



# Justice Sector Unique Identifier Code 1998

*Incorporating  
Amendments No 1, No 2, No 3 and No 4*

**Privacy Commissioner**  
*Te Mana Matapono Matatapu*

**NEW ZEALAND**

*This version of the code applies from 15 October 2015 and incorporates the changes made by Amendments No 1, No 2, No 3 and No 4.*

# Justice Sector Unique Identifier Code 1998

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*This version of the code includes various notes which are set out in italics. This material is not part of the code but is included to assist users of the code. Reference must always be made to the rules or clauses themselves.*

## Justice Sector Unique Identifier Code 1998

I, BRUCE HOULTON SLANE, Privacy Commissioner, having given notice in accordance with section 48(1) of the Privacy Act 1993 of my intention to issue a code of practice and having satisfied the other requirements of the subsection, now issue under section 46 of the Act the Justice Sector Unique Identifier Code 1998.

Issued by me at Auckland on 3 April 1998

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

B H Slane  
Privacy Commissioner

*Note: Similar statements of issuance, not repeated here, accompanied Amendments No 1, No 2, No 3 and No 4.*

*Note: This edition, consolidated as at 15 October 2015, incorporates Amendments No 1, No 2, No 3 and No 4.*

*Note: A code of practice issued under section 46 of the Privacy Act 1993 is deemed to be a disallowable instrument for the purposes of the Legislation Act 2012 – Privacy Act, section 50.*

## 1. Title

This code of practice may be referred to as the Justice Sector Unique Identifier Code 1998.

## 2. Commencement

This code is to come into force on 30 June 1998.

*Note: The code has been amended by Amendment No 1 (commenced 2 March 2006), Amendment No 2 (commenced 5 February 2008), Amendment No 3 (commenced 30 August 2014) and Amendment No 4 (commenced 15 October 2015).*

## 3. Interpretation

(1) In this code:

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

...

*Note: Amendment No 1 deleted definition of Law Enforcement Agency Reference Number.*

...

*Note: Amendment No 1 deleted definition of major traffic offence.*

**[[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];

*Note: This definition was inserted by Amendment No 1 and amended by Amendment No 3.*

**rule** means the rule set out in clause 5;

**the Act** means the Privacy Act 1993.

(2) [revoked]

*Note: Clause 3(2) was revoked by Amendment No 4.*

## 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) ...

*Note: Amendment No 1 omitted the reference to the Department of Courts.*

(b) the Department of Corrections;

[(c) New Zealand Transport Agency;]

*Note: Amendment No 1 substituted the reference to Land Transport Safety Authority with Land Transport New Zealand. Amendment No 2 substituted the reference to Land Transport New Zealand with New Zealand Transport Agency.*

(d) the Ministry of Justice;

(e) the Ministry of Transport;

(f) the Police;

[(g) the Ministry of Social Development; and

(h) the Registrar of Motor Vehicles.]

*Note: Paragraphs (g) and (h) inserted by Amendment No 2.*

- (2) Subrules (1), (2)(a) and (4) apply only in relation to the assignment of unique identifiers after the commencement of the Act.
- (3) Subrules (2)(b) and (3) apply only in relation to the assignment of unique identifiers after the commencement of this code.
- (4) Subrule (5) applies to any unique identifier whether assigned before or after the commencement of the code.

## **5. Rule modifying the application of information privacy principle 12**

Information privacy principle 12 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 12 Unique Identifiers**

- (1) A justice sector agency must not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable to agency to carry out any one or more of its functions efficiently.
- (2) A justice sector agency must not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another justice sector agency, unless:
  - (a) those two agencies are associated persons within the meaning of [subpart YB of the Income Tax Act 2007]; or
  - (b) subrule (3) applies.

*Note: Rule 12(2)(a) was amended by Amendment No 4.*

- [(3) A justice sector agency may assign to an individual being processed through the justice system a unique identifier previously assigned by another justice sector agency in the circumstances set out in the Schedule.]

*Note: Subrule 12(3) was substituted by Amendment No 1.*

- (4) A justice sector agency that assigns unique identifiers to individuals must take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.
- (5) A justice sector agency must 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 for a purpose that is directly related to one of those purposes.

## Schedule

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><b>Police</b></p>	<p>Assigned to an individual as a result of the alleged commission by that individual of an offence.</p>	<p><b>Ministry of Justice</b> – may assign for the purposes of            (a) 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; and            (b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p> <p><b>Department of Corrections</b> - may assign for the purposes of            (a) 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; and            (b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p> <p><b>[New Zealand Transport Agency]</b> – may assign for the purposes of            (a) recording notifications from Police of individuals forbidden to drive, and advising Police when those individuals have had valid licences issued; and</p>

		<p>(b) recording offence notifications from Police of individuals where identification was not confirmed, and advising Police of valid licence details when so determined; and</p> <p>(c) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual or commercial operator concerned.</p> <p><i>Note: Amendment No 2 substituted New Zealand Transport Agency for Land Transport New Zealand.</i></p> <p><b>[Ministry of Social Development</b>  – may assign for the purposes of  (a) the management and review of family group conferences under Part 4 of the Children, Young Persons, and their Families Act 1989; and  (b) providing information to other justice sector agencies on the outcome of family group conferences for child and youth offending, and the imposition of orders and sentences; and  (c) the efficient administration of orders and sentences; and  (d) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.]</p> <p><i>Note: Amendment No 2 inserted entry relating to Ministry of Social Development.</i></p>
<p><b>Ministry of Justice</b></p>	<p>Assigned to an individual as a result of the alleged commission by that individual of an offence.</p>	<p><b>Police</b> – 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><b>Department of Corrections</b> - may assign for the purposes of</p>



		<p>(a) 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; and</p> <p>(b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p>
<p><b>[New Zealand Transport Agency]</b></p> <p><i>Note: Amendment No 2 substituted New Zealand Transport Agency for Land Transport New Zealand</i></p>	<p>Assigned to an individual as a result of the issue of a driver licence.</p>	<p><b>Police</b> – 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><b>Ministry [of] Justice</b> – may assign for the purposes of</p> <p>(a) 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; and</p> <p>(b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p> <p><i>Note: Amendment No 2 corrected an error in the heading to this entry.</i></p> <p><b>Department of Corrections</b> - may assign for the purposes of</p> <p>(a) 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; and</p>

		<p>(b) statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p> <p><b>[Ministry of Transport</b> - may 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 1977.]</p> <p><i>Note: Amendment No 2 substituted this entry.</i></p> <p><b>[Registrar of Motor Vehicles</b> - may assign for the purpose of verifying the identity of people who are, or apply to be, registered as owners of vehicles on the Motor Register.]</p> <p><i>Note: Amendment No 2 inserted this entry.</i></p>
<p><b>Department of Corrections</b></p>	<p>Assigned 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><b>Ministry of Justice</b> – may assign for the purposes of statistical and other research in which resulting reports or compilations will not be in a form that could reasonably be expected to identify any individual concerned.</p>

*Note: Schedule inserted by Amendment No 1.*

## **Legislative history**

<i>3 April 1998</i>	<i>Justice Sector Unique Identifier Code 1998 issued</i>
<i>30 June 1998</i>	<i>Commencement of Justice Sector Unique Identifier Code 1998</i>
<i>22 December 2005</i>	<i>Amendment No 1 issued</i>
<i>2 March 2006</i>	<i>Commencement of Amendment No 1</i>
<i>19 December 2008</i>	<i>Amendment No 2 issued</i>
<i>5 February 2008</i>	<i>Commencement of Amendment No 2</i>
<i>21 July 2014</i>	<i>Amendment No 3 issued</i>
<i>30 August 2014</i>	<i>Commencement of Amendment No 3</i>
<i>9 September 2015</i>	<i>Amendment No 4 issued</i>
<i>15 October 2015</i>	<i>Commencement of Amendment No 4</i>

### ***Justice Sector Unique Identifier Code 1998***

*This consolidation: 15 October 2015  
Available to download at [www.privacy.org.nz](http://www.privacy.org.nz)*

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