

**SUBMISSION TO THE GOVERNMENT ADMINISTRATION COMMITTEE ON THE IDENTITY INFORMATION
CONFIRMATION BILL (187-1)**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 51 nationally organised societies and national members. It has 23 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. The Council's function is to serve women, the family, and the community at local, national and international levels through research, study, discussion and action.

This submission has been prepared by the Public Issues Standing Committee based on input gathered from the membership, previous submissions on similar topics, and our current policy. It has been peer reviewed by the Parliamentary Watch Committee.

NCWNZ's current policy supports the protection of privacy in relation to electronic information and opposes the use of unique reference numbers. NCWNZ is also committed to upholding Article 12 of the United Nations Declaration of Human Rights, which states that no-one should be subjected to arbitrary interference with their privacy and that everyone has the right to protection of the law against such interference.

The responses from the membership recognise that eventually we will be required to have some form of electronic identification but are not convinced that such identification will stop identity fraud. There is also acknowledgement that biometric technologies are more advanced today. New Zealanders like their anonymity and are not easily persuaded to become part of the digital age unnecessarily. Most people who responded did not like the idea of becoming a number on an electronic card – the loss of individuality being a major concern.

Part 2

Provisions relating to confirmation service and miscellaneous matters

Clause 7 Purpose of confirmation service

There was general support for the existence of a confirmation service, but there were concerns around how any agency would obtain and manage the consent process.

Clause 8 Conditions for using confirmation service

Most responses indicated that permission must be sought each time an agency wished to undertake an identity information check **8(2)(a)** and would oppose consent on an on-going basis **8(2)(b)**. Concerns were raised that if an organisation needed on-going consent that they may store the information to avoid making and paying for repeat requests.

Clause 9 How to use the confirmation service

NCWNZ membership supports **9(4)** that no recorded information should be supplied to the agency.

This does not however give the individual any sense of security that the correct match has been made **9(7)**. Questions were asked about how the service would operate when a change of surname occurs through marriage or divorce, or where a person uses two surnames, such as their maiden name when they are working and their married name when setting up a bank account. A number of examples were given indicating that information was wrongly entered into databases, eg misspelled names like Michelle instead of Michele, with the person concerned completely unknowing that the wrong information about them was being stored.

There is little in this Bill that outlines how the individual may seek to challenge and refute the “not consistent” response.

Clause 11 Form and content of confirmation agreement

It was recognised that there needed to be a greater certainty of identity when entering into a contract, when travelling overseas, when setting up a bank account or taking out personal insurance. There was strong support for the confirmation agreement to be in writing **11(1)** and that it needed to identify the purpose and databases to be used **11(2)**.

While a confirmation agreement must outline the requirement for the individual to respond before the agency may take adverse action against them **11(3)(c)** there is no information on how the individual might do this.

Nor is there any process identified on how the agency should manage the information received from the confirmation service. The preference of the NCWNZ membership is that this information be destroyed. There needs to be protection and assurance that the information is used only for its intended purpose. These safeguards need to be identified, and monitored.

Any such confirmation agreement must be written in Plain English.

Clause 12 Standard terms or conditions for confirmation agreement

Clause 13 Additional requirement to consult Privacy commissioner

Clause 14 Periodic review of terms or conditions of confirmation agreements generally

There was strong support from the membership for the involvement of the Privacy Commissioner.

Conclusion

While there was agreement from our members that the purpose of the Bill to prevent fraudulent activity and counter terrorism activities is worthwhile, there were concerns about its implementation and doubts that anything could be proven if the documentation provided do not match up with erroneous information on file.

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National President

Beryl Anderson
Convener, Public Issues Standing Committee