

Memorandum of Understanding

Between
Ministry of Social Development
AND
Department of Internal Affairs

Relating to the Sharing of Birth Registration Data

PRIVACY ACT 1993

BIRTHS, DEATHS, MARRIAGES, AND RELATIONSHIPS REGISTRATION ACT 1995

23 December 2016

MOU Relating to the sharing of Birth Registration data

Table of Contents

Memorandum of Understanding	1
Memorandum of Understanding.....	4
BACKGROUND.....	4
Better Public Services	4
The process	4
Risk Assessment	4
Security Assessment	5
Term and Termination	5
Disclosure of Birth Information	5
Privacy of Information	5
Security of Information.....	5
No New Data repository	5
Safeguards for Individuals affected by the Results of this Programme	6
Review	6
Amendment	6
Dispute Resolution	6
Fees	6
Technical Standards Report	6
Departmental Representatives	6
Assignment/Subcontracting	8
SCHEDULE 1 – Technical Standards Report.....	9
Relevance, Timeliness and Completeness of Information	9
Relevance	9
Timeliness	9
Completeness	9
The Processes.....	9
The Consent Process.....	9
The Selection and Extraction Process	9
The Transfer of Data Process	10
The Information	10
The Processing of the File.....	13
Non-match Process.....	14
Match Process.....	14
Expected Results.....	14
Expected Volumes.....	14
The Impact of Matching	14
Schedule 2: Operating Costs.....	15

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MOU Relating to the sharing of Birth Registration data

Definitions of Terms.....	15
Operating Costs.....	15
Schedule 3: Analysis of the Principles of the Privacy Act.....	15
Principle 1: Purpose of Collection of Personal Information	15
Analysis.....	15
Principle 2: Source of Personal Information	15
Analysis.....	16
Principle 3: Collection of Information from Subject.....	16
Analysis.....	17
Principle 4: Manner of Collection of Personal Information	17
Analysis.....	17
Principle 5: Storage and Security of Personal Information.....	18
Analysis.....	18
Principle 6: Access to personal information	18
Analysis.....	18
Principle 7: Correction of personal information	18
Analysis.....	19
Principle 8: Accuracy, etc., of personal information to be checked before use.....	19
Analysis.....	19
Principle 9: Agency not to keep personal information for longer than necessary	19
Analysis.....	19
Principle 10: Limits on the use of personal information.....	19
Analysis.....	20
Principle 11: Limits on disclosure of personal information	20
Analysis.....	21
Principle 12: Unique identifiers.....	21
Analysis.....	21

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2

Memorandum of Understanding

This Memorandum of Understanding (MoU) is made:

BETWEEN: The Chief Executive of the Ministry of Social Development (MSD).

AND: The Registrar-General of Births, Deaths and Marriages at the Department of Internal Affairs (DIA)

BACKGROUND

BETTER PUBLIC SERVICES

As part of Better Public Services, agencies have been challenged to make it easy for the public to transact with government in a digital environment.

The Birth of a Child life event (product name SmartStart) is an on-line product underpinned by the Federated Services Delivery framework. This allows consumers of Government services to re-use the information that they provide to various Government services.

THE PROCESS

SmartStart will enable Department of Internal Affairs (DIA) customers to consent to share information with other Government services. DIA customers will be invited to consent to and initiate the change of circumstances process with Ministry of Social Development (MSD) when they register the birth of a child.

The DIA birth registration form (both online and paper) will provide for DIA customers who are also MSD clients to agree and consent to DIA notifying the birth of the child. They will be asked to provide their MSD client number, which is personal information under the Privacy Act 1993.

The form explains that MSD will use the birth record information to look at 'eligibility' for payments and services and in that context asks for their MSD client number and or the other parent's MSD client number. Links to DIA and MSD privacy statements are included on the form. The collection of the customer's personal information over and above that which is needed for birth registration purpose and the subsequent disclosure of that information to MSD will therefore be on the basis of their express consent.

When the birth notice completes the registration process an automated process will select the information related to the birth registration and will disclose that information to MSD using an approved secure electronic transmission method.

MSD will verify the information, obtain any further information required and initiate the change of circumstances for its client to ensure that the client is able to access all entitlements to which they are entitled.

RISK ASSESSMENT

Evidence of Identity assessment indicates that the notification of a birth represents a medium risk.

A privacy risk threshold assessment assesses the privacy risk as medium.

Appropriate security requirements are in place to mitigate the risks from this collection and disclosure of personal information. These are detailed in the Birth Registration privacy risk assessment.

SECURITY ASSESSMENT

DIA and MSD have assessed the MoU and agree that the proposed technological solutions meet each party's security requirements.

AGREEMENT BETWEEN DIA AND MSD

The MoU is between DIA and MSD and is for the disclosure, by DIA to MSD, of:

- Birth information with the consent of the DIA client; and
- MSD client number that has been collected by DIA with the consent of the DIA client.

TERM AND TERMINATION

This MoU commences on the Effective Date and shall continue in force from that date until written notice is given by either the Registrar-General of Births, Deaths and Marriages or the Chief Executive of MSD to terminate this MoU. The MoU can be amended with agreement by written notice from either Party.

DISCLOSURE OF BIRTH INFORMATION

Disclosure of personal information relating to the birth notification and MSD client number by DIA to MSD will only occur where the DIA customer has provided their consent to DIA for the collection, use and disclosure of the personal information.

PRIVACY OF INFORMATION

All parties to this MoU will comply with their requirements under the Privacy Act 1993 and the Public Records Act 2005.

Impacts and risks to individual's privacy must be assessed and approved using the DIA's approved privacy impact assessment process.

SECURITY OF INFORMATION

The data sharing security controls described within Schedule 1 of this MoU will be approved by the DIA Chief Security Office as fit for purpose.

All parties to the MoU will immediately advise of any circumstances, incidents or events that, to its knowledge, have jeopardised or may in future jeopardise the privacy of individuals whose personal information is collected, used or disclosed under this MoU; or the security of any computer system in its custody that is used to access the personal information.

If DIA reasonably believes that the information of individuals' has been disclosed under this MoU, it will initiate an investigation according to the DIA's approved privacy incident management process.

NO NEW DATA REPOSITORY

The Parties will not permit the information that is collected, used or disclosed under this MoU to be linked or merged in such a way that it creates a new separate permanent register or store of information about all or any of the individuals, whose information has been subject to this MoU.

MSD may document the receipt of a birth registration notice to support their change of circumstances process. The receipt may include the birth registration number as verification of the birth.

SAFEGUARDS FOR INDIVIDUALS AFFECTED BY THE RESULTS OF THIS PROGRAMME

MSD shall establish reasonable procedures for confirming the validity of discrepancies before it seeks to rely on them as a basis for action with an individual.

REVIEW

The Parties acknowledge the importance of ensuring the arrangements outlined in this MoU operate to the satisfaction of both Parties.

The Parties agree to undertake joint reviews of this MoU, whenever either Party believes on reasonable grounds that such a review is necessary.

The Parties shall co-operate with each other in any review and will use their reasonable endeavours to make available the necessary resources, facilities and information to facilitate each joint review.

The Parties shall consult concerning matters covered by this MoU and other matters of common interest.

AMENDMENT

Any Party proposing a variation to this MoU shall give reasonable notice to the other Party of the proposed variation, and the reason for it.

Any variations to this MoU must be in writing, and be executed by the Deputy Chief Executive, Service Delivery of MSD and the Registrar-General of Births Deaths and Marriages, or their respective delegates.

DISPUTE RESOLUTION

Should any dispute or difference relating to the interpretation, application or need for a variation of this MoU arise, the Parties will in good faith meet and negotiate with a view to resolving the dispute or difference as quickly as possible.

If the Parties are unable to resolve any dispute within 60 days, the matter shall be referred to the Registrar-General of Births, Deaths and Marriages and the Deputy Chief Executive, Service Delivery, MSD, or their delegated representatives for resolution.

The Parties shall continue to fully comply with their obligations under this MoU despite the existence of any dispute.

FEES

Schedule 2 sets out the operating costs of this MoU. Any changes to operating costs will be agreed upon by each party prior to 01 April 2017.

TECHNICAL STANDARDS REPORT

The details of how the transfer of personal information will operate are set out in Schedule 1 attached to this Agreement.

DEPARTMENTAL REPRESENTATIVES

The Parties will each appoint a representative to oversee the operation of the transfer of information, and will ensure that the person is familiar with the requirements of Schedule 1 of this agreement, this MoU and the Privacy Act 1993.

Any query or difficulty with the transfer of information will, in the first instance, be referred to the Operation Analyst or EBusiness Analyst for clarification and resolution.

All notices and other communication between the Parties under this MoU shall be sent to the addresses below.

Ministry of Social Development	Department of Internal Affairs
Operations Analyst Centralised Services Ministry of Social Development PO Box 19 236 Hamilton 3244	Manager, Life Event Services Births, Deaths and Marriages Department of Internal Affairs P O Box 10-526 Wellington 6143
Phone: Section 9(2)(a) email: Section 9(2)(a)@msd.govt.nz	Phone: Section 9(2)(a) Email: Section 9(2)(a)@dia.govt.nz

2

ASSIGNMENT/SUBCONTRACTING

Neither Party shall assign, transfer, subcontract or otherwise dispose of any benefits, rights, liabilities or obligations under this MoU or any part of this MoU without the prior authority of the other Party.

Where a contractor, including a person contracted to provide services to the Party in the same or a substantially similar manner to that in which the employees of that Party, is engaged, it is a condition of providing the authority referred to in clause 20.1 that the contractor be obliged by a suitable term in the relevant contract for services to observe no lesser care, conduct, and confidentiality in relation to the information to which this MoU relates as an employee of the Party would be obliged to observe.

Signed by the Parties

SIGNED by Jeff Montgomery



The Registrar-General and General Manager of Births, Deaths, Marriages, Citizenship and Translations, the Department of Internal Affairs

10-1-17 (date)

SIGNED by Ruth Bound



Deputy Chief Executive, Service Delivery, the Ministry of Social Development

6/2/17 (date)

SCHEDULE 1 – Technical Standards Report

RELEVANCE, TIMELINESS AND COMPLETENESS OF INFORMATION

Relevance

The birth information of an MSD client may affect the eligibility of that client for a benefit or additional benefits or other assistance.

Timeliness

The birth information supplied by DIA will be taken from the current birth register as at the date of extraction where the registrant has consented to notify their birth.

The extracted information will be matched with information held on MSD records.

A file will be generated daily until the MoU ceases.

Completeness

The information supplied to MSD will be a subset of the information that is registered on the DIA Births Register.

THE PROCESSES

The programme will allow applicants to initiate the change of circumstance process by notifying MSD their newborn at the time they complete a Registration of Birth form (BDM 27). This is optional. The parent will need to supply a valid MSD client number to support and validate their request. Otherwise their request cannot be actioned.

The form will include an explanation of the purpose of collection of the information in accordance with information privacy principle 3 of the Privacy Act.

The collection of the personal information over and above that which is needed for birth registration purpose and the subsequent disclosure of that information to MSD will therefore be on the basis of express consent.

The Consent Process

Generally both parents are required to register the birth of a child together, so both parents will consent to the passing of their information. In limited situations one parent can register a birth alone, and in so doing, provide the details of the second parent. Where the Registrar-General is satisfied on evidence provided by the notifying parent that the second parent is a parent of the child, he or she will be recorded as such.

Where there is a single parent registering the child, and they provide consent for disclosure of personal information this MoU still enables the second parent's details (those are ordinarily collected to register the birth) to be notified. This does not differ from the existing process where a parent provides a birth certificate to verify the birth, as the second parent's details will appear on the birth certificate. If the Registrar-General is not satisfied the person named as a parent is in fact a parent, those details collected will not be notified, just as they would not appear on a birth certificate.

If DIA confirms the birth registration and the applicant consents to notify the birth to MSD, DIA will send birth registration information to MSD.

DIA will collate the records of those who have opted to apply for an MSD number and forward a batch on an agreed regular schedule to MSD.

MSD will match the birth notifications manually against MSD systems and then create the child record.

The Selection and Extraction Process

At the end of each business day, DIA will automatically run an automated process will be established to select specified information from the DIA life-data database for verified birth registrations, where

the applicant has consented to notify MSD of the birth. The process will create a file of these records for transfer to MSD.

The Transfer of Data Process

The extracted data file, will then be transmitted to MSD using a secure Single File Transferable Protocol as the file transport.

The file is encrypted using gnppgp, MSD's preferred encryption standard.

On receipt, MSD will compare the file to the agreed delivery schedule. If a file is received that is not in accordance with that delivery schedule, MSD will contact DIA to confirm that DIA did intend to send the file. If MSD has not received a file that has been expected, then MSD will immediately contact DIA to check whether the file has been dispatched. If the file has been dispatched but not received, DIA and MSD will work together to establish what happened to the file, and take such action as appropriate to recover the file if it has been intercepted or has gone to the wrong place.

Once MSD have received the file and are certain it is actually from DIA, MSD will decrypt the file. MSD will ensure that the data is in order and has not been corrupted in any way, prior to introducing the file into the MSD data environment for the actual matching. Any concerns over the data will be immediately queried by MSD with DIA.

THE INFORMATION

The table below outlines the information which DIA will supply to MSD, to be used for to verify and initiate the change of circumstance process.

The file format is as follows: (note fields in green are not in the current MSD birth file)

Header Record:

Fields	Format	Purpose	Details
File name, including period covered dates	String	Uniquely identify every file	Dates are in DD.MM.YYYY format

Detail Record:

	Fields	Format	Purpose	Details
Child				
1.	Surname	String	Identification of child for match	Shouldn't be blank. Shouldn't contain a "Not Recorded".
2.	First Names	String	Identification of child for match	Includes all current given names. Can be blank. Can contain 'Not Recorded' or "Not Recorded". Most Not Records will relate to Still-births.
3.	Original Surname	String	Identification of child for match	As per Original First Names
4.	Original First Names	String	Identification of child for match	Will always be the original name recorded for this person.
5.	Birth Date	Date	Identification of child for match	DD Month YYYY Always a date. May be an estimated date for foundlings.

	Fields	Format	Purpose	Details
6.	Birth Place	String	Identification of child for match	Alpha/Numeric, textual description
7.	Sex	String	Identification of child for match	Values include M, F, I or NR. NR will usually relate to still-births or children who died shortly after birth.
8.	Stillbirth	String	To check entitlement eligibility	An indicator which when set, indicates the child was stillborn. S = Stillborn and D = Since Died.

Mother				
9.	MSD_SWN	Integer	Identification of mother for match	<p>The MSD_SWN (client number) will be collected if the customer consents to notify the birth to MSD.</p> <p>The birth registration form will only allow valid SMD SWN numbers to be entered</p> <p>MSD are able to use the SWN as the primary identifier with the customer's names to validate the match.0</p> <p>In the unlikely event that a valid MSD_SWN is receive that does not match either of the parent names MSD will use the contact details provided by the mother to speak to her.</p>
10.	Surname	String	Identification of mother for match	Currently known by at time of child's birth. In some cases this could be a commonly known as, or also known as, name. Could also be a spouse's surname or a combination of both parents' surnames.
11.	First Names	String	Identification of mother for match	Currently known by at time of child's birth. In some cases this could be a commonly known as, or also known as name.
12.	Surname at birth	String	Identification of mother for match	If different from current name
13.	First Names at birth	String	Identification of mother for match	If different from current name
14.	Place of Birth	String	Identification of mother for match	Not relevant now but as all mother's births are notified place of birth will be a very good identifier.

Mother				
15.	Date of Birth	Date	Identification of mother for match	DD Month YYYY Always a date.
16.	Home address1	String	Identification of mother for match	Street number, Street name and Suburb Max 70 chars
17.	Home address2	String	Identification of mother for match	Town/City and Post code Max 70 chars
18.	Mother's contact number	String	Provide self-asserted contact	MSD may need to contact their customer to confirm or add additional details to determine entitlement eligibility.

Father				
19.	MSD_SWN	Integer	Identification of other parent for match	<p>The MSD_SWN (client number) will be collected if the customer consents to notify the birth to MSD.</p> <p>The birth registration form will only allow valid SMD SWN numbers to be entered</p> <p>MSD are able to use the SWN as the primary identifier with the customer's names to validate the match.0</p> <p>In the unlikely event that a valid MSD_SWN is receive that does not match either of the parent names MSD will use the contact details provided by the mother to speak to her.</p>
20.	Surname	String	Identification of father for match	Currently known by at the time of the child's birth. Could also be a spouse's surname or a combination of both parents' surnames.
21.	First Names	String	Identification of father for match	Currently known by at time of child's birth. In some cases this could be a commonly known as, or also known as name.
22.	Surname at birth	String	Identification of father for match	If different from current name
23.	First Names at birth	String	Identification of father for match	If different from current name

Father				
24.	Place of Birth	String	Identification of father for match	Not relevant now but as all father's births are notified place of birth will be a very good identifier.
25.	Date of Birth	Date	Identification of father for match	DD Month YYYY Always a date.
26.	Home address1	String	Identification of father for match	Street number, Street name and Suburb Max 70 chars
27.	Home address1	String	Identification of father for match	Town/City and Post code Max 70 chars

Registration				
28.	Date of Registration	Date	Verification of birth	.DD/MM/YYYY The date when the event is registered and by being formally recorded in the birth database.
29.	Registration Number	String	Verification of birth	Numeric value (10 characters) with the first 4 digits being equivalent to the year of registration and the last five are a system generated sequential number starting from 1 each calendar year i.e ##### / #####. The year is typically in line with the year of registration of the child's birth. Variations do occur for late registration and events that are re-registered
30.	Death Registration Number	String	Verification of birth status	Where a death is matched to a birth the death registration number is entered into this field.

Footer Record:

Fields	Content Format	Details
Record count	Integer	Number of birth events recorded in the file
Date of report	String	Date and time file is extracted

THE PROCESSING OF THE FILE

MSD staff will receive the electronic file of birth notification records. Each birth record is manually matched, by a member of staff who works within the Centralised Services team to verify the parent(s) identified in the birth record is/are MSD clients.

The matching process is manual. In the first instance, it involves 3 matching attributes: the MSD client number (SWN), the client(s) full name and date of birth. The client's address may be used if any ambiguity exists.

There are two possible outcomes from the match:

- There is no existing MSD client that matches the MSD SWN and the birth notification parent attributes (**a non-match**).
- There is a match between 1 or both parent MSD SWNs and birth notification parent attributes (**a match**).

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Non-match Process

In the unlikely event that a valid MSD SWN is received that does not match the parent attributes MSD will contact DIA to determine an agreed course of action to facilitate the customer's request. This may require that MSD contact the mother directly to explain and resolve the issue. MSD will use the contact information provided on the birth registration to make this contact.

Match Process

The results of the match will be passed to the *MSD Centralised Services team* to action.

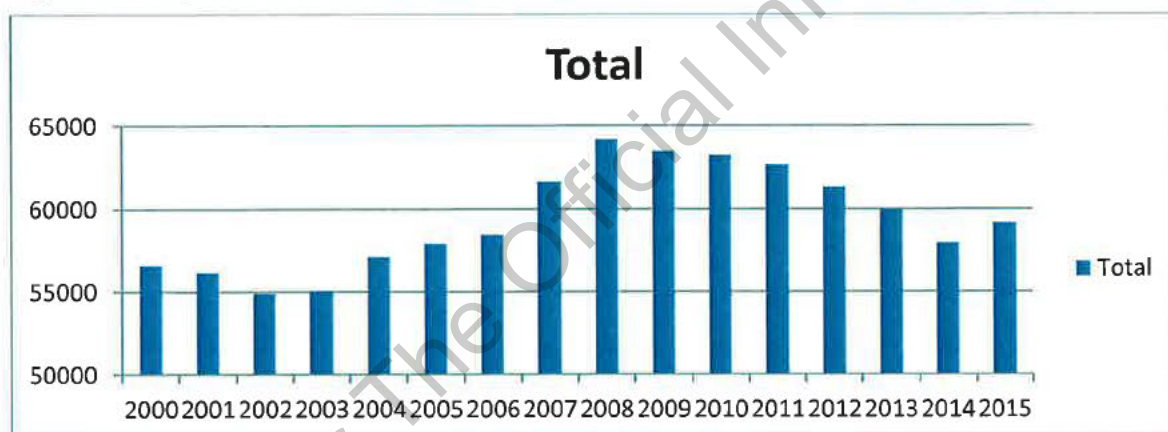
1. Search for, select or add a person to represent the child,
2. Create relationships between the child record and the parent(s) MSD client record(s)

EXPECTED RESULTS

Expected Volumes

The match frequency is daily on business days. MSD create six to seven thousand child records where the child is less than one year old yearly annually. A proportion of these births are to parents that are not MSD clients prior to the birth. MSD estimate the number of births to existing clients to be 6000 per annum.

The number of births in New Zealand remains essentially static at 60,000 per annum or 60/working day. This is expected to remain true.



THE IMPACT OF MATCHING

The removal of impediments to service is the goal of the government's Result10 initiatives. The primary goal is access to services and customer convenience. MSD intend that the notification of a birth registration will ultimately result in MSD clients being contacted by MSD to inform them of the changes the birth has made or will make to their entitlements. The ideal state for this process is that low risk clients will not need to take additional actions to receive the entitlements.

Schedule 2: Operating Costs

DEFINITIONS OF TERMS

In this schedule, unless the context otherwise requires:

"File" – A batch of Records supplied from DIA to MSD

"Record" – Information from the Birth and Death registers as detailed in Schedule 1, clause 2.5.

OPERATING COSTS

1. All fees for the provision of records under this agreement shall be waived by DIA until 31 March 2017.
2. All on-going costs will be negotiated between DIA and MSD prior to 01 April 2017.

Schedule 3: Analysis of the Principles of the Privacy Act

PRINCIPLE 1: PURPOSE OF COLLECTION OF PERSONAL INFORMATION

Personal information shall not be collected by any agency unless-

- (a) *The information is collected for a lawful purpose connected with a function or activity of the agency; and*
- (b) *The collection of the information is necessary for that purpose.*

Analysis

Information collection

DIA is collecting personal information related to:

- Notification of birth of a child; and
- DIA customer's MSD client number at the time of birth registration,

for the purpose of forwarding this personal information that it has collected to MSD, but only where the customer has a MSD client number and consents to have their birth notified to MSD.

In relation to the registration of births, it is the function of DIA to register the birth of a child under the Birth, Deaths, Marriages, and Relationships Registration Act and for the purposes of the Act:

- (a) to require the recording and verification of information relating to births so as to provide;
 - (i) a source of demographic information, and information about health, mortality, and other matters important for government; and
 - (ii) an official record of births; and
- (b) to regulate access to, and disclosure of, information recorded in respect of these matters; and
- (c) to regulate the provision and effect of certificates relating to information recorded in respect of births.

The collection of a customer's birth information and MSD client number is connected with other matters important for government as it provides a way for consumers of government services to use personal information that they provide to more easily access various government services. In this case to access MSD services.

The collection of a customer's birth details and MSD client number is for lawful purposes connected with the function of DIA.

PRINCIPLE 2: SOURCE OF PERSONAL INFORMATION

- (1) *Where an agency collects personal information, the agency shall collect the information directly from the individual concerned.*

(2) It is not necessary for an agency to comply with subclause (1) of this principle if the agency believes, on reasonable grounds, -

- (a) That the information is publicly available information; or
- (b) That the individual concerned authorises collection of the information from someone else; or
- (c) That non-compliance would not prejudice the interests of the individual concerned; or
- (d) That non-compliance is necessary -
 - (i) To avoid prejudice to the maintenance of law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
 - (ii) For the enforcement of a law imposing a pecuniary penalty; or
 - (iii) For the protection of the public revenue; or
 - (iv) For the conduct of any proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
- (e) That compliance would prejudice the purposes of the collection; or
- (f) That compliance is not reasonably in the circumstances of the particular case; or
- (g) that the information -
 - (i) Will not be used in a form in which the individual concerned is identified; or
 - (ii) Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
- (h) That the collection of the information is in accordance with an authority granted under section 54 of this act.

Analysis

DIA is collecting the personal information directly from the individual concerned.

PRINCIPLE 3: COLLECTION OF INFORMATION FROM SUBJECT

(1) Where an agency collects personal information directly from the individual concerned, the agency shall take such steps (if any) as are, in the circumstances, reasonable to ensure that the individual concerned is aware of-

- (a) The fact that the information is being collected; and
- (b) The purpose for which the information is being collected; and
- (c) The intended recipients of the information; and
- (d) The name and address of—
 - (i) The agency that is collecting the information; and
 - (ii) The agency that will hold the information; and
- (e) If the collection of the information is authorised or required by or under law,—
 - (iii) The particular law by or under which the collection of the information is so authorised or required; and
 - (iv) Whether or not the supply of the information by that individual is voluntary or mandatory; and
- (f) The consequences (if any) for that individual if all or any part of the requested information is not provided; and
- (g) The rights of access to, and correction of, personal information provided by these principles.

(2) The steps referred to in subclause (1) of this principle shall be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected.

- (3) *An agency is not required to take the steps referred to in subclause (1) of this principle in relation to the collection of information from an individual if that agency has taken those steps in relation to the collection, from that individual, of the same information or information of the same kind, on a recent previous occasion.*
- (4) *It is not necessary for an agency to comply with subclause (1) of this principle if the agency believes, on reasonable grounds,--*
- (a) *That non-compliance is authorised by the individual concerned; or*
 - (b) *That non-compliance would not prejudice the interests of the individual concerned; or*
 - (c) *That non-compliance is necessary--*
 - (i) *To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or*
 - (ii) *For the enforcement of a law imposing a pecuniary penalty; or*
 - (iii) *For the protection of the public revenue; or*
 - (iv) *For the conduct of proceedings before any court or [tribunal] (being proceedings that have been commenced or are reasonably in contemplation); or*
 - (d) *That compliance would prejudice the purposes of the collection; or*
 - (e) *That compliance is not reasonably practicable in the circumstances of the particular case; or*
 - (f) *That the information--*
 - (i) *Will not be used in a form in which the individual concerned is identified; or*
 - (ii) *Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.*

Analysis

The consent to notify MSD of the birth is entirely voluntary. If the person does not wish to notify MSD they are under no compulsion to do so

The privacy statement on the Birth Registration Online website and the BDM27 (birth registration form) outlines exactly what pieces of information are being collected, how they will be used, and to whom they will be disclosed and makes it clear that the MSD SWN number is voluntary.

PRINCIPLE 4: MANNER OF COLLECTION OF PERSONAL INFORMATION

Personal information shall not be collected by an agency--

- (a) *By unlawful means; or*
- (b) *By means that, in the circumstances of the case,--*
 - (i) *Are unfair; or*
 - (ii) *Intrude to an unreasonable extent upon the personal affairs of the individual concerned.*

Analysis

The personal information relating to the MSD client number is being collected by lawful means, under the Birth, Deaths, Marriages, and Relationships Act 1995 for the purpose of that act to provide matters important to government services, being client's access to entitlements that are administered by MSD.

The collection is by means that in the circumstances of the case are not unfair, it is voluntary, and do not intrude to an unreasonable extent upon the personal affairs of the individual being collected at the same time as the birth is being registered.

PRINCIPLE 5: STORAGE AND SECURITY OF PERSONAL INFORMATION

An agency that holds personal information shall ensure--

- (a) *That the information is protected, by such security safeguards as it is reasonable in the circumstances to take, against--*
- (i) *Loss; and*
 - (ii) *Access, use, modification, or disclosure, except with the authority of the agency that holds the information; and*
 - (iii) *Other misuse; and*
- (b) *That if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or unauthorised disclosure of the information.*

Analysis

Additional MSD identifier provided by the customer when they consent to notify the birth will only be retained by DIA for a short time, then will be removed from the BDM life data.

The information passed to MSD is used to match to an existing MSD client, initiate the change of circumstance process, to create a child record and relate that child record to the parent records. All steps to deliver this process are existing so are lawful and adequately protected.

DIA is holding personal information being:

- Birth notification, required under the Births Deaths, Marriages and Relationships Registration Act 1995; and
- MSD client number.

DIA will ensure that the information is protected by using the following security safeguards:

Applying Information Matching protocols to the storage and where it is necessary for the information to be given to a person in connection with the provision of a service to DIA, everything reasonably within the power of DIA done to prevent unauthorised use or unauthorised disclosure of the information.

PRINCIPLE 6: ACCESS TO PERSONAL INFORMATION

- (1) *Where an agency holds personal information in such a way that it can readily be retrieved, the individual concerned shall be entitled--*
- (a) *To obtain from the agency confirmation of whether or not the agency holds such personal information; and*
 - (b) *To have access to that information.*
- (2) *Where, in accordance with subclause (1)(b) of this principle, an individual is given access to personal information, the individual shall be advised that, under principle 7, the individual may request the correction of that information.*
- (3) *The application of this principle is subject to the provisions of Parts IV and V of this Act.*

Analysis

Principle six will be adhered within the existing procedures in effect within DIA and MSD.

The process of accessing personal information is explained in the privacy statements for both organisations.

PRINCIPLE 7: CORRECTION OF PERSONAL INFORMATION

- (1) *Where an agency holds personal information, the individual concerned shall be entitled--*

- (a) *To request correction of the information; and*
- (b) *To request that there be attached to the information a statement of the correction sought but not made.*
- (2) *An agency that holds personal information shall, if so requested by the individual concerned or on its own initiative, take such steps (if any) to correct that information as are, in the circumstances, reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading.*
- (3) *Where an agency that holds personal information is not willing to correct that information in accordance with a request by the individual concerned, the agency shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the information, in such a manner that it will always be read with the information, any statement provided by that individual of the correction sought.*
- (4) *Where the agency has taken steps under subclause (2) or subclause (3) of this principle, the agency shall, if reasonably practicable, inform each person or body or agency to whom the personal information has been disclosed of those steps.*
- (5) *Where an agency receives a request made pursuant to subclause (1) of this principle, the agency shall inform the individual concerned of the action taken as a result of the request.*

Analysis

Principle seven will be adhered within the existing procedures in effect within DIA and MSD.

The process of accessing personal information is explained in the privacy statements for both organisations.

PRINCIPLE 8: ACCURACY, ETC., OF PERSONAL INFORMATION TO BE CHECKED BEFORE USE

An agency that holds personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date, complete, relevant, and not misleading.

Analysis

The information is collected according to the controls and protections applied to the birth registration process. MSD are not advised of the birth to clients with MSD client numbers until it is registered.

PRINCIPLE 9: AGENCY NOT TO KEEP PERSONAL INFORMATION FOR LONGER THAN NECESSARY

An agency that holds personal information shall not keep that information for longer than is required for the purposes for which the information may lawfully be used.

Analysis

Personal information transferred to MSD will be retained by MSD in the same manner as for information obtained directly from an applicant for change of circumstances.

Personal information provided to DIA by an applicant for the purposes of sharing information with MSD will be removed from DIA data stores upon completion of the information sharing process.

Personal information provided to DIA by an applicant for birth registration will be retained by DIA in accordance with their legislative requirements and established policies for retention of information.

PRINCIPLE 10: LIMITS ON THE USE OF PERSONAL INFORMATION

An agency that holds personal information that was obtained in connection with one purpose shall not use the information for any other purpose unless the agency believes, on reasonable grounds,--

- (a) *That the source of the information is a publicly available publication; or*

- (b) That the use of the information for that other purpose is authorised by the individual concerned; or
- (c) That non-compliance is necessary—
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
 - (ii) For the enforcement of a law imposing a pecuniary penalty; or
 - (iii) For the protection of the public revenue; or
 - (iv) For the conduct of proceedings before any court or [tribunal] (being proceedings that have been commenced or are reasonably in contemplation); or
- (d) That the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to—
 - (i) Public health or public safety; or
 - (ii) The life or health of the individual concerned or another individual; or
- (e) That the purpose for which the information is used is directly related to the purpose in connection with which the information was obtained; or
- (f) That the information--
 - (i) Is used in a form in which the individual concerned is not identified; or
 - (ii) Is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
- (g) That the use of the information is in accordance with an authority granted under section 54 of this Act.

Analysis

The customer who has provided a MSD client number also consents to notify MSD of the birth. The use of the information for the purpose of notifying MSD for change of circumstances is authorised by the individual concerned.

PRINCIPLE 11: LIMITS ON DISCLOSURE OF PERSONAL INFORMATION

An agency that holds personal information shall not disclose the information to a person or body or agency unless the agency believes, on reasonable grounds,--

- (a) That the disclosure of the information is one of the purposes in connection with which the information was obtained or is directly related to the purposes in connection with which the information was obtained; or
- (b) That the source of the information is a publicly available publication; or
- (c) That the disclosure is to the individual concerned; or
- (d) That the disclosure is authorised by the individual concerned; or
- (e) That non-compliance is necessary—
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
 - (ii) For the enforcement of a law imposing a pecuniary penalty; or
 - (iii) For the protection of the public revenue; or
 - (iv) For the conduct of proceedings before any court or [tribunal] (being proceedings that have been commenced or are reasonably in contemplation); or

- (f) *That the disclosure of the information is necessary to prevent or lessen a serious and imminent threat to--*
 - (i) *Public health or public safety; or*
 - (ii) *The life or health of the individual concerned or another individual; or*
- (g) *That the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern; or*
- (h) *That the information--*
 - (i) *Is to be used in a form in which the individual concerned is not identified; or*
 - (ii) *Is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or*
- (i) *That the disclosure of the information is in accordance with an authority granted under section 54 of this Act.*

Analysis

Customer consent is implicit through the supply approval and the verification of their MSD client number. This is within Principle 11 (a). The application form explicitly states what information will be sent and the subsequent use of that information.

Existing processes for the protection of personal information are protected by existing processes.

Personal information provided to DIA by an applicant for birth registration will be retained by DIA in accordance with their legislative requirements and established processes for retention of information.

PRINCIPLE 12: UNIQUE IDENTIFIERS

- (1) *An agency shall 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 shall not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another agency, unless those 2 agencies are associated persons within the meaning of [section OD 7 of the Income Tax Act 1994].*
- (3) *An agency that assigns unique identifiers to individuals shall take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.*
- (4) *An agency shall 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.*

Analysis

The identity of the new-born is established from the Evidence of Identity process which is carried out within DIA. This process occurs before the birth notification information is sent to MSD where a MSD client number is provided. The new-born is allocated a birth registration number which is a unique identifier. That unique identifier will be disclosed so that MSD can be sure of the identity of the new-born before aligning the information relating to the child to one or both of its parents.

The process of DIA notification of birth will use the MSD identifier. This is to ensure that MSD can efficiently identify the individual.

MSD will retain the birth registration number as part of that child's person record to ensure that MSD can efficiently and clearly establish the identify the individual for notifications of any name change and if applicable, notification of death.