

## WANGANUI COMPUTER CENTRE BILL

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### EXPLANATORY NOTE

THIS Bill provides for the establishment and operation of the computer based information system, commonly referred to as the Wanganui Computer Centre, which Centre is designed 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. A major objective of the Bill is to ensure that the system makes no unwarranted intrusion upon the privacy of individuals.

*Clause 1* relates to the Short Title and commencement of the Bill. It is to come into force on a date to be appointed by the Governor-General by Order in Council.

*Clause 2* defines terms used in the Bill.

*Clause 3* makes provision for the establishment, under the administration of the State Services Commission, of a computer system to be known as the Wanganui Computer Centre. The Computer Centre is to 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.

*Clause 4* prescribes the information that may be stored in the Computer Centre and the Departments and persons with access thereto. Provision is made for determining the maximum period for which information may be so stored, and an obligation is imposed on the Department that provided the information to ensure that information is deleted from the Computer Centre forthwith after the expiration of that period.

#### *Wanganui Computer Centre Privacy Commissioner*

*Clause 5* makes provision for the appointment of a Wanganui Computer Centre Privacy Commissioner as an officer of Parliament. The appointment is to be made by the Governor-General on the recommendation of the House of Representatives. The person appointed must be a barrister or solicitor of not less than 7 years practice. The office may be held concurrently with any other office.

*Clause 6* provides that the normal term of office of the Commissioner shall be 5 years. He is, however, to hold office until his successor is appointed, and may be reappointed or resign.

*Clause 7* provides that the Commissioner may be removed or suspended from office by the Governor-General upon an address from the House of Representatives for disability, bankruptcy, neglect of duty, or misconduct. When Parliament is not in session he may be suspended from office by the Governor-General on like grounds. No suspension under the clause is to continue in force beyond the next ensuing session of Parliament.

*Clause 8* makes provision for the filling of casual vacancies.

*Clause 9* specifies the functions and powers of the Commissioner.

*Clause 10* requires the Commissioner to take an oath of secrecy.

*Clause 11* provides for the appointment of such officers and employees as may be necessary for the efficient carrying out of the Commissioner's functions.

*Clause 12* requires the Commissioner and his staff to maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions. For the purposes of the Official Secrets Act 1957 they are deemed to be persons holding office under Her Majesty.

*Clause 13* requires the Commissioner to make an annual report to Parliament on the exercise of his functions.

*Clause 14* provides that every person shall have the right to apply to the Commissioner for a copy of all or part of the information recorded about the person on the Computer Centre. Unless there are good and sufficient reasons, no person shall be entitled to make more than one request under the clause during any 12 months' period. If the Commissioner is satisfied as to the identity of the applicant and that he is not disqualified as aforesaid from making the application, the Commissioner is directed to acquire a copy of the required information. The Commissioner is authorised, subject to the directions of the Policy Committee, to decline to release any required information if in the opinion of the Commissioner the release of the information would be detrimental to the administration of justice. Subject to this, provision is made for the applicant to receive the information. No fee is to be charged for the provision of the information.

*Clause 15* provides that any person who has reason to believe that the information recorded about him on the Computer Centre 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.

*Clause 16* makes provision for the investigation of any such complaint by the Commissioner.

*Clause 17* provides that, 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 Computer Centre as he considers to be necessary, and the Department or Departments shall forthwith comply with his directions. If within a reasonable time the Commissioner is not satisfied that his directions have been complied

with, 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. The Commissioner is required to inform the complainant in such manner and at such time as he thinks proper of the result of the investigation.

*Clause 18* gives the Commissioner a discretion to refuse to investigate or investigate further any complaint, if the subject-matter of the complaint is trivial, or the complaint is frivolous or vexatious or not made in good faith, or for other specified reasons. The Commissioner is required to inform the complainant of any decision made by the Commissioner under the clause, and may if he thinks fit state his reasons therefor.

#### *Policy Committee and Management Subcommittee*

*Clause 19* provides for the setting up of a Committee, to be called the Wanganui Computer Centre Policy Committee.

*Clause 20* provides that appointed members of the Policy Committee shall hold office for a term of 3 years, but may from time to time be reappointed. A member is to continue in office until his successor is appointed. Provision is made for removal of a member from office for disability, bankruptcy, neglect of duty, or misconduct.

*Clause 21* makes normal procedural provisions in relation to meetings of the Policy Committee.

*Clause 22* prescribes the functions and powers of the Policy Committee, and provides that the said Committee shall exercise its functions and powers under the general direction and control of the Minister.

*Clause 23* makes provision for the creation of a Management Subcommittee as a subcommittee of the Policy Committee. The Management Subcommittee is to be responsible for determining all matters of policy in respect of the operation of the Computer Centre; 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.

#### *Miscellaneous Provisions*

*Clause 24* provides that 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 to discharge their functions.

*Clause 25* makes provision for the payment to the Commissioner, and to the Chairman and other appointed members of the Policy Committee, of remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951.

*Clause 26* contains provisions designed to protect the security of information stored in the Computer Centre.

*Clause 27* provides that the Computer Centre or any part thereof shall not in any circumstances be connected to any other computer installation. The information stored in the Computer Centre is not to be processed by any other computer installation that has not been approved as forming part of

the Computer Centre. The Policy Committee, with the approval of the Commissioner, may exempt from this restriction such non-personal statistical information as it thinks fit, being information requested for the purposes of research or statistical inquiry.

*Clause 28* provides that any person who claims to have suffered loss or damage as a consequence of incorrect or unauthorised information about him having been disseminated by the Computer Centre, or authorised information about him having been disseminated by the Computer Centre to persons not authorised to receive it, may bring an action against the Crown for damages under the heads prescribed in *subclause (2)*. It will not be a defence 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. The Court is directed to award costs to every person who brings an action for damages under the clause, 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.

*Clause 29* prescribes offences against the Bill, and penalties of imprisonment in respect thereof. Under section 44 of the Criminal Justice Act 1954 the Court has a general jurisdiction to impose a fine instead of or in addition to imprisonment.

*Clause 30* authorises the making of Orders in Council as contemplated in *subclauses (1) and (2) of clause 4* of the Bill.

*Clause 31* provides that, except as otherwise provided in the Bill, all salaries and allowances and other expenditure payable or incurred under or in the administration of the Bill shall be payable out of money appropriated by Parliament for the purpose.

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*Hon. Mr Faulkner*

## WANGANUI COMPUTER CENTRE

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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**

No. 80—1

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. 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,—

“Commissioner” means the Wanganui Computer Centre Privacy Commissioner appointed under section 5 of this Act: 10

“Policy Committee” means the Wanganui Computer Centre Policy Committee established under section 19 of this Act: 15

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

“Minister” means the Minister of State Services:

“State Services Commission” means the State Services Commission as constituted under section 3 of the State Services Act 1962. 20

**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

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

(a) The information specified in the Schedule to this Act; and 35

(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. 40

(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 to obtain information stored thereon shall be restricted to—

(a) The Department that provided, for storage on the Computer Centre, 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, determine from time to time either generally or particularly the maximum periods for which information may be retained on the Computer Centre.

(5) The Department that provided the information shall ensure that any information that is retained on the Computer Centre for the maximum period for which it may be retained thereon (as so determined) is deleted 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 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 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 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 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. 5

(3) The Commissioner may at any time resign his office 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. 10

**7. Removal or suspension from office—**(1) The Commissioner may at any time be removed or suspended from office by the Governor-General upon an address from the House of Representatives for disability, bankruptcy, neglect of duty, or misconduct. 15

(2) When Parliament is not in session the Commissioner 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. 20

(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. 25

(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: 30

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. 35



(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:

5 (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:

10 (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.

**9. Functions and powers of Commissioner—**(1) The 15 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:

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

(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 at 25 any time.

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

**10. Oath of secrecy to be taken by Commissioner—**

30 (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 will not, except as provided for in this Act, divulge any information received by him under this Act.

35 (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.

**11. Staff of Commissioner—**(1) Subject to the provisions of this section, the Commissioner may appoint such officers and 40 employees as may be necessary for the efficient carrying out of his functions.

(2) The number of persons that may be appointed under 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 such as are approved by the Minister of Finance. 5

(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. 10

**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. 15

(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 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. 20 25

**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. 30

**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. 35

(2) 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.

(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.

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

(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. General provisions relating to complainants**—Any person who has reason to believe that the information recorded about him on the Computer Centre 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.

**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 Departments to the effect that all information held in the Computer Centre relative to 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.

(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 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 Computer Centre as he considers to be necessary, and the Department or Departments shall forthwith comply with his directions. 5

(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. 10

(3) The Commissioner shall inform the complainant in such manner and at such time as he thinks proper of the result of the investigation. 15

**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: 20

(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

(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 25

(d) Having regard to all the circumstances of the case, investigation, or further investigation, is unnecessary. 30

(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.

*Policy Committee and Management Subcommittee*

**19. Wanganui Computer Centre Policy Committee—** 35

(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:

(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: 40

- 5 (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:
- 10 (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:
- 15 (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:
  - (g) The Commissioner of Police:
  - (h) The Secretary for Transport.
- 20 (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.

30 **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.

35 (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.

40 (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. 5

(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. 10

(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. 15

(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: 20

Provided that the Policy Committee shall hold a meeting at least once every 2 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. 30

(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 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 to determine such other matters as it is required to do under this Act. 35 40

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

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

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

(2) The Management Subcommittee shall consist of:

10 (a) The Chairman of the State Services Commission, who shall be the Chairman of the Management Subcommittee:

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

(c) The Secretary for Transport:

15 (d) The Commissioner of Police:

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

20 (3) In the absence from any meeting of the Management Subcommittee 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  
25 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.

(4) The Management Subcommittee shall be responsible  
30 for determining all matters of policy in respect of the operation of the Computer Centre; 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.

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

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

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

*Miscellaneous Provisions*

**24. Services for Policy Committee and Management Subcommittee**—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 to discharge their functions. 5

**25. Fees and allowances**—(1) The Policy Committee is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 10

(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), out of money 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 apply accordingly as if the person holding the office of Commissioner were a member of a statutory Board within the meaning of that Act. 15 20

**26. Security of information**—(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. 25

(2) The State Services Commission shall keep a record of every request for information from the Computer Centre. 30

(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.

**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. 35



(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:

5 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  
10 requested for research or statistical purposes.

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

(a) Incorrect or unauthorised information about him  
15 having been published to any person by the Computer Centre; or

(b) Authorised information about him having been published by the Computer Centre to any person not authorised to receive it—

may bring an action against the Crown for the recovery of  
20 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  
25 wrongful publication:

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

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

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

(3) It shall not be a defence to proceedings under this  
35 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.

(4) The Court shall award costs to every person who  
40 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.

**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—

- (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 5
- (b) Without due authority adds to or deletes from the Computer Centre any record relating to a person; or 10
- (c) Knowingly provides false information with the intent that it should be included in the Computer Centre:
- (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— 15

- (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 20
- (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 25
- (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: 30

“The Wanganui Computer Centre Act <u>1975</u>	<u>29</u>	Offences in relation to Wanganui Computer Centre.”
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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 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 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.

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## SCHEDULE

INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER CENTRE AND DEPARTMENTS THAT HAVE ACCESS THERE TO  
*Department of Justice Records*

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*Wanganui Computer Centre*

Subject	Description	Access Available To
<p>Central Court Index .....</p> <p>Court document processing .....</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>Particulars of proceedings in respect of which informations have been laid; the acceptance of data for and the preparation of associated documents</p>	<p>Justice</p> <p>Justice</p>
<p>Details of hearings .....</p> <p>Fines and other orders, collection and enforcement</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>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</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</p> <p>Transport (access is limited to traffic cases only)</p> <p>Justice</p>

SCHEDULE—continued  
 INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER CENTRE AND DEPARTMENTS THAT HAVE ACCESS THERETO—*ctd.*  
*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	Justice Police (access is limited to the location 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 AND DEPARTMENTS THAT HAVE ACCESS THERETO—*ctd.*  
*Police Department Records—continued*

Subject	Description	Access Available To
Finger prints and identity	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	Police
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

SCHEDULE—continued  
 INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER CENTRE AND DEPARTMENTS THAT HAVE ACCESS THERETO—ctd.  
 Police Department Records—continued

Subject	Description	Access Available To
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)
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)

SCHEDULE—continued  
 INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER CENTRE AND DEPARTMENTS THAT HAVE ACCESS THERETO—*ctd.*  
 Ministry of Transport Records

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
Drivers' licences register .....	A national register of all drivers' licences (whether issued by the Ministry of Transport or a local body)	Justice Police
Motor vehicles register .....	A national register of all motor vehicles	Transport Police
Statistics .....	Statistical information excluding particulars that would identify an individual	Transport Police
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)	Transport Police (access limited to location)



SCHEDULE—continued  
 INFORMATION AUTHORISED FOR STORAGE ON THE COMPUTER CENTRE AND DEPARTMENTS THAT HAVE ACCESS THERETO—*ctd.*  
 Ministry of Transport Records—continued

Subject	Description	Access Available To
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
<i>General</i>		
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