that there are sufficient safeguards to ensure that the privacy of the individual will not be adversely affected, allow the computer system or any part of it to form a part of any other computer installation to provide from the computer system, for research or statistical purposes only, such non-personal statistical information as it thinks fit, being either information that does not require any information relating to an individual, or information from which all names and addresses of individuals have been deleted.

(3) In the case of an emergency situation arising that requires that the computer system or any part thereof should in the public interest form a part of any other computer installation, the Policy Committee may, on being satisfied that the situation mentioned in the foregoing provisions of this subsection does so exist, permit the computer system to form a part of another computer installation on such terms and conditions and for such period as it may determine. If the Policy Committee grants any such permission, it shall forthwith advise the Commissioner thereof. While the computer system forms a part of any such computer installation, that computer installation shall be deemed for the purposes of this Act to be part of the computer system.

(4) Nothing in this Act shall affect the rights, powers, and duties of the Government Statistician under the Statistics Act

New

1975 in regard to any information stored on the computer system, and he shall continue to have the same right to the information as he had before the passing of this Act as if all or some of the information had not been stored on or processed through the computer system.

(5) Any Department that has, in accordance with this Act, stored or processed any information on the computer system, or received from the computer system any information to which it is entitled, may, subject to the provisions of this Act, use the information as if it had not been stored or processed on or retrieved from the computer system.

Provided that nothing in this subsection shall be deemed to authorise the use of information by the Department concerned in a manner that is unlawful.

(6) Notwithstanding subsection (5) of this section, where information relating to any discharge under section 42 of the Criminal Justice Act 1954 or section 347 of the Crimes Act 1961 or section 35 of the Children and Young Persons Act 1974 is retrieved from the computer system by any Department, that information shall not be made available to any person outside the Department.

28. Damages—(1) Any person who claims to have suffered loss or damage as a consequence of—

- (a) Incorrect or unauthorised information about him having been **(published)** made available to any person by the **(Computer Centre)** computer system;
- or
- (b) Authorised information about him having been **(published)** made available by the **(Computer Centre)** computer system to any person not authorised to receive it—

may bring an action against the Crown for the recovery of damages.

(2) In any such action the Court may award damages against the defendant in respect of any one or more of the following:

- (a) Pecuniary loss suffered and expenses reasonably incurred by the plaintiff as a consequence of the **(wrongful publication)** information having been wrongfully made available:

(b) Loss of any benefit which the plaintiff might reasonably have been expected to obtain but for the (wrongful publication) information having been wrongfully made available:

(c) Embarrassment, loss of dignity, and injury to the feelings of the plaintiff: 5

Provided that damages awarded under this paragraph (c) shall not exceed \$500.

(3) It shall not be a defence to proceedings under this section that the breach was unintentional or without negligence on the part of the defendant, but the Court may take the conduct of the defendant into account in assessing damages. 10

Struck Out

(4) The Court shall award costs to every person who brings an action for damages under this section, unless it considers that the action was frivolous or vexatious or that the award of costs would in the circumstances of the case be inappropriate. 15

New

(4) The costs of and incidental to any action for damages under this section shall be in the discretion of the Court; and in considering an award of costs in any such action the Court shall be guided by the principles that— 20

(a) A party who succeeds against the Crown shall normally be entitled to solicitor and client costs; and 25

(b) The Court shall have a complete discretion in respect of the costs of a party who does not succeed against the Crown, and may if it thinks fit award costs to such a party (whether on a solicitor and client basis or otherwise) notwithstanding any principle that costs normally follow the event. 30

(5) The right of action provided for in this section shall be in addition to and not in derogation from any right of action or other remedy existing apart from this section, but in assessing any damages to be awarded to or on behalf of any person under this Act or otherwise, the Court shall take account of any damages already awarded to that person in respect of the same cause of action. 35

Struck Out

29. Offences—(1) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 5 years who—

- 5 (a) Wilfully and knowingly falsifies any record of the Computer Centre by the addition, deletion, or modification of any information relating to a person contained within that record; or
- 10 (b) Without due authority adds to or deletes from the Computer Centre any record relating to a person; or
- (c) Knowingly provides false information with the intent that it should be included in the Computer Centre;
- 15 (d) Wilfully discloses without authority any information obtained from the Computer Centre.

(2) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 3 years who—

- 20 (a) Attempts to obtain from the Computer Centre personal information which he is unauthorised to receive, or attempts to gain unauthorised access to the Computer Centre or the information contained therein, whether by means of any device or apparatus legally part of the Computer Centre system or by any other means; or
- 25 (b) With intent to obstruct justice or for gain attempts to interfere with or impede the operation of the Computer Centre or its lawful functions; or
- 30 (c) Knowingly makes any unlawful or improper use of any information obtained from the Computer Centre.

(3) The Summary Proceedings Act 1957 is hereby amended by inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item:

“The Wanganui Computer Centre Act 1975	29	Offences in relation to Wan- ganui Computer Centre.”
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New

35 29. Offences—(1) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 3 years who—

- 40 (a) Knowingly falsifies any record of the computer system by the addition, deletion, or modification of any information relating to a person contained within that record; or

New

(b) Knowing that he is not authorised to do so by or under any lawful instruction given by the Permanent Head of a Department with access to the computer system, adds to or deletes from the computer system any record relating to a person; or 5

(c) Knowingly provides false information with the intent that it should be included in the computer system.

(2) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years who— 10

(a) Knowing that he is not authorised to do so by or under any lawful instruction given by the Permanent Head of a Department with access to the computer system, attempts to gain access to the computer system, whether by means of any device or apparatus legally part of the computer system or by any other means; or 15

(b) With intent to obstruct justice or for gain attempts to interfere with or impede the operation of the computer system or its lawful functions; or 20

(c) Requires any person to obtain under section 14 of this Act, or to produce, for any reason whatsoever, or penalises any person for failing to so obtain or produce, a copy from the computer system of all or a part of the information that the person is entitled to receive, or has received, upon an application under section 14 of this Act. 25

(3) The Summary Proceedings Act 1957 is hereby amended by inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item: 30

“The Wanganui Computer Centre Act 1976	29	Offences in relation to computer system.”
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30. Orders in Council—The Governor-General may from time to time, by Order in Council made upon the advice of the Minister given upon the recommendation of the Policy Committee after consultation by that Committee with the Commissioner, do all or any of the following things: 35

- (a) Authorise the use of the **(Computer Centre) computer system** by the Department of Justice, the Police Department, and the Ministry of Transport, or any of them, for the storage, processing, and retrieval of information specified in the Order in Council: 40

(b) Specify conditions in relation to the use of the **(Computer Centre)** computer system for the storage, processing, and retrieval of information.

31. Money to be appropriated by Parliament for purposes
5 **of Act**—Except as otherwise provided in this Act, all salaries and allowances and other expenditure payable or incurred under or in the administration of this Act shall be payable out of money appropriated by Parliament for the purpose.

SCHEDULE

INFORMATION AUTHORISED FOR STORAGE ON THE (Computer Centre) COMPUTER SYSTEM
AND DEPARTMENTS THAT HAVE ACCESS THERETO
Department of Justice Records

Subject	Description	Access Available To
<p><u>(Central Court Index) Case monitoring</u></p>	<p>Particulars of persons against whom an information has been laid in a Magistrate's Court, or (as regards young persons, being persons over the age of 14 years but under the age of 17 years) in a Children and Young Persons Court, and particulars of persons appearing in the Supreme Court on indictment or on appeal and persons who have appealed to the Court of Appeal</p>	<p>Justice</p>
<p>Court document processing</p>	<p>Particulars of proceedings in respect of which informations <u>(have been)</u> are to be laid; the acceptance of data for and the preparation of associated documents</p>	<p>Justice Police</p>
<p>Details of hearings</p>	<p style="text-align: center;"><i>Struck Out</i></p> <p>Details of hearings of proceedings in respect of which an information has been laid, including all matters ancillary and subsequent to a determination (Where a final determination results in an acquittal, withdrawal, dismissal, or discharge without conviction, all names and addresses of individuals shall be deleted from this record)</p>	<p>Justice Police, unlimited other than in respect of details relating to young persons (being persons over the age of 14 years but under the age of 17 years) where the offence did not carry a liability to imprisonment Transport (access is limited to traffic cases only)</p>

SCHEDULE—continued

INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER (Centre) SYSTEM
AND DEPARTMENTS THAT HAVE ACCESS THERETO—continued

Department of Justice Records—continued

Subject	Description	Access Available To
Fines and other orders, collection and enforcement	<p><i>New</i></p> <p>Details of hearings of proceedings in respect of which an ancillary and subsequent to a determination (Where a final determination results in an acquittal, withdrawal, or dismissal, all names and addresses of individuals shall be deleted from this record: Provided that, where a final determination results in a discharge under section 42 of the Criminal Justice Act 1954 or section 347 of the Crimes Act 1961 or section 35 of the Children and Young Persons Act 1974, only those details shall be retained that might serve to establish the identity of the person concerned)</p>	Justice Police (access is limited so as to exclude details relating to young persons, being persons over the age of 14 years but under the age of 17 years, where the offence did not carry a liability to imprisonment) Transport (access is limited to traffic cases only)
Fines and other orders, collection and enforcement	Collection and enforcement of fines, and enforcement of other orders imposed in a Supreme Court, Magistrate's Court, or (as regards young persons) in a Children and Young Persons Court, in respect of proceedings commenced by way of information or indictment	Justice <u>Audit Office</u>

SCHEDULE—continued
INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER (Centre) SYSTEM
AND DEPARTMENTS THAT HAVE ACCESS THERETO—continued
Department of Justice Records—continued

Subject	Description	Access Available To
Probation and periodic detention records	Particulars of persons released on probation, or parole, or sentenced to periodic detention	Justice Police (access is limited to the person's reporting centre)
Records of inmates	Particulars of inmates of penal institutions including the date of release therefrom	Justice Police (access is limited to the location and the date of release of the inmate)
Statistics	Statistical information, excluding particulars that would identify an individual	Justice
<i>Police Department Records</i>		
Subject	Description	Access Available To
Computer assisted despatching	Particulars of calls for Police service and deployment of Police resources available	Police
Document processing	Particulars, location, and status of individual current case files	Police

SCHEDULE—continued
INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER (Centre) SYSTEM
AND DEPARTMENTS THAT HAVE ACCESS THERETO—continued
Police Department Records—continued

Subject	Description	Access Available To
Finger prints and identity	<i>Struck Out</i>	Police
	Classification of finger prints, and particulars of the identity of persons who have been convicted of an offence, and of young persons (being persons over the age of 14 years but under the age of 17 years) where a Children and Young Persons Court has found the charge against the young person to have been proved	
	<i>New</i>	
	Classification of finger prints and particulars of the identity of persons who have been charged with an offence: Provided that such particulars shall be removed from the system where: (a) In the case of a young person (being a person over the age of 14 years but under the age of 17 years), the Children and Young Persons Court has not found the charge to be proved; and (b) Where the person is acquitted otherwise than by reason of insanity or a discharge under section 42 of the Criminal Justice Act 1954 or section 347 of the Crimes Act 1961	Justice (access limited to identity details for the purpose of entering information relating to prosecutions initiated otherwise than by the Police or the Ministry of Transport)

SCHEDULE—continued

INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER (Centre) SYSTEM
AND DEPARTMENTS THAT HAVE ACCESS THERETO—continued

Police Department Records—continued

Subject	Description	Access Available To
Firearms registration	Particulars of persons authorised to possess firearms, descriptions of firearms, and particulars of persons prohibited from obtaining firearms in accordance with the provisions of the Arms Act 1958	Police
Modus operandi	Particulars of the methods used during the commission of selected crimes and offences, but then only of persons convicted of those crimes and offences; and particulars of selected unsolved crimes and offences	Police
Statistics	Statistical information excluding particulars that would identify an individual	Police
Stolen/lost property	Particulars of property reported to be stolen, missing, or found	Police
Vehicles of interest	Particulars of motor vehicles stolen, unlawfully taken, missing, abandoned, or found, or where location is for other reasons required to be known by the Police	Police Transport (access limited so as to exclude such particulars as the Police may determine in any case)
Wanted persons	Particulars concerning persons wanted for arrest (All names and addresses shall be deleted from these files when the person is no longer required to be located)	Police Transport Justice (access limited to persons wanted in connection with fines enforcement)

SCHEDULE—continued
 INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER (Centre) SYSTEM
 AND DEPARTMENTS THAT HAVE ACCESS THERETO—continued
Police Department Records—continued

Subject	Description	Access Available To
Missing persons	Particulars concerning persons missing or required to be located (All names and addresses shall be deleted from these files when the person is no longer required to be located)	Police Transport (access limited so as to exclude such particulars as the Police may determine in any case) Justice (access limited to persons required to be located in connection with fines enforcement)
<i>Ministry of Transport Records</i>		
Subject	Description	Access Available To
Accident reports	Particulars (excluding the names and addresses of any persons involved) concerning motor vehicle accidents required to be reported in accordance with section 65 (3) of the Transport Act 1962	Transport Police

SCHEDULE—continued
INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER (Centre) SYSTEM
AND DEPARTMENTS THAT HAVE ACCESS THERETO—continued
Ministry of Transport Records—continued

Subject	Description	Access Available To
Drivers' licences register	A national register of all drivers' licences (whether issued by the Ministry of Transport or a local body)	Justice Police Transport
Motor vehicles register	A national register of all motor vehicles	Justice Police Transport
Statistics	Statistical information excluding particulars that would identify an individual	Transport
Traffic offence and infringement enforcement and document processing	Traffic offence and infringement enforcement processing, including infringement fees enforcement and preparation of documents in relation to offences not otherwise provided for by the Department of Justice (All names and addresses shall be deleted from the record after the determination of the proceedings unless the Policy Committee determines otherwise) The recording of demerit points in relation to convictions for traffic offences (The demerit points shall be deleted from this record in accordance with section 46 of the Transport Act 1962)	Transport Police ((<i>access limited to location</i>))
Demerit points	The recording of demerit points in relation to convictions for traffic offences (The demerit points shall be deleted from this record in accordance with section 46 of the Transport Act 1962)	Transport
Traffic officer activities	Management statistics on the deployment and activities of traffic officers	Transport

SCHEDULE—continued

INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER (Centre) SYSTEM
AND DEPARTMENTS THAT HAVE ACCESS THERETO—continued

General

Subject	Description	Access Available To
Message switching	Telegraphic messages transmitted within and between the Police Service, the Ministry of Transport, and the Department of Justice	Justice Police Transport