

Superannuation Schemes Unique Identifier Code 1995

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 Superannuation Schemes Unique Identifier Code 1995.

Issued by me at Auckland on 18 October 1995

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 Superannuation Schemes Unique Identifier Code 1995.

Commencement

2. This code is to come into force on 1 December 1995.

Interpretation

3. (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 section OD7 of the Income Tax Act 1994;

commencement, in relation to this code, means the coming into force of the code;

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 1993;

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;
- (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) 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:
 - (a) the trustees of a scheme;
 - (b) the administration manager of a scheme;
 - (c) any investment manager of a scheme;
 - (d) any actuary performing functions in relation to a scheme; and
 - (e) any insurer or benefit provider supplying insurance services or other benefits to a scheme.
- (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), (2)(c), (2)(d) 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 substituting for information privacy principle 12

5. Information privacy principle 12 is modified in accordance with the Act by the following rule which applies to the agencies referred to in subclause 4(1):

Rule 12
Unique Identifiers

- (1) An 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) An agency must not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another agency, unless:
- (a) those two agencies are associated persons;
 - (b) the first-mentioned agency is an agency described in subclause 4(1), the other agency is the individual's employer or trade union or an agent of that employer and the unique identifier was devised and assigned in connection with the individual's employment;
 - (c) the first mentioned agency is an agency described in subclause 4(1), the other agency 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 the unique identifier was first assigned to the scheme in respect of which the first-mentioned agency 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 his or her rights from an individual to whom paragraph (2)(b) or paragraph (2)(c) applies.
- (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 that 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) An 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) An 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.