

Public Discussion Document

**Information Sharing Agreement for the
supply of registered deaths, name
changes, and non-disclosure directions to
assist New Zealand Police for law
enforcement purposes**

New Zealand Police and the Registrar-General

The discussion is open from 9 October 2018 until 5pm 6 November 2018

Go to www.police.govt.nz/AISA-name-changes-deaths

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Make a submission

You can make a submission about the proposed Approved Information Sharing Agreement by:

- Writing a submission and sending it to dia.informationsharing@police.govt.nz with the subject line “Information sharing agreement consultation”; or
- Posting it to:

Justice Policy Team
Police National Headquarters
180 Molesworth Street
Wellington 6011

Electronic submissions are encouraged wherever possible.

You can provide feedback and submissions from 9 October 2018 until 5pm 6 November 2018.

Further information

If you have any questions or would like more information about the proposed Information Sharing Agreement, you can:

- visit the website www.police.govt.nz/AISA-name-changes-deaths or
- contact us by email at dia.informationsharing@police.govt.nz

What we will do with your submissions

Following the submission process we will prepare a report for the Ministers of Police and Internal Affairs to make recommendations about the proposed Information Sharing Agreement (the proposed Agreement). Your submissions will be used to create this report.

The proposed Agreement concerns information sharing between the New Zealand Police (Police) and the Registrar-General, Births, Deaths and Marriages (the Registrar-General). As the lead agency developing the proposed Agreement, Police may include your submission, in whole or in part, when publishing feedback on the discussion process. Your personal details will not be disclosed.

If you do not want your submission published please let us know within your submission.

Release of submissions under the Official Information Act 1982

Your submission may be subject to release under the Official Information Act 1982.

If you want your submission to be withheld under the Official Information Act 1982, please tell us in your submission why you think it should not be released if requested.

The proposed Agreement is published at www.police.govt.nz/AISA-name-changes-deaths

Background

Progressive Steps

In December 2014, a Government inquiry was established following the illegal departure from New Zealand of a prisoner on temporary release. He was able to leave New Zealand using a passport in his birth name after renewing his passport while in prison. His birth name was not consistently recorded as the birth name in the Justice Sector and the Department of Internal Affairs (DIA) had no record of the other assumed identity in the Passport System or the court conditions that had been imposed. A cross-agency programme investigated solutions and options to better manage identity information across the Justice Sector.

In response to the inquiry, the then Minister of Justice agreed to three Progressive Steps to enrich the quality of the information used by Police to more accurately identify individuals. The three Progressive Steps are the provision of:

1. New Zealand Transport Agency driver licence photographs to Police
2. birth, passport, and immigration biographic information and associated photographs to Police
3. registered deaths and name changes to Police.

Implementation of these steps is expected to reduce the risk of offenders using multiple identities that differ across various Justice Sector agencies. It will contribute to the reduction in the number of events relating to misidentified individuals.

The passing of the Enhancing Identify Verification and Border Processes Legislation Act 2017 enables the first and second Progressive Steps.

The proposed Agreement is directly related to the third Progressive Step. Once implemented, the proposed Agreement will enable the Registrar-General to regularly and proactively supply to Police details relating to registered deaths, name changes, and non-disclosure directions. Police will then run a match of this data against the records held in the National Intelligence Application (NIA), the enterprise-wide intelligence and information system that contains information necessary to support Police's ability to maintain the law, including law enforcement.

Purpose of consultation

This public discussion document seeks views on the proposed Agreement being established under Part 9A of the Privacy Act 1993 (the Privacy Act).

The proposed Agreement will provide the legal basis to enable effective information sharing between the Registrar-General and Police for law enforcement purposes.

This document aims to answer the following questions to enable the public to provide feedback on the proposed Agreement:

- What is an Approved Information Sharing Agreement (AISA)?
- Why are Police and the Registrar-General engaging in public discussion on the proposed Agreement?
- Why is an AISA required?

General information about Approved Information Sharing Agreements

What is an Approved Information Sharing Agreement?

Under Part 9A of the Privacy Act, an Approved Information Sharing Agreement (AISA) is an agreement between parties that allows them to share information collected for one purpose and use that information for another purpose in order to provide a public service (in this case, law enforcement).

An AISA is made by an Order in Council. An Order in Council is a law made by New Zealand's Governor-General in Executive Council.

Part 9A of the Privacy Act sets out the requirements of an AISA. This includes undertaking public consultation on the proposed information sharing before the AISA is approved by Cabinet and made by an Order in Council.

What does 'sharing' of information mean?

Sharing personal information has a wide meaning under the Privacy Act. Generally, when people think of information sharing they think of one agency telling another agency about a particular piece of information.

In the context of an AISA, the term 'sharing' is defined as including:

- collecting the information;
- storing the information;
- checking the information;
- using the information;
- disclosing the information;
- exchanging the information; or
- assigning a unique identifier to an individual (if required).

Why is an AISA needed?

Agencies, including government agencies, are required to comply with a set of [Information Privacy Principles](#) that are set out in the Privacy Act. An AISA can be used to vary these principles, for example, to allow personal information to be shared for a new purpose (one that is different to the purpose that the information was originally collected for).

An AISA cannot be used to:

- vary or remove those rights under the Privacy Act which allow you to ask for access to or correction of your personal information;
- force parties to the AISA to share information with each other; or
- override legislation that prohibits or controls information sharing.

For more information about AISAs visit <https://www.privacy.org.nz/data-sharing/information-sharingapproved-information-sharing-agreements/>

How will an AISA help?

The purpose of the proposed Agreement is to improve the accuracy of Police information through its principal information system, NIA, by ensuring Police are aware:

- of name changes of individuals that have an existing record in NIA;
- that an individual with an existing record in NIA is now deceased; and
- that an individual has a non-disclosure direction in force.

(a) AISAs are transparent

AISAs are public documents. We plan to make the approved Agreement available online on both the DIA and Police websites, and in hard copy format to give New Zealanders visibility of how and when their personal information will be shared for law enforcement-related purposes.

The proposed Agreement describes the key aspects of information sharing including what information can be shared, what processes, checks and balances will be used to actively manage the data exchange, and how the information will be kept safe.

(b) Information sharing will benefit New Zealanders

The proposed Agreement will benefit New Zealanders by enabling Police to carry out their law enforcement functions with more accurate information. This is expected to reduce the risk of offenders using multiple identities as well as the number of events relating to misidentified individuals.

(c) AISAs can vary the Information Privacy Principles

The AISA will allow us to vary the settings of the [Information Privacy Principles](#) so that we can share personal information in a way that improves law enforcement for New Zealanders.

The proposed Agreement seeks to vary two Information Privacy Principles set out in the Privacy Act so that parties to the proposed Agreement will be able to lawfully share information with each other.

The following principles will be varied under the proposed Agreement:

- **Principle 2 – Source of personal information**

Principle 2 relates to the source of personal information. Generally, personal information must be collected directly from the individual.

The proposed Agreement will enable Police to proactively collect bulk personal information relating to registered deaths, name changes, and non-disclosure direction information from the Registrar-General.

- **Principle 11 – Limits on disclosure of personal information**

Principle 11 relates to when personal information may be shared. Generally, personal information must only be disclosed where it is directly related to the purpose for which the information was obtained, where the disclosure is to the individual concerned or the individual has consented to the disclosure.

The proposed Agreement will enable the Registrar-General to disclose bulk personal information relating to registered deaths, name changes, and non-disclosure directions to Police.

For more information about how the proposed Agreement complies with the Information Privacy Principles refer to the [Privacy Impact Assessment](#).

Why are Police and the Registrar-General discussing the proposed Agreement with the public?

This public consultation process is an important step to make sure Police and the Registrar-General seek a broad range of views on the proposed Agreement. It is also a legal requirement – the Privacy Act requires Police and the Registrar-General to consult about the proposed Agreement with the public before it can be submitted to Cabinet for approval.

Discussing the proposed Agreement with the public ensures that Police and the Registrar-General:

- are clear and transparent about why we want to make this Agreement, and how it will be done;
- understand people’s views; and
- are able to address any concerns about the Agreement.

Who are Police and the Registrar-General discussing the proposed Agreement with?

Anyone is welcome to provide feedback on the proposed Agreement. Feedback can be provided on the public discussion questions included in this document (refer to page 2 for details).

This document is being provided directly to a range of organisations that may be interested in the proposed Agreement to make them aware of the discussion.

The Privacy Commissioner is also required to consider the privacy implications of the proposed Agreement under the Privacy Act and may provide a submission.

Matters not covered in this public consultation process

This public consultation process is focused on the sharing of registered death, name change, and non-disclosure direction information between the Registrar-General and Police.

Police and the Registrar-General are not consulting on:

- DIA’s registration of personal information as required by law;
- DIA’s processes for notifying deaths, applying for name changes, or obtaining a non-disclosure direction;
- Police’s NIA database;
- the use of information by Police for law enforcement purposes once a NIA record has been updated using information provided by the Registrar-General;
- existing information sharing provisions between the Registrar-General and Police;
- whether information sharing should occur for law enforcement purposes such as investigations, fraud prevention and prosecution;
- information sharing generally between government agencies;
- The Births, Deaths, Marriages, and Relationships Registration Act and any proposed changes to it; or
- the Privacy Act and any proposed changes to it.

The proposed Agreement

The proposed Agreement will facilitate the proactive, regular disclosure by the Registrar-General of registered deaths, name changes, and non-disclosure directions to Police. It will be enabled by section 78AA of the Births, Deaths, Marriages, and Relationships Registration Act 1995 (BDMRRA), which allows the Registrar-General to disclose birth, death, marriage, civil union, and name change information under an AISA. This disclosure will enable Police to improve the accuracy of identity information held.

It is important to note that the majority of the information disclosed by the Registrar-General to Police will not be updated to the Police NIA system. Instead, once a successful match is found, an individual's record in NIA will be updated with either a "deceased" indicator, the individual's new registered name with a flag noting that the name was sourced from DIA, and/or an indicator that the individual has a non-disclosure direction in force. The remaining information supplied by the Registrar-General under the Agreement will be destroyed by Police, including any information provided by the Registrar-General that does not match a NIA record. Police will only update existing records in NIA and will not create new records.

Testing of the necessary fields required for a successful match has been carried out by Police with the assistance of DIA, and parties are confident that the fields are limited but also include enough information to ensure accuracy.

Public services facilitated

The proposed Agreement will benefit New Zealanders by enabling Police to carry out the following public services with more accurate information:

- keeping the peace;
- maintaining public safety;
- law enforcement;
- crime prevention;
- community support and reassurance;
- national security;
- participation in Police activities outside New Zealand;
- emergency management; and
- intervention to prevent or reduce harm to individuals and New Zealand public in general.

Public benefits

The proposed Agreement will provide public benefits through enabling Police to carry out the public services outlined above, with the confidence of having more accurate information in their database.

Objectives of the proposed Agreement

The objectives of the proposed Agreement relate to improving the accuracy of Police information regarding names, current non-disclosure directions, and the current vital status relating to individuals in NIA, the system that contains information necessary to support Police's ability to maintain the law, including law enforcement.

NIA is a secure database that contains over five million records. Identity information is usually received from an individual following an event (such as an arrest, complaint or investigation), but NIA also contains information on other individuals such as registered firearms users and driver licence holders.

NIA can be accessed through a Police account, either via a mobile application or desktop. Access to NIA is role-based and managed by Police's strict information security policies.

Increased accuracy in NIA will enable Police to better:

- link multiple identities to one individual (e.g. linking to an existing identity and associated criminal history);
- maintain accurate records by correcting identity information (e.g. to maintain accurate databases and registers or enforce court orders or warrants);
- detect and correct false information provided by individuals (e.g. detecting identity fraud or persons attempting to evade Police); and
- protect the identity of individuals who have a non-disclosure direction in force.

Purposes for information sharing

The purpose of the proposed Agreement is to improve the accuracy of Police information through its principal information system, NIA, by ensuring Police are aware:

- of name changes and other registered names of individuals that have an existing record in NIA;
- that an individual with an existing record in NIA is now deceased; and
- that an individual with an existing record in NIA has a non-disclosure direction in force.

The purpose for sharing this type of information is not new. The Registrar-General can currently use section 78AB of the BDMRRA to share this information on a case by case basis, where it is required for law enforcement purposes.

The information sharing in the proposed Agreement is also for law enforcement, but the information is being provided proactively – it is being 'pushed' to Police by the Registrar-General, rather than being 'pulled' by Police from the Registrar-General. Police will not be aware of the majority of cases where a person has changed their name, died, or has a non-disclosure direction in force so will not be able to request this on a case by case basis. The information is therefore being compiled weekly and provided in bulk to Police so that Police can maintain accurate records for all the identities it holds.

For more information about the purposes for information sharing check out the [Privacy Impact Assessment](#) and [the proposed Agreement](#).

Personal information to be shared

Information that the Registrar-General will disclose to Police will be subsets of the complete information contained within a registered death, name change, or non-disclosure direction record as specified by the BDMRRA. Three subsets of the information that DIA collects have been determined to be the minimum identifiers necessary to achieve a successful and accurate match.

The information to be shared consists of subsets of the following information:

- details contained within the registered death record contained within the Death Register;
- details contained within the registered birth record for an individual whose birth is registered on the New Zealand birth register and who is the subject of a registered name change or a non-disclosure direction; and
- information about an overseas-born individual who is the subject of a registered name change or non-disclosure direction contained within the Register of name changes for overseas born applicants.

The following sensitive information from birth, name change, and death records will not be shared under the proposed Agreement:

- Pre-adoptive birth registrations;
- Pre-sexual assignment or reassignment birth registration; or
- Birth, change name, or death registrations with a direction in place under section 112 of the Domestic Violence Act 1995.

Pre-adoptive birth registrations and pre-sexual assignment or reassignment birth registration both have a statutory protection from disclosure under the BDMRRA.

The table below outlines the personal information that will be shared under the proposed Agreement. All information will be sourced from DIA's Births, Deaths and Marriages unit.

Category	Information contained
Death notification	Current first names
	Current surname
	First names at birth
	Surname at birth
	Place of death
	Sex
	Date of birth
	Age at death
	Place of birth
	Number of years lived in New Zealand
	Home address
	Ethnicity
	Overseas-born name changes
First names at birth	
Former surname	
Former first names	
New surname	
New first names	
Date of birth	
Country of birth	
Date of registration of name change	
Home address at time of name change	
New Zealand-born name changes	Surname at birth
	First names at birth
	Former surname
	Former first names
	New surname
	New first names
	Date of birth
	Place of birth
	Date of registration of name change
	Sex
	Home address at time of name change
Non-disclosure direction	Surname at birth
	First names at birth
	Former surname
	Former first names
	New surname
	New first names
	Date of birth
	Place or country of birth
	Home address at time of application for non-disclosure direction
	Date non-disclosure direction comes into force
	Date non-disclosure revoked

Permitted uses of personal information

The proposed Agreement will enable personal information provided by the Registrar-General to be used by Police to compare personal identifiers against records held on NIA.

The operational processes are as follows:

1. One of the following occur:
 - A name change application is received from an individual
 - DIA is notified regarding the death of an individual
 - A non-disclosure direction application is received from an individual
 - A request to revoke a non-disclosure direction is received from an individual
 - An in force non-disclosure direction expires
 - A correction is received to an existing registered name change or death.
2. DIA follows normal procedures in accordance with the BDMRRA to register or update these events.
3. Upon completion of the registration or update the Registrar-General will provide to Police the agreed subset of information from these registrations in a secure manner.
4. Police will match this information to their current information within NIA.
5. In the event of a successful match the person record on NIA will be amended to reflect the received information. The only amendments made will be either:
 - A new name and any registered names not held within NIA will be uploaded
 - The person's record will be marked as deceased
 - An indicator that the individual has a non-disclosure direction in force will be entered or removed.
6. This updated record will then be accessible to Police staff for standard maintenance of the law.
7. All information received from the Registrar-General will be securely destroyed by Police, in accordance with the operational procedures, following completion of the matching process.

There will be a one off exchange of non-disclosure direction information relating to current in force non-disclosures once Operational Procedures are agreed by the Parties. This one off exchange will enable Police to run a match of this information against their current information within NIA and enter an indicator for successfully matched individuals that there is a non-disclosure direction in force.

Information provided by the Registrar-General as part of the proposed Agreement will not be used for any other purposes.

Public discussion questions

There are a number of questions we would like you to consider when providing your feedback on the proposed Agreement. The questions are listed below, along with information to inform your answer.

For more information about how to make a submission on the proposed Agreement please see page 2.

Question 1: The information sharing purpose and process

Police will use the information provided by the Registrar-General for the purpose of updating existing personal records on NIA with either a deceased status indicator, with the individual's new registered name and any other registered names Police does not hold, and/or an indicator that the individual has a non-disclosure direction in force.

The data listed in the table on page 10 will be used in the match between Police information and the information provided by the Registrar-General. The information will be matched manually by a specialised workgroup in Police. If there is a successful match, the individual's NIA record will be updated with either a deceased status indicator, the individual's new registered name and any other registered names not held in NIA, and/or an indicator that the individual has a non-disclosure direction in force.

Once the match is made and the record is updated, the information provided by the Registrar-General will be destroyed. If Police do not match information provided by the Registrar-General to an existing record in NIA, the information provided by the Registrar-General will be destroyed.

Examples of where Police will benefit from the information sharing include:

- An individual may change their name on the birth register and apply for a passport in their new name. Police will be notified of the name change and can ensure that a border alert against the person has the new name. Without this notification, the person may be able to evade the border alert and travel overseas.
- Police will be notified of a person that has died who has an active warrant for their arrest. Police can then revoke the warrant. If Police did not know the person was dead they would execute the warrant, using Police resources and potentially upsetting the family of the person.
- Police is notified that an individual has a non-disclosure direction in place to ensure that their new name is not accessible to the public. A Police staff member deals with a report by that individual that they are a victim of a crime. When checking in Police's system, the person record flags that the individual has a non-disclosure direction in force. The staff member asks the individual what name they would prefer used on the documents relating to the offence, that may be disclosed to the defendant if charges are laid.

The purpose and process for sharing information from the Registrar-General to Police will enable Police to have accurate records in their national database. Is the purpose and process appropriate, or not appropriate?

- If you answered "appropriate" – please explain why you gave that response
- If you answered "not appropriate" – please explain why you gave that response

Question 2: Range of personal information to be shared

The table on page 10 above outlines the personal information that will be shared with Police by the Registrar-General. It includes subsets of the information that is provided on death notifications, name change and non-disclosure direction applications for both New Zealand-born and overseas-born persons. These subsets have been tested by the Police to ensure that they will provide enough data to accurately identify a specific individual, and to avoid potentially amending the record of a person incorrectly.

The following sensitive information from birth records will not be shared under the proposed Agreement:

- Pre-adoptive birth registrations
- Pre-sexual assignment or reassignment birth registration
- Birth, name change or death registrations that have a non-disclosure direction under section 112 of the Domestic Violence Act 1995.

Operational Procedures will be agreed between the Registrar-General and Police before non-disclosure directions are shared by the Registrar-General. It is proposed that Police will still receive name changes of a person who has a non-disclosure direction if this is prior to Operational Procedures being agreed. Any delay in agreeing the Operational Procedures is expected to be short.

Sharing by the Registrar-General of records with a non-disclosure direction in force is important to enable Police to manage the use of information in that record. Public Sector agencies are able to access the records, even when a non-disclosure direction is in place, if the access is to avoid prejudice to the maintenance of the law. More information about non-disclosure directions is available on the following webpage:

<https://www.govt.nz/browse/nz-passports-and-citizenship/proving-and-protecting-your-identity/access-to-your-birth-marriage-and-name-change-records/non-disclosure-direction>

Where there is a successful match with the records provided, the Police record will be updated, as appropriate, with:

- an indicator that the individual is deceased,
- the individual's new registered name and any registered names not held by Police, or
- an indicator that the individual has a non-disclosure direction in force.

The information that was provided to Police to make this update will then be destroyed. Any information that does not match a record in NIA will also be destroyed.

Is the *range of personal information* about an individual proposed to be shared too restrictive, about right, or too broad?

- If you answered "too restrictive" – please tell us what you think should be included, and why?
- If you answered "too broad" – please tell us what you think should not be included, and why?

Question 3: When information will be shared

The Registrar-General will share personal information about all registered deaths, name changes, and non-disclosure directions under the proposed Agreement.

The range of death, name change, and non-disclosure direction information in the table on page 10 will be compiled regularly and submitted directly to Police. The information shared will include the details relating to any registered or updated death, name change, or non-disclosure direction and it will be up to Police to match against their existing records in NIA.

There are approximately 6,900 name changes each year, and 31,000 deaths notified to DIA. A weekly data exchange could pertain to information about 700 individuals. There are approximately 100 non-disclosure directions currently in force.

There will be a one off exchange of non-disclosure direction information relating to current in force non-disclosures once Operational Procedures are agreed by the Parties. This one off exchange will enable Police to run a match of this information against their current information within NIA and enter an indicator for successfully matched individuals that there is a non-disclosure direction in force.

How do you feel about the the automatic, regular, sharing of all death, name change, and non-disclosure direction information by the Registrar-General to Police under the proposed Agreement: agree, neutral, or disagree?

- If you answered “agree” – please provide an explanation for your response
- If you answered “disagree” – please provide an explanation for your response

Question 4: Proposed privacy protections

Safeguards will be put in place by each of the parties to the proposed Agreement to ensure that the privacy of individuals is protected, and to ensure that any potential interference with privacy is minimised.

The Registrar-General will only be able to share specific personal information with Police under the proposed Agreement. This means that personal information will not be shared with third parties except as required by law or for law enforcement purposes.

All parties to the proposed Agreement (including staff) will be required to abide by the Public Sector Standards of Integrity and Conduct and their respective organisational codes of conduct.

If personal information is inappropriately accessed or disclosed, the Police internal investigation processes will be applied. Where an internal investigation confirms that personal information has been inappropriately accessed or disclosed and has resulted in a privacy breach, the Privacy Commissioner will be notified as soon as possible. Where appropriate, the affected individuals will be notified.

The operation of the proposed Agreement will be audited regularly to ensure safeguards are operating as intended and sufficiently protecting individuals' privacy. This will also assist with determining whether any issues have arisen that need to be resolved.

All information will be appropriately secured when at rest and in transit as required by the [New Zealand Information Security Manual](#) (NZISM).

Processes and procedures will be in place to ensure that the personal information received under the proposed Agreement is:

- of adequate standard and quality
- kept separate from all other information while it is being transferred
- used only for the purposes specified in the proposed Agreement
- protected, and
- held only for the time required.

Are the *proposed privacy protections* on the privacy of individuals affected by the Agreement too restrictive, about right, or too broad?

- If you answered "too restrictive" – please tell us what you think should be included, and why?
- If you answered "too broad" – please tell us what you think should not be included, and why?

Question 5: Other comments

If you have any additional feedback you would like to provide on the proposed Agreement you can include them when you answer this question.

Do you have any other comments?