

House of Representatives
Supplementary Order Paper

Tuesday, 19 February 2013

Privacy (Information Sharing) Bill

Proposed amendments

Hon Judith Collins, in Committee, to move the following amendments:

Clause 8: new section 96C

In *clause 8*, after *new section 96C(2)* (after line 21 on page 8), insert:

- “(3) An information sharing agreement may—
 - “(a) duplicate an information sharing provision by providing for an agency to share the same personal information as specified in the information sharing provision—
 - “(i) with the same agencies specified in the information sharing provision; and
 - “(ii) for the same purposes specified in the information sharing provision; or
 - “(b) extend an information sharing provision that is not a restricted information sharing provision by providing for an agency to share the same personal information as specified in the information sharing provision—
 - “(i) with the same agencies specified in the information sharing provision for a purpose not specified in the information sharing provision; or
 - “(ii) with an agency not specified in the information sharing provision for a purpose specified in the information sharing provision; or
 - “(iii) with an agency not specified in the information sharing provision and for a purpose not specified in the information sharing provision; or
 - “(c) duplicate a restricted information sharing provision by providing for an agency to share the same personal information as specified in the restricted information sharing provision—

- “(i) with the same agencies specified in the restricted information sharing provision; and
 - “(ii) for the same purposes specified in the restricted information sharing provision; or
 - “(d) extend in any manner specified in **paragraph (b)** a restricted information sharing provision only if—
 - “(i) the restricted information sharing provision is an information matching provision (as defined in section 97); or
 - “(ii) there is express statutory authorisation to do so.
- “(4) In **subsection (3)**,—
- “**information sharing provision** means a provision in any enactment other than this Act that authorises or requires the sharing of personal information by an agency with 1 or more other agencies for 1 or more specified purposes
- “**restricted information sharing provision** means an information sharing provision that expressly restricts the purposes for which the personal information may be shared to those purposes specified.

Clause 8: new section 96D

In *clause 8, new section 96D*, replace the definition of **department** (lines 32 and 33 on page 8) with:

- “**department** has the meaning given to it by section 2(1) and also includes—
- “(a) the New Zealand Police;
 - “(b) the New Zealand Transport Agency

Clause 8: new section 96D

In *clause 8, new section 96D*, replace the definition of **public service** (lines 23 to 25 on page 9) with:

- “**public service** means a public function or duty that is conferred or imposed on a public sector agency—
- “(a) by or under law; or
 - “(b) by a policy of the Government

Clause 8: new section 96Y

In *clause 8, new section 96Y(1)(a)(iii)*, delete “or variations” (line 12 on page 27).

New clause 9A

After *clause 9* (after line 32 on page 27), insert:

9A New sections 129A and 129B inserted

The following sections are inserted after section 129:

“**129A Amendment relating to Legislation Act 2012**

Section 129B takes effect on the repeal of the Acts and Regulations Publication Act 1989 and the Regulations (Disallowance) Act 1989.

“**129B New section 96J substituted**

Section 96J is repealed and the following section substituted:

“**96J Application of Legislation Act 2012**

An Order in Council—

“(a) is a legislative instrument for the purposes of the Legislation Act 2012; and

“(b) is a disallowable instrument for the purposes of the Legislation Act 2012; and

“(c) must be presented to the House of Representatives under section 41 of that Act.”

After *Part 2* (after line 14 on page 28), insert:

Part 3

Amendments to Births, Deaths, Marriages, and Relationships Registration Act 1995

13 Principal Act amended

This Part amends the Births, Deaths, Marriages, and Relationships Registration Act 1995.

14 Disclosure of birth information, death information, marriage information, civil union information, and name change information to certain specified agencies for certain purposes

Section 78A(4) is amended by inserting “under this section” after “chief executive”.

15 New section 78AA inserted

The following section is inserted after section 78A:

“**78AA Disclosure of birth information, death information, marriage information, civil union information, and name change information under approved information sharing agreement**

“(1) The Registrar-General may share the following personal information about an identifiable individual under an approved information sharing agreement:

“(a) birth information:

“(b) death information:

“(c) marriage information:

“(d) civil union information:

“(e) name change information.

“(2) This section does not limit section 74.

- “(3) This section and section 78A do not limit each other, and section 78A does not prevent the Registrar-General from entering into an information sharing agreement with any agency to share information of the kind specified in **subsection (1)**.
- “(4) **Subsection (1)** applies whether or not a non-disclosure direction is in force in respect of any or all of the personal information about an identifiable individual referred to in that subsection.
- “(5) In this section,—
- “**approved information sharing agreement and information sharing agreement** have the meanings given to them by **section 96D** of the Privacy Act 1993
- “**non-disclosure direction** means a direction made by the Registrar-General on a request under section 75A(2)(b) that a person’s birth information, marriage information, civil union information, or name change information not be disclosed to the public.”

Explanatory note

This Supplementary Order Paper supersedes Supplementary Order Paper No 174 dated 13 February 2013.

This Supplementary Order Paper amends *clause 8* to—

- clarify the relationship between information sharing agreements under *new Part 9A* of the Privacy Act 1993 and information sharing authorised or required under provisions in other Acts (**information sharing provisions**), particularly where an information sharing provision specifically restricts the purposes for which the information may be shared (**restricted information sharing provisions**). Examples of restricted information sharing provisions are section 81 of the Tax Administration Act 1994, and sections 181A and 182A of the Corrections Act 2004. An information sharing agreement may—
 - duplicate an information sharing provision; or
 - extend an information sharing provision that is not a restricted information sharing provision (by providing for the information to be shared with different agencies or for different purposes, or both); or
 - duplicate a restricted information sharing provision; or
 - extend a restricted information sharing provision (by providing for the information to be shared with different agencies or for different purposes, or both) only if the provision is an information matching provision (as defined in section 97), or there is express statutory authorisation to do so:

- include the New Zealand Transport Agency (**NZTA**) as a department for the purposes of *new Part 9A* so as to enable—
 - NZTA to be a lead agency for an information sharing agreement:
 - the sharing of personal information within NZTA under an approved information sharing agreement:
- clarify that information sharing agreements may be entered into to facilitate the provision of a public service set out in a Government policy:
- correct a drafting error in *new section 96Y*.

This Supplementary Order Paper also inserts—

- a *new clause 9A* with 2 new provisions that are consequential on the passage of the Legislation Act 2012. When the provisions in that Act repealing the Acts and Regulations Publication Act 1989 and the Regulations (Disallowance) Act 1989 come into force, *new section 129A* brings into effect *new section 129B*:
- a *new Part 3*, which amends the Births, Deaths, Marriages, and Relationships Registration Act 1995 to expressly provide that the statutory regime in that Act for the disclosure of birth information, death information, marriage information, civil union information, and name change information does not prevent the Registrar-General from sharing that information with agencies under an approved information sharing agreement.