

## 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 affixed to this code )  
of practice by the )  
Privacy Commissioner )



B H Slane  
Privacy Commissioner

### Title

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

### Commencement

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

### Interpretation

3. (1) In this code:

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

**Law Enforcement Agency Record Number** means the unique identifier which is generated on a random basis by the Police in respect of each individual being processed through the criminal justice system as a result of the commission, or alleged commission, by the individual of a criminal offence or a major traffic offence;

**major traffic offence** means a traffic offence other than an infringement offence within the meaning of section 42A of the Transport Act 1962;

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

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

- (2) Terms and expressions used in this code and defined in the Privacy Act 1993 or Acts Interpretation Act 1924 have the same meanings respectively as in those Acts.

### Application of code and subrules

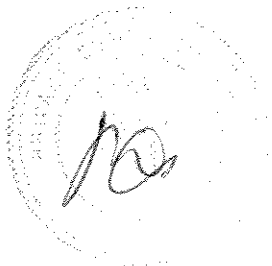
4. (1) This code applies to the following agencies and to agents exercising any of the functions of any such agency under delegated or other authority:
- (a) the Department for Courts;
  - (b) the Department of Corrections;
  - (c) the Land Transport Safety Authority;
  - (d) the Ministry of Justice;
  - (e) the Ministry of Transport; and
  - (f) the Police.
- (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.

### Rule modifying the application of information privacy 12

5. 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 the 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 section OD7 of the Income Tax Act 1994; or
  - (b) subrule (3) applies.
- (3) A justice sector agency may assign as a unique identifier to an individual being processed through the criminal justice sector the Law Enforcement Agency Record Number previously assigned to that individual by another justice sector agency.
- (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.

*codes98/justi2*

