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Justice Sector 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 Justice Sector 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 Justice Sector Unique Identifier Code 2020.

2 Commencement

This code comes into force on 1 December 2020.

3 Interpretation

(1) In this code,—

justice sector agency means an agency referred to in clause 4(1)

offence means a category 1, 2, 3 or 4 offence, as defined in sections 5 and 6 of the Criminal Procedure Act 2011, or an infringement offence for which an infringement notice has been issued, as defined in section 2 of the Summary Proceedings Act 1957, and includes any action in respect of which a warrant for imprisonment, order for community work, or warrant to arrest has been imposed against an individual by a New Zealand court

rule means the rule set out in clause 5

the Act means the Privacy Act 2020.

(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 and to agents exercising any of the functions of any such agency under delegated or other authority:

- (a) Department of Corrections; or
- (b) Ministry of Justice; or
- (c) Ministry of Social Development; or
- (d) Police; or
- (e) Registrar of Motor Vehicles; or
- (f) Road User Charges Collector; or
- (g) Waka Kotahi NZ Transport Agency.

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

- (3) Subrules 13(2)(b) and (3) do not apply to unique identifiers assigned before 30 June 1998.
- (4) However, subrule 13(2) applies to the assignment of a unique identifier—
 - (a) on or after 1 July 1993 under subrule 13(2)(a); and
 - (b) on or after 30 June 1998 under subrule 13(2)(b);even if the unique identifier assigned is the same as that assigned by another agency before that date.

5 Rule modifying the application of information privacy principle 13

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

Rule 13

Unique Identifiers

- (1) A justice sector 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 justice sector agency (B), unless—
 - (a) the unique identifier is to be used by A for statistical or research purposes and no other purpose; or
 - (b) subrule (3) applies.
- (3) A may assign to an individual being processed through the justice system a unique identifier previously assigned by B in the circumstances set out in Schedule 1.
- (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 B for the sole purpose of communicating with B about the individual.
- (5) A justice sector agency that assigns unique identifiers to individuals must take any steps that are reasonable to ensure that—
 - (a) a unique identifier is assigned only to an individual 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) A justice sector 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 Justice Sector Unique Identifier Code 1998 is revoked.

Schedule 1

Agency originally assigning the unique identifier	Circumstances in which unique identifier is originally assigned	Circumstances in which unique identifier may be re-assigned by other justice sector agencies
<p>Police</p>	<p>Assigned to an individual as a result of the alleged commission by that individual of an offence</p>	<p>Ministry of Justice – may assign for the purposes of management of proceedings, enforcement of fines and other orders, and communication with other law enforcement agencies where this is necessary for the efficient conduct of proceedings, including the administration of resulting sentences and the enforcement of fines and other orders.</p> <p>Department of Corrections - may assign for the purposes of providing information on the imposition of sentences, and the efficient administration of sentences and other orders, and the management of offenders subject to such sentences and orders.</p> <p>Waka Kotahi NZ Transport Agency – may assign for the purposes of</p> <ul style="list-style-type: none"> (a) recording notifications from Police of individuals forbidden to drive, and advising Police when those individuals have had valid licences issued; and (b) recording offence notifications from Police of individuals where identification was not confirmed, and advising Police of valid licence details when so determined. <p>Ministry of Social Development – may assign for the purposes of</p> <ul style="list-style-type: none"> (a) the management and review of family group conferences under Part 4 of the Oranga Tamariki Act 1989 (Children’s and Young People’s Well-being Act 1989); and (b) providing information to other justice sector agencies on the

		<p>outcome of family group conferences for child and youth offending, and the imposition of orders and sentences; and</p> <p>(c) the efficient administration of orders and sentences.</p>
Ministry of Justice	Assigned to an individual as a result of the alleged commission by that individual of an offence.	<p>Police – may assign for the purposes of the prevention, detection, investigation, and prosecution of offences and the administration of sentences and the enforcement of fines and other orders.</p> <p>Department of Corrections - may assign for the purposes of providing information on the imposition of sentences, and the efficient administration of sentences and other orders, and the management of offenders subject to such sentences and orders.</p>
Waka Kotahi NZ Transport Agency	Assigned to an individual as a result of the issue of a driver licence.	<p>Police – may assign for the purposes of the prevention, detection, investigation, and prosecution of offences and the administration of sentences and the enforcement of fines and other orders.</p> <p>Ministry of Justice – may assign for the purposes of management of proceedings, enforcement of fines and other orders, and communication with other justice sector agencies where this is necessary for the efficient conduct of proceedings, including the administration of resulting sentences and the enforcement of fines and other orders.</p> <p>Department of Corrections - may assign for the purposes of providing information on the imposition of sentences, and the efficient administration of sentences and other orders, and the management of offenders subject to such sentences and orders.</p> <p>Road User Charges Collector - may</p>

		<p>assign for the purpose of verifying the identity of people who are, or apply to be, holders of licences issued under the Road User Charges Act 2012.</p> <p>Registrar of Motor Vehicles - may assign for the purpose of verifying the identity of people who are, or apply to be, registered in respect of motor vehicles on the Motor Vehicles Register.</p>
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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.