



Privacy Commissioner  
Te Mana Matapono Matatapu

**Approved information  
sharing agreement:  
supporting the Solicitor-  
General's statutory duties  
through the Crown Law  
Office.**

A report by the Privacy Commissioner  
to the Minister of Justice under section  
96P of the Privacy Act 1993.

October 2017

## Executive Summary

This is my report on the approved information sharing agreement (AISA) between the Ministry of Justice and the Crown Law Office approved under Part 9A of the Privacy Act.

Section 237 of the District Court Act 2016 and section 174 of the Senior Courts Act 2016 require the use of the AISA mechanism to approve the sharing of “permitted information” as defined in those Acts. The AISA will also enable the sharing of certain “Ministry of Justice information” as defined in those Acts.

The purpose of this AISA is to support the Solicitor-General’s statutory duties through the Crown Law Office.

I am satisfied that the AISA meets the requirements set out in Part 9A of the Privacy Act. I provided comments to the Ministry of Justice in the development of this AISA to support the Minister of Justice’s decision-making prior to the approval of this agreement. I am satisfied that during the consultation process my views have been acknowledged and led to further development of this agreement.

My detailed comments on the agreement are structured under headings that reflect the specific criteria for approved information sharing agreements in Section 96N of the Privacy Act.



John Edwards  
**Privacy Commissioner**

## Comments on the agreement

**1. Does the information sharing agreement facilitate the provision of any public service or public services?**

The information sharing agreement is intended to facilitate information sharing between the Ministry and the Crown Law Office (CLO) to enable the Solicitor-General to fulfil her statutory responsibility to maintain general oversight of all public prosecutions (and a Cabinet directive to retain greater oversight of public prosecutions), and to manage funding to the Crown Solicitor network for the conduct of Crown prosecutions (clause 6). These purposes meet the criteria of supporting the delivery of the public services identified in clause 8, namely:

- maintaining an efficient and effective criminal justice system;
- improving the quality of public prosecutions; and
- managing the budget for Crown prosecutions.

**2. Is the type and quantity of personal information to be shared under the agreement no more than is necessary to facilitate the provision of that public service or those public services?**

I am satisfied that the type and quantity of personal information to be disclosed under this agreement is reasonably necessary to facilitate the provision of the public services identified.

The information to be shared under this agreement is limited to 'permitted information' as defined by Schedule 2 of the Senior Courts Act 2016 and Schedule 1 of the District Court Act 2016, and 'Ministry of Justice information' as defined by Item 2 in those same schedules.

In broad terms, 'permitted information' means the permanent court record in a criminal matter and includes details about people subject to:

- charges in criminal court;
- orders under the Domestic Violence Act 1995 or Sentencing Act 2002;
- restraining orders under the Harassment Act 1997;
- extended supervision orders under the Parole Act 2002;
- non-contact orders under the Victims' Orders Against Violent Offenders Act 2014;
- any public protection order under the Public Safety Act 2014; and
- information that any probation report exists in respect of a person.

'Permitted information' includes suppressed information but is limited to the names of defendants.

The 'Ministry of Justice information' that may be shared is case level information that is combined with Police, Corrections, and other government agency data to support policy formation, statistics and research.

**3. Will the agreement unreasonably impinge on the privacy of individuals and contain adequate safeguards to protect their privacy?**

I am satisfied that this agreement does not unreasonably impinge on the privacy of individuals and contains adequate safeguards to protect individuals' privacy. For example, the parties are required to:

- ensure information is transferred via secure mechanisms that meet mandated security standards;
- ensure the information is securely stored by the CLO;
- audit access to the information and report any breaches to my Office; and
- regularly report on the operation of the agreement.

No adverse action will be taken against an identifiable individual as a result of the sharing of information under the AISA.

**4. Will the benefits of sharing personal information under the agreement be likely to outweigh the financial and other costs of sharing it?**

I am satisfied that this agreement will result in positive benefits that outweigh the costs of sharing the information. The Solicitor-General is reliant on prosecution information from the Ministry to appropriately assess and allocate funding based on the workload of each Crown Solicitor and to monitor the level of Crown prosecution services being provided.

**5. Are there any potential conflicts or inconsistencies between the sharing of personal information under the agreement and any other enactment, and have they been appropriately addressed?**

I am not aware of any conflicting enactment that will impact on this proposal.