



## **Privacy (Information Sharing Agreement Between Ministry of Justice and Statistics New Zealand) Order 2017**

Patsy Reddy, Governor-General

### **Order in Council**

At Wellington this 27th day of March 2017

Present:

The Right Hon Bill English presiding in Council

This order is made under section 174(2) of the Senior Courts Act 2016, section 237(2) of the District Court Act 2016, and sections 96J to 96L of the Privacy Act 1993—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Justice made in accordance with section 96N of the Privacy Act 1993.

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## **Order**

### **1 Title**

This order is the Privacy (Information Sharing Agreement Between Ministry of Justice and Statistics New Zealand) Order 2017.

### **2 Commencement**

This order comes into force on 27 April 2017.

### **3 Interpretation**

In this order, unless the context otherwise requires,—

**Act** means the Privacy Act 1993

**agreement** means the information sharing agreement approved under clause 4

**integrated data infrastructure** means the information technology system of Statistics New Zealand that comprises linked administrative data from government agencies, Statistics New Zealand surveys, and non-government organisations

**permitted information** means the permitted information specified in—

- (a) Part B of the items relating to court information in Schedule 2 of the Senior Courts Act 2016, regardless of whether the information is controlled by the judiciary; and
- (b) Part B of the items relating to court information in Schedule 1 of the District Court Act 2016, regardless of whether the information is controlled by the judiciary

**personal information** has the meaning given in section 2(1) of the Act

**suppressed information** means information that—

- (a) has been suppressed by or under a court order; or
- (b) is subject to a provision in any enactment that prohibits or restricts its disclosure.

#### **4 Information sharing agreement approved**

- (1) The information sharing agreement described in subclause (2) is approved.
- (2) The information sharing agreement is the Information Sharing Agreement for Sharing Permitted Information with Statistics New Zealand made on 14 March 2017.
- (3) The agreement comes into force on the day this order comes into force.

#### *Parties and lead agency*

#### **5 Parties to agreement and designation of lead agency**

- (1) The parties to the agreement are—
  - (a) the Ministry of Justice; and
  - (b) Statistics New Zealand.
- (2) The lead agency is the Ministry of Justice.

#### **6 Purposes for which information may be shared**

The agreement authorises the sharing of personal information to enable Statistics New Zealand to collect permitted information that may then be—

- (a) disclosed to researchers using the integrated data infrastructure, or as otherwise permitted under the Statistics Act 1975:
- (b) used for the production of official statistics.

#### *Public services that agreement facilitates*

#### **7 Public services that agreement is intended to facilitate**

The public services that the agreement is intended to facilitate are—

- (a) bona fide research in relation to matters of public interest; and
- (b) the production of official statistics by Statistics New Zealand.

#### *Description of personal information shared under agreement*

#### **8 Personal information that may be shared under agreement**

- (1) The Ministry of Justice may, under the agreement, share permitted information with Statistics New Zealand.
- (2) Permitted information includes the following personal information:
  - (a) information about people who have faced criminal charges in the District Court or High Court, including details of the case and its outcomes; and

- (b) information that a person has had a protection order, restraining order, extended supervision order, non-contact order, or public protection order made against them.
- (3) However, permitted information shared by the Ministry of Justice under the agreement will not include suppressed information.

*How personal information shared under agreement may be used*

**9 How parties may use personal information**

- (1) This clause applies to the use of personal information described in clause 8.
- (2) Statistics New Zealand may use personal information for 1 or more of the purposes specified in clause 6.

*Adverse actions*

**10 Adverse actions**

- (1) No adverse actions will be taken as a result of the sharing of personal information under the agreement.
- (2) No procedures before taking an adverse action are therefore required.

*Miscellaneous*

**11 How to access agreement**

- (1) A copy of the agreement is available online at <http://www.justice.govt.nz>
- (2) A copy of the agreement is also available at the Ministry of Justice, Justice Centre, 19 Aitken Street, Thorndon, Wellington 6011.

**12 Schedule 2A of Privacy Act 1993 amended**

- (1) This clause amends the Privacy Act 1993.
- (2) In Schedule 2A, after the item relating to information sharing to support services for disengaged youth, insert the item set out in the Schedule of this order.

**Schedule**  
**Amendment to Schedule 2A of Privacy Act 1993**

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<p>Information Sharing Agreement for Sharing Permitted Information with Statistics New Zealand</p>	<p>Bona fide research in relation to matters of public interest Production of official statistics by Statistics New Zealand</p>	<p><a href="http://www.justice.govt.nz">http://www.justice.govt.nz</a></p>	<p>Ministry of Justice</p>	<p>Permitted information, being permitted information that is specified in Part B of the items relating to court information in Schedule 2 of the Senior Courts Act 2016, but not including any permitted information suppressed by or under a court order or any enactment</p>
				<p>Permitted information, being permitted information that is specified in Part B of the items relating to court information in of the District Court Act 2016, but not including any permitted information suppressed by or under a court order or any enactment</p>

Michael Webster,  
Clerk of the Executive Council.

## Explanatory note

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

This order, which comes into force on 27 April 2017, approves an information sharing agreement entered into under the Privacy Act 1993 (the **Act**) between the Ministry of Justice and Statistics New Zealand.

Under the agreement, the Ministry of Justice will supply to Statistics New Zealand personal information that is permitted information described in Schedule 2 of the Senior Courts Act 2016 and Schedule 1 of the District Court Act 2016. The personal information will not, however, include any information suppressed by or under a court order or any enactment. Statistics New Zealand will link this information with other administrative data it holds collected from other government agencies, Statistics New Zealand surveys, and non-government organisations. The resulting information will then be available under the Statistics Act 1975 to researchers for bona fide research in relation to matters of public interest and also for the production of official statistics by Statistics New Zealand.

This order inserts into Schedule 2A of the Act information regarding the agreement that is required to be inserted under section 96L of the Act.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 30 March 2107.  
This order is administered by the Ministry of Justice.