

The Office of Human Rights Proceedings

Te Tari Whakatau Take Tika Tangata

MEDIA RELEASE

INZ will introduce a new policy for amending personal information following case settlement

1 July 2016

Following settlement of a case with the Director of Human Rights Proceedings (The Director), Immigration New Zealand (INZ) has confirmed it is working on a policy for dealing with requests to amend personal information.

In August 2015, the Privacy Commissioner upheld a complaint by a former Ethiopian refugee against Immigration New Zealand (INZ) that INZ refused to correct the refugee's date of birth information.

Through no fault of his own, the complainant arrived in New Zealand with travel documents that incorrectly stated his age as being at least three years younger than his actual age. This meant the complainant was unable to earn the adult minimum wage, access financial assistance or get a drivers licence – the types of things anyone of his actual age should be able to do.

Subsequent bone density scans and dental examination confirmed the discrepancy. The complainant provided this and other evidence to INZ and asked it to alter its records, but it did not do so.

The Privacy Commissioner held that INZ had interfered with the complainant's privacy in breach of Information Privacy Principles 7 and 8 and referred the case to the Director.

The Director and INZ have since settled the case on a confidential basis that will avoid the need to take the case to the Human Rights Review Tribunal.

INZ acknowledged that it breached Principle 7 of the Privacy Act 1993 (which deals with the requirement that agencies correct personal information upon request) and confirmed that it has undertaken work on a policy to deal with requests for personal information amendments - including the evidence required to amend a date of birth.

INZ will consult with the Privacy Commissioner about the intended policy and suitable training about it will be provided to INZ staff who deal directly with requests made under the Privacy Act.

Any new policies will be made publicly available.

The Director, Robert Kee, was assisted by barrister, Simon Judd. "I am grateful for Mr Judd's assistance and INZ's constructive approach in bringing this matter to a sensible conclusion without the need for costly litigation", Mr Kee says.

“Not only was this particular complaint addressed, but there is also the promise of a better Immigration New Zealand policy for other migrants facing similar difficulties.”

Ends

For information on the case presented to the Director, see Case Note 264435 [2015] PrivCmr 8: Immigration, which is available on the attached link:

NZ <https://www.privacy.org.nz/news-and-publications/case-notes-and-court-decisions/case-note-264435-2015-nz-privcmr-8-immigration-new-zealand-inz-refuses-to-correct-birth-date/>