



THE PRIVACY (FIFTH SCHEDULE) ORDER 1996

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of May 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 113 of the Privacy Act 1993, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the advice of the Minister of Justice after consultation by the Minister with the Privacy Commissioner, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Privacy (Fifth Schedule) Order 1996.

(2) This order shall come into force on the 28th day of June 1996.

2. Amendment of Fifth Schedule—(1) The Fifth Schedule to the Privacy Act 1993 (as substituted by section 11 (3) of the Department of Justice (Restructuring) Act 1995) is hereby amended by omitting, from the part headed *Police Records*, the item relating to finger prints and identity, and substituting the items set out in the Schedule to this order.

(2) The Fifth Schedule to the Privacy Act 1993 (as so substituted) is hereby amended by omitting, from the part headed *Police Records*, from the third column of the item relating to vehicles of interest, the words "Department of Justice", and substituting the words "Ministry of Commerce".

SCHEDULE
NEW ITEMS SUBSTITUTED IN FIFTH SCHEDULE TO PRIVACY ACT 1993
“Police Records”

Subject	Description	Access Available To
“Offender identity 	Particulars of the identity of persons who have been charged with an offence	Department for Courts (access is limited to identity details for the purposes of— (a) Entering information relating to prosecutions initiated otherwise than by the Police or the Land Transport Safety Authority of New Zealand; or (b) Providing assistance to victims in accordance with the Criminal Justice Act 1985 and the Victims of Offences Act 1987; or (c) Updating an existing database of court proceedings) Department of Corrections (access is limited to identity details for the purposes of—

SCHEDULE—*continued*
 NEW ITEMS SUBSTITUTED IN FIFTH SCHEDULE TO PRIVACY ACT 1993—*continued*
 “Police Records—*continued*”

542

Subject	Description	Access Available To
		<p>(a) Entering information relating to prosecutions initiated otherwise than by the Police or the Land Transport Safety Authority of New Zealand; or</p> <p>(b) Research conducted by the Department, and with the limitation that information so obtained shall not be published in a form which could reasonably be expected to identify the individual concerned)</p> <p>Ministry of Justice (access is limited to obtaining information for the purpose of research conducted by the Ministry, and with the limitation that information so obtained shall</p>

Privacy (Fifth Schedule) Order 1996

1996/125

SCHEDULE—*continued*
 NEW ITEMS SUBSTITUTED IN FIFTH SCHEDULE TO PRIVACY ACT 1993—*continued*
 “Police Records—*continued*”

1996/125

Privacy (Fifth Schedule) Order 1996

Subject	Description	Access Available To
“Victim identity ”	The name, sex, date of birth, address, and telephone number of persons who are the victims of a criminal offence in respect of which another person has been charged	not be published in a form which could reasonably be expected to identify the individual concerned) Department for Courts (access is limited to identity details for the purpose of providing assistance to victims in accordance with the Criminal Justice Act 1985 and the Victims of Offences Act 1987)”. Department for Courts

MARIE SHROFF,
 Clerk of the Executive Council.

548

EXPLANATORY NOTE

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

This order amends the Fifth Schedule to the Privacy Act 1993.

The Fifth Schedule to that Act specifies the categories of law enforcement information to which certain public sector agencies may have access, and the limitations on access.

Clause 2 (1) of this order, omits from the item relating to police records, the item relating to finger prints and identity, and substitutes two new items relating to offender identity and victim identity.

The access which various public sector agencies have in respect of identity information has also been changed. The Fifth Schedule, as amended,—

- (a) Gives the Department for Courts access to offender identity information for the purposes of entering information relating to prosecutions, providing assistance to victims, and updating an existing database of court proceedings; and
- (b) Gives the Department of Corrections access to offender identity information for research purposes, in addition to access for the purpose of entering information relating to prosecutions; and
- (c) Gives the Ministry of Justice access to offender identity information for research purposes.

The Department for Courts is also given access to victim identity information for the purpose of providing assistance to victims.

Clause 2 (2) of this order makes a consequential amendment to the item relating to vehicles of interest in the police records part of the Fifth Schedule. The administration of the Motor Vehicles Securities Act 1989 has been transferred from the Ministry of Justice to the Ministry of Commerce, which is now given access to information required for the purposes of section 9 of that Act by the Registrar of Motor Vehicle Securities.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 30 May 1996.

This order is administered in the Ministry of Justice.