Privacy Commissioner
Te Mana Mātāpono Matatapu

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Superannuation Schemes Unique Identifier Code 2020

This Code of Practice is made under section 32 of the Privacy Act 2020 by the Privacy Commissioner.

I, JOHN EDWARDS, Privacy Commissioner, having given notice in accordance with section 33(3) of the Privacy Act 2020 of my intention to issue a code of practice and having satisfied the other requirements of the subsection, now issue under section 32 of the Act the Superannuation Schemes Unique Identifier Code 2020.

Issued by me at Wellington on 28 October 2020

The SEAL of the)
Privacy Commissioner was) *[L.S.]*
affixed to this code of practice)
by the Privacy Commissioner)

John Edwards

Privacy Commissioner

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Code of Practice

1 Title

This code of practice is the Superannuation Schemes Unique Identifier Code 2020.

2 Commencement

This code comes into force on 1 December 2020.

3 Interpretation

(1) In this code,—

administration manager, in relation to any superannuation scheme, means an agency (if any) to whom the trustees have contracted some or all of the administration of the scheme

associated person, means an associated person within the meaning of subpart YB of the Income Tax Act 2007

employer includes, where the circumstances require, a former employer or an associated person of an employer

investment manager, in relation to any superannuation scheme, means an agency (if any) to whom the trustees have contracted the investment of some or all of the funds of the scheme

member, in relation to any superannuation scheme, means—

(a) a natural person who has been admitted to membership of the scheme and who is, or may become, entitled to benefits under the scheme; or

(b) the trustees of another registered superannuation scheme which has been admitted to membership of the scheme and which is, or may become, entitled to benefits under the scheme

rule means the rule set out in clause 5

superannuation scheme or **scheme** means any superannuation scheme, fund, or plan, or any provident fund, set up to confer on its members or other persons, retirement or other benefits, such as accident, disability, sickness or death benefits

the Act means the Privacy Act 2020

trustees—

(a) in relation to a superannuation scheme established under a trust deed, means the persons who are designated as such in the trust deed, or the successors of those trustees, and who have the responsibility for administering the trusts governing the scheme; and

(b) in relation to a superannuation scheme constituted under an Act of the Parliament of New Zealand, means the person or persons appointed to administer the scheme.

(2) A term or expression defined in the Act and used, but not defined, in this code has the same meaning as in the Act.

4 Application of code and subrules

(1) This code applies to the following agencies:

(a) the trustees of a scheme; or

(b) the administration manager of a scheme; or

(c) any investment manager of a scheme; or

(d) any actuary performing functions in relation to a scheme; or

(e) any insurer or benefit provider supplying insurance services or other benefits to a scheme.

(2) Subrules 13(1), (2)(a), (2)(e), (4) and (5)(a) do not apply to unique identifiers assigned before 1 July 1993.

(3) Subrules 13(2)(b)-(d) and (3) do not apply to unique identifiers assigned before 1 December 1995.

(4) However, subrule 13(2) applies to the assignment of a unique identifier—

(a) on or after 1 July 1993 under subrules 13(2)(a) and (e); and

(b) on or after 1 December 1995 under subrules 13(2)(b)-(d);

even if the unique identifier assigned is the same as that assigned by another agency before that date.

5 Rule modifying information privacy principle 13

Information privacy principle 13 is modified in accordance with the Act by the following rule which applies to the agencies referred to in clause 4(1)—

Rule 13
Unique Identifiers

(1) An agency (A) may assign a unique identifier to an individual for use in its operations only if that identifier is necessary to enable A to carry out 1 or more of its functions efficiently.

(2) A may not assign to an individual a unique identifier that, to A's knowledge, is the same unique identifier as has been assigned to that individual by another agency (B), unless—

(a) A and B are associated persons; or

(b) A is an agency described in subclause 4(1), B is the individual's employer or trade union or an agency of that employer and the unique identifier was devised and assigned in connection with the individual's employment; or

(c) A is an agency described in subclause 4(1), B is or was another agency described in subclause 4(1) or the individual's employer or union or an agent of that employer or union, and the individual transferred from the scheme in respect of which A acts as part of a restructuring of the employer's or union's superannuation arrangements; or

(d) the individual to whom the unique identifier is assigned is a beneficiary deriving their rights from an individual to whom subrule 2(b) or subrule 2(c) applies; or

(e) the unique identifier is to be used by A for statistical or research purposes and no other purpose.

(3) Paragraphs (b), (c), or (d) of subrule (2) do not operate to exempt from subrule (2) the assignment of a unique identifier that, to the agency's knowledge, has originally been assigned to that individual by an agency other than the employer, union or an agent of the employer.

(4) To avoid doubt, A does not assign a unique identifier to an individual under subrule (1) by simply recording a unique identifier assigned to the individual by another agency for the sole purpose of communicating with B about the individual.

(5) A must take any steps that are, in the circumstances, reasonable to ensure that—

(a) a unique identifier is assigned only to individuals whose identity is clearly established; and

(b) the risk of misuse of a unique identifier by any person is minimised (for example, by showing truncated account numbers on receipts or in correspondence).

(6) An agency may not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or is for a purpose that is directly related to one of those purposes.

6 Revocation

The Superannuation Schemes Unique Identifier Code 1995 is revoked.

Made at Wellington on 28 October 2020.

John Edwards
Privacy Commissioner

Issued under the authority of the Privacy Act 2020.
Date of notification in *Gazette*: 2 November 2020
This legislation is administered by the Office of the Privacy Commissioner.