

MINISTER FOR VETERANS

Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024

May 2024

This paper seeks authorisation for the submission to the Executive Council of the Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024.

The pack comprises the following documents:

- May 2024 Cabinet Legislation Committee Minute of Decision: *Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024* [LEG-24-MIN-0066];
- The associated Cabinet Paper: *Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024*;
- Appendix A to the Cabinet Paper: *Veterans' Affairs Information Sharing Agreement*;
- Appendix B to the Cabinet Paper: *Regulatory Impact Statement: Veterans' Affairs AISA*;
- Appendix C to the Cabinet Paper: *Privacy Commissioner's submission on the proposed information sharing agreement facilitating services for Veterans and Other Claimants*; and
- Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024 Order in Council.

This pack has been released on the New Zealand Defence Force website, available at: www.nzdf.mil.nz/nzdf/search-our-libraries/documents/?document-type=Official+information&sort=relevance.

No information has been withheld.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024

Portfolio Veterans

On 2 May 2024, the Cabinet Legislation Committee:

- 1 **noted** that in July 2023, the previous government approved the policy approach for the Veterans' Affairs Approved Information Sharing Agreement [SWC-23-MIN-0090];
- 2 **noted** that the Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024 (the Order) will authorise the Veterans' Affairs Approved Information Sharing Agreement (AISA);
- 3 **agreed** to remove the Māori Health Authority as a party to the AISA, as a consequence of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Bill 2024;
- 4 **noted** that section 149 of the Privacy Act 2020 (the Act) sets out the matters to which the Minister for Veterans must have regard to before recommending the making of an order in council that approves an information sharing agreement;
- 5 **noted** that the Minister for Veterans is satisfied that the requirements in section 149 of the Act have been met in relation to the Order;
- 6 **authorised** the submission to the Executive Council of the Order [PCO 25742/13.0];
- 7 **noted** that the Order will come into effect on 6 June 2024.

Vivien Meek
Committee Secretary

Attendance (see over)

Present:

Rt Hon Winston Peters
Hon Chris Bishop (Chair)
Hon Shane Jones
Hon Dr Shane Reti
Hon Simeon Brown
Hon Judith Collins
Hon Tama Potaka
Hon Simon Watts
Hon Nicole McKee
Hon Shane Jones
Hon Casey Costello
Hon Chris Penk
Hon Andrew Bayly
Hon Andrew Hoggard
Scott Simpson
Todd Stevenson, MP
Jamie Arbuckle, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

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Office of the Minister for Veterans

Chair

Cabinet Legislation Committee

Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024

Proposal

- 1 I seek approval to remove the Māori Health Authority as a party to the AISA as a consequence of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Bill 2024.
- 2 I seek approval to submit the Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024 to the Executive Council. If approved the Order will give effect to the Veterans' Affairs Approved Information Sharing Agreement (AISA) attached in Appendix A.

Relation to Government Priorities

- 3 If approved the AISA will contribute to better public services by enhancing interconnectedness amongst government agencies, and providing a simpler engagement experience for members of the New Zealand public.

Policy

- 4 On 24 July 2023 Cabinet agreed to the policy proposals contained in a draft Veterans' Affairs AISA [CAB-23-MIN-0313]. This AISA has now been finalised and will be given effect by the Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024 (Order in Council).
- 5 The Veterans' Affairs AISA will improve information sharing about veterans and other claimants. This has the potential to significantly improve the delivery of services, entitlements, and support to veterans and other claimants by:
 - 5.1 Easing the burden for veterans and other claimants when assessing eligibility for services by reducing the number of documents that need to be provided;
 - 5.2 Allowing organisations to correctly identify an individual who is a veteran or other claimant for the purposes of support;
 - 5.3 Enabling government agencies to be able to promptly adjust their services if the veteran's situation changes;
 - 5.4 Protecting public revenue through the timely adjustment in funding where another government agency is providing support; and

- 5.5 Proactively notifying veterans and other claimants of services and entitlements that they are eligible to receive.
- 6 Veterans' Affairs is working with the following agencies to develop the Veterans' Affairs AISA:
- Accident Compensation Corporation
 - Department of Corrections
 - Te Tari Taiwhenua | Department of Internal Affairs
 - Health New Zealand
 - The New Zealand Customs Service
 - The New Zealand Defence Force
 - Te Tāhuhu o te Mātauranga | Ministry of Education
 - The Ministry of Health
 - The Ministry of Social Development
 - The Registrar-General, Births, Deaths and Marriages.
- 7 I have approved some minor technical amendments to the AISA since the draft was considered in Cabinet in July 2023. These include:
- 7.1 Alignment of the language of the AISA with the Order in Council which has been drafted by Parliamentary Counsel Office.
- 7.2 Alignment of the parties to the AISA with the Order in Council to reflect The New Zealand Defence Force will be a party rather than specific business units. This does not imply any new policy.
- 7.3 An additional purpose of information sharing has been included to clearly articulate that Veterans' Affairs may share a Veteran's passport information with The New Zealand Custom Service in order to obtain a Veteran's travel movements. This was implied as part of the previous drafting of the AISA and does not imply any new policy.
- 7.4 Defining MSD subsidies as a separate concept to benefits. The provision of benefits is generally taken to include subsidies, but as was recently pointed out in connection with the amendment of another AISA they are legally distinct concepts and should be listed as such. This was implied as part of the previous drafting and public consultation and does not imply any new policy.
- 7.5 Including a minimum set of requirements for the operating procedures in the agreement provides an additional safeguard, particularly as the operating procedures are still under development and the operational processes will vary depending on the party.
- 8 The Pae Ora (Disestablishment of Māori Health Authority) Amendment Bill 2024 was passed in February 2024 disestablishing the Māori Health Authority. Therefore, I am seeking policy approvals for the Māori Health Authority to be removed as a party to the AISA.

- 9 The amendments to the Privacy Act 2020 around notification of indirect collection have not yet proceeded. Therefore, as indicated previously [CAB-23-MIN-0313] the AISA has been updated to remove the exemption to Information Privacy Principle 3 around the notification requirements for parties who receive information through the AISA.
- 10 The AISA has been updated to reflect the two changes above (Appendix A). The previously completed Regulatory Impact Statement has also been updated (Appendix B). The assessor has advised the changes do not affect the previous quality assessment and panel statement.

Authorisation

- 11 The Privacy Act 2020 provides for the establishment of AISAs. Subpart 1 of Part 7 enables personal information to be shared between or within agencies via AISAs where it facilitates the provision of public services. Section 145 of the Privacy Act 2020 also authorises exemptions from, or modifications to, any of the information privacy principles (except principles 6 and 7 which relate respectively to the right to have access to, and correct, personal information).
- 12 Operational documentation to support the implementation of the AISA, in the form of Operating Procedures, will be prepared for each party in consultation with the Office of the Privacy Commissioner.
- 13 The proposed Order in Council would approve the Veterans' Affairs AISA and ensure that personal information collected by the parties can be lawfully shared to facilitate services for veterans and other claimants as described in the AISA. It would authorise specific exemptions from the information privacy principles 2 (source of personal information), 10 (use of personal information) and 11 (disclosure of personal information).
- 14 Section 149 of the Privacy Act 2020 sets out the matters to which the Minister must have regard to before recommending the making of an Order in Council, which approves an information sharing agreement. I am satisfied that the requirements in section 149 of the Act have been made in relation to the Order.

Timing and 28-day rule

- 15 The Order in Council will comply with the 28-day rule and will come into force on 6th June 2024.

Compliance

- 16 The Order in Council complies with the:
- 13.1 Rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;

13.2 Principles and guidelines set out in the Privacy Act 2020; and

13.3 Legislation Design Advisory Committee's Guidelines.

Gender implications

17 No specific implications arise with respect to gender from the Veterans' Affairs AISA.

Treaty of Waitangi Implications

18 Under Te Tiriti o Waitangi the Crown is obliged to consider the Aspirations, Rights and Interests of Māori in its policy and legislation. An analysis was undertaken using a Te Tiriti o Waitangi analysis framework as part of determining the policy decisions. The analysis suggested that the AISA is well aligned and supportive of the principles of Te Tiriti.

Regulations Review Committee

19 There are no apparent grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel

20 The Order in Council has been certified as in order for submission to Cabinet.

Impact analysis

21 Veterans' Affairs submitted a Regulatory Impact Assessment to Cabinet at the time that approval was sought for the policy regarding the Veterans' Affairs AISA [CAB-23-MIN-0313 refers].

Consultation

22 Section 150 of the Privacy Act 2020 requires that an agency proposing to enter into an AISA must consult with, and invite submissions of the proposed agreement from:

19.1 The Privacy Commissioner;

19.2 Any person or organisation that the agency considers represents the interests of any specific class of individuals whose personal information will be shared under the proposed agreements; and

19.3 Any other person or organisation that the agency considers should be consulted.

Privacy Commissioner's Statement

- 23 The Privacy Commissioner has been consulted and is pleased with the level and nature of engagement to date. The Commissioner is satisfied that the proposed AISA meets the requirements set out in Part 7 of the Privacy Act and will continue to engage in active consultation with Veterans' Affairs as the AISA progresses, particularly with regard to the development and design of operating procedures.
- 24 The Privacy Commissioner's report is provided in Appendix C and confirms that he is satisfied that the AISA meets the requirements set out in the Privacy Act.

Public consultation

- 25 In August 2022 Cabinet approved public consultation on the draft Veterans' Affairs AISA [CAB-22-MIN-0281]. Following Cabinet approval, a discussion document was released to the public alongside the draft Veterans' Affairs AISA.
- 26 Veterans' Affairs undertook public consultation from 29 August to 7 October 2022 to seek views on the proposed Veterans' Affairs AISA. Thirty-seven submissions were received. The submissions for and against appeared roughly even, however many did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances.
- 27 A set of possible scenarios was developed by Veterans' Affairs to seek further clarity on the views expressed. These were sent to all previous submitters on the AISA and made available to the veteran community. Twenty-five submissions were received, most of which were strongly supporting of the AISA.

Agency consultation

- 28 Over the course of developing the Veterans' Affairs AISA, Veterans' Affairs has consulted at regular intervals with the participating agencies and the following agencies: the Ministry of Justice, the Treasury, Statistics New Zealand, the Public Services Commission, Te Arawhiti and the Office of the Privacy Commissioner.
- 29 The participating agencies and their Ministers have also been consulted on this Cabinet paper and the finalised Veterans' Affairs AISA.

Publicity

- 30 Once approved, the Veterans' Affairs AISA will be published on the Veterans' Affairs website with hard copy available at their Head Office. This is part of Veterans' Affairs commitment to providing transparent and trusted services and accords with the Privacy Act 2020. The other parties will be encouraged to publish links to the AISA on their own websites.
- 31 Veterans' Affairs will release a media statement in consultation with the other parties announcing the approval of the Veterans' Affairs AISA.

Proactive Release

- 32 I intend to proactively release and publish this paper within 30 business days of final decisions being taken by Cabinet, subject to consideration of any redactions that would be justified if the information had been requested under the Official Information Act 1982.

Recommendations

- 33 The Minister for Veterans recommends that the Cabinet Legislation Committee:
1. **Note** that Cabinet approved the policy approach for the Veterans' Affairs Approved Information Sharing Agreement in July 2023 [CAB-23-MIN-0313];
 2. **Note** that the Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024 will authorise the Veterans' Affairs Approved Information Sharing Agreement;
 3. **Agree** to remove the Māori Health Authority as a party to the AISA as a consequence of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Bill 2024.
 4. **Note** that section 149 of the Privacy Act 2020 sets out the matters to which the Minister must have regard before recommending the making of an Order in Council, which approves an information sharing agreement;
 5. **Note** that I am satisfied that the requirements in section 149 of the Act have been met in relation to the Order;
 6. **Authorise** the submission to the Executive Council of the above Order in Council to give effect to the Veterans' Affairs Approved Information Sharing Agreement; and
 7. **Note** that the Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024 will come into effect on 6th June 2024.

Authorised for lodgement

Hon Chris Penk
Minister for Veterans

Appendices

Appendix A: Veterans' Affairs AISA.

Appendix B: Updated Regulatory Impact Statement.

Appendix C: Privacy Commissioner's s150 report on the Veterans' Affairs Approved Information Sharing Agreement.

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Veterans' Affairs Information Sharing Agreement

For the purpose of improving the facilitation of Services for Veterans and Other Claimants.

Proactively Released by the Minister for Veterans

Information Sharing Agreement

This Agreement is established under Part 7 subpart 1 of the Privacy Act 2020 to enable the Parties to share information about Veterans and Other Claimants.

This Agreement provides Parties with authoritative information about Veterans so that they can take actions such as offering new Services or improving and adjusting existing Services where there is a change of circumstance. Reliable and accessible information about the Veteran and Other Claimants can help a Party to correctly identify the individual and their relationship to the Party, and then to take appropriate action without delay. The action needed might involve the commencement, change or termination of Services.

Obtaining accurate information about Veterans and Other Claimants also improves their ability to apply for Services by removing the burden of providing evidence of identity or status to the Parties.

This Agreement has the potential to significantly improve the delivery of Services to Veterans and Other Claimants through the use of authoritative information, including:

- Allowing Parties to correctly identify an individual who is a Veteran or an Other Claimant for the purposes of providing Services. This would allow Parties to take appropriate action without delay.
- Enabling prompt alterations to the Services provided, including commencement of additional financial support, upon a change in a Veteran's circumstances.
- Easing the burden for Veterans and Other Claimants when assessing eligibility for Services by reducing the number of documents that need to be provided.
- Protection of public revenue through prompt adjustment in funding where another Party is providing Services or a Veteran's circumstances have changed.
- Proactive notification to Veterans and Other Claimants of Services they are eligible to receive.

This Agreement replaces the following agreements or arrangements, in full or in part, once this Agreement is in full effect, including the existence of operational procedures to share the required information:

- Memorandum of Understanding between the Chief Executive of the Ministry of Social Development and the New Zealand Defence Force dated 2 December 2014, Schedule 2 clause 2.
- Memorandum of Understanding between Accident Compensation Corporation and the New Zealand Defence Force dated 27 May 2015

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1. Defined terms

Term	Definition
ACC	The Accident Compensation Corporation.
ACC Accredited Employer	An employer who has entered into an accreditation agreement under section 184 of the Accident Compensation Act 2001.
ACC AEP Services	Services provided to Veterans by NZDF in its role as an ACC Accredited Employer.
Adverse Action	As defined in section 177 of the Privacy Act 2020, being any action that may adversely affect the rights, benefits, privileges, obligations, or interests of any specific individual.
Agreement	This information sharing agreement.
Approved Information Sharing Agreement (AISA)	An information sharing agreement approved by an Order in Council that is for the time being in force.
Benefit	Either: <ul style="list-style-type: none"> • a benefit within the meaning of paragraph (a) of the definition of Benefit in Schedule 2 of the Social Security Act 2018; or • any other amount that is payable or may be paid under the Social Security Act 2018, including— <ul style="list-style-type: none"> ○ a funeral grant that may be paid under subpart 15 of Part 2 of that Act; and ○ any special assistance payable under a programme approved under section 101 of that Act.
BDMRR Act	Births, Death, Marriages, and Relationships Registration Act 2021.
Child	As defined in section 7 of the Veterans' Support Act 2014, being a natural child of a Veteran including: <ul style="list-style-type: none"> • an adopted child of the Veteran; • a child of whom the Veteran is or has been a guardian; • a grandchild or a Whāngai of the Veteran in relation to whom the Veteran acts or has acted as a parent or a guardian; and • any other child who would ordinarily be regarded as a child of the Veteran because the Veteran is or has been the Spouse or Partner of one of the child's parents and acts or has acted as a parent of the child.
Corrections	The Department of Corrections.
Cover	That the Veteran has cover for a personal injury under the Accident Compensation Act 2001: <ul style="list-style-type: none"> • under any of sections 20, 21, or 22, for a personal injury suffered on or after 1 April 2002; or • under Part 10 or Part 11, for a personal injury suffered before that date.
Customs	The New Zealand Customs Service.

Term	Definition
Dependant	As defined under section 7 of the Veterans' Support Act 2014, being either: <ul style="list-style-type: none"> • A person (not being the Spouse, Partner, or Child of the Veteran) who is under 18 years of age, is wholly or primarily dependent on the Veteran for financial support and ordinarily resides with the Veteran; • A person (not being the Spouse, Partner, or Child of the Veteran) who is 18 years of age or more, is under the care of the Veteran ordinarily resides with the Veteran because the person is unable to live independently of the Veteran due to disability, illness, or advanced age; or • A person who is a Child of the Veteran and is 18 years of age or more, is under the care of the Veteran and is unable to live independently of the Veteran due to physical or mental infirmity.
DIA	Te Tari Taiwhenua The Department of Internal Affairs.
Health Information Privacy Code	The Health Information Privacy Code 2020 issued by the Privacy Commissioner under section 33 of the Privacy Act 2020.
Health NZ	Health New Zealand.
IPP	Information Privacy Principle.
Lead Agency	The lead agency for this Agreement for the purposes of section 143 of the Privacy Act 2020.
MOH	The Ministry of Health.
MOE	Te Tāhuhu o te Mātauranga The Ministry of Education.
MSD	The Ministry of Social Development.
NZDF	The New Zealand Defence Force.
NZDF Service	Service as defined in section 2(1) of the Defence Act 1990.
Other Claimant	A Spouse, Partner, Child, Dependant or Whāngai of a Veteran.
Passenger Movement Record	The electronic record created and held by Customs under the Customs and Excise Act 2018 for a passenger's arrival into or departure from New Zealand.
Party	An Agency who is a signatory to this Agreement.
Partner	As defined in section 7 of the Veterans' Support Act 2014, being a civil union partner or a de facto partner of a Veteran.
Personal Information	Information about an identifiable individual as defined in section 7(1) of the Privacy Act 2020.
Privacy Breach	As defined in section 112 of the Privacy Act 2020.
Registrar-General	As defined in section 4 of the BDMRR Act.
Security Breach	An event in which sensitive, protected, or confidential information is copied, transmitted, viewed, stolen, or used by an unauthorised individual.
Services	Public services provided to Veterans and Other Claimants within the legislative responsibilities of the relevant Party.
Spouse	As defined in Schedule 2 of the Social Security Act 2018.

Term	Definition
Subsidy	<p>One or more of:</p> <ul style="list-style-type: none"> • a Working For Families tax credit payable under the Income Tax Act 2007 and the Tax Administration Act 1994; • a community services card available under regulations made, or deemed to have been made, under one or both of: <ul style="list-style-type: none"> ○ section 102 of the Pae Ora (Healthy Futures) Act 2022; and ○ section 437 of the Social Security Act 2018; • a student loan payable under the student loan scheme as defined in section 4(1) of the Student Loan Scheme Act 2011; • a student allowance payable under the Education and Training Act 2020; • child support payable under the Child Support Act 1991; • an income-related rent payable under the Public and Community Housing Management Act 1992; • social housing as defined in section 2(1) of the Public and Community Housing Management Act 1992.
Veteran	<p>As defined in section 7 of the Veterans' Support Act 2014, being</p> <ul style="list-style-type: none"> • a member of the armed forces who took part in qualifying operational service at the direction of the New Zealand Government; or • a member of the armed forces who took part in qualifying routine service before 1 April 1974; or • a person who took part in qualifying operational service at the direction of the New Zealand Government and has been— <ul style="list-style-type: none"> ○ appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or ○ seconded to the Defence Force with the permission of the Chief of Defence Force; and • a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954: <ul style="list-style-type: none"> ○ section 19 (but only if the person was a member of the forces); ○ section 55 or 56; ○ Parts 4 and 5.
Veterans' Affairs	The unit of the NZDF established under section 198 of the Veterans' Support Act 2014.
Whāngai	As defined in section 7 of the Veterans' Support Act 2014, being a child adopted by the Veteran in accordance with Māori custom.
Working Day	As defined in section 7 of the Privacy Act 2020.

2. The Parties involved and the Lead Agency

The following are Parties to this Agreement:

- The Accident Compensation Corporation (ACC)
- The Department of Corrections (Corrections)
- Te Tari Taiwhenua | The Department of Internal Affairs (DIA)
- Health New Zealand (Health NZ)
- The New Zealand Customs Service (Customs)
- The New Zealand Defence Force (NZDF)
- Te Tāhuhu o te Mātauranga | The Ministry of Education (MOE)
- The Ministry of Health (MOH)
- The Ministry of Social Development (MSD)
- The Registrar-General, Births, Deaths and Marriages (Registrar-General)
- Veterans' Affairs which is a unit of the New Zealand Defence Force (Veterans' Affairs)

The Lead Agency is Veterans' Affairs.

3. Background

A large number of the Services, support or entitlements to Veterans and Other Claimants are based on current and historic factors in a Veteran's life. For example, if a Veteran enters or leaves prison, enters long-term residential care, has a relationship change, dies, or has a Child in education, the Veteran's and Other Claimants' entitlements may change.

Many organisations are currently involved in providing Services to Veterans and Other Claimants. The provision of Services to meet the needs of Veterans and Other Claimants needs to be supported by cohesive information sharing between the various organisations involved. Enabling access to authoritative information about Veterans to organisations will allow them to offer new Services or improve and adjust existing Services where there is a change of circumstance for the Veteran or Other Claimant.

This Agreement covers the sharing of Personal Information for the purposes of improving the facilitation of new and existing Services provided to Veterans and Other Claimants.

4. Purposes of this Agreement

The purposes of this information sharing Agreement are to:

- a) notify an individual of Services that they may be eligible for and entitled to access;
- b) enable an individual's identity and status as a Veteran or Other Claimant to be verified;
- c) assess or reassess the eligibility and entitlement of a Veteran or Other Claimant for Services;
- d) facilitate rehabilitation and treatment of a Veteran;
- e) cleanse and update records of a Veteran or Other Claimant; and
- f) assist in reviews and appeals against decisions regarding Services.

5. Exemptions to information privacy principles

For the purposes of this Agreement, Information Privacy Principles (IPP) 2, 10 and 11 which are set out in Part 3 subpart 1 of the Privacy Act 2020, and the corresponding Health Information Privacy Code rules are exempted (by the Order in Council) as follows:

- **IPP 2: Source of Personal Information**

It is not a breach of information privacy principle 2 or the Health Information Privacy Code rule 2 for a Party to collect Personal Information from another Party in accordance with this Agreement and for one or more of the purposes specified in Clause 4.

- **IPP 10: Limits on the Use of Personal Information**

It is not a breach of information privacy principle 10 or the Health Information Privacy Code rule 10 for Personal Information to be used by a Party in accordance with this Agreement and for one or more of the purposes specified by Clause 8.

- **IPP 11: Limits on Disclosure of Personal Information**

It is not a breach of information privacy principle 11 or the Health Information Privacy Code rule 11 for a Party to disclose Personal Information to another Party in accordance with this Agreement and for one or more of the purposes specified in Clause 4.

6. The public services facilitated

The public services that this Agreement is intended to facilitate are the:

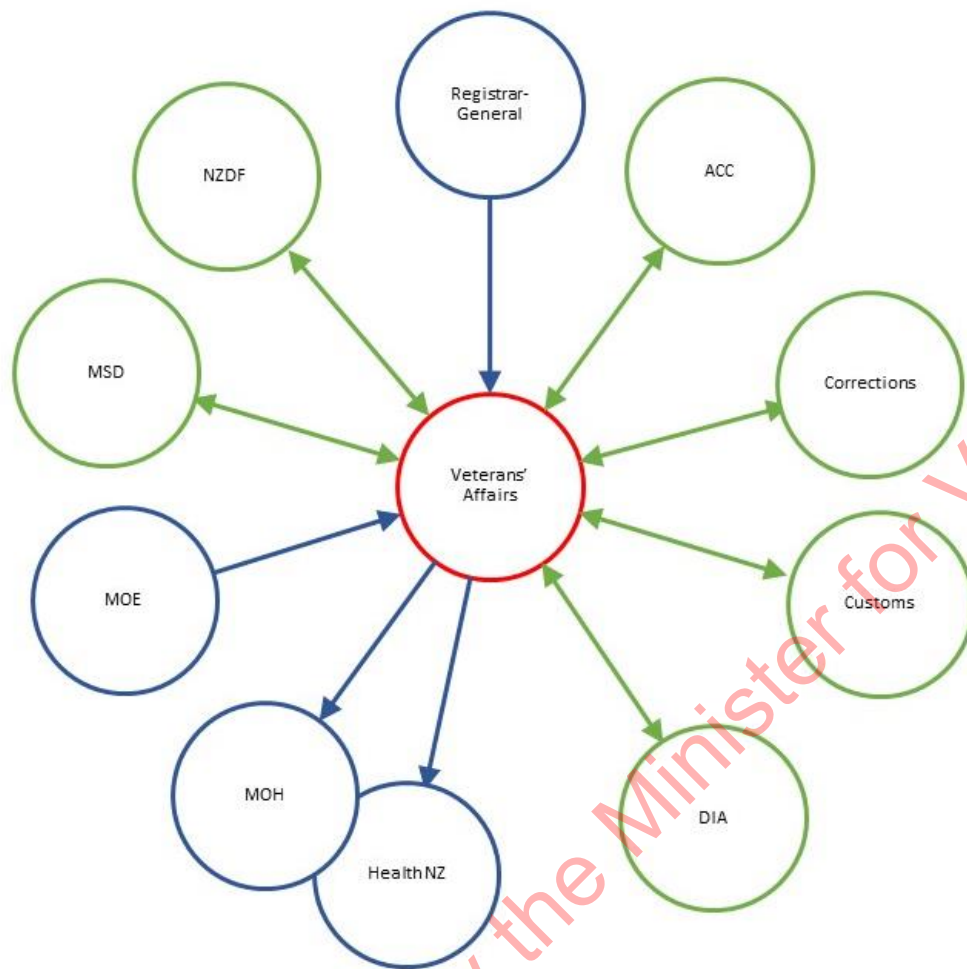
- a) accurate and efficient assessment of eligibility for and entitlement to receive services that a Veteran or Other Claimant applies for or elects to utilise; and
- b) accurate and efficient delivery of services that a Veteran or Other Claimant applies for or elects to utilise.

7. Types of Personal Information to be shared

Parties may share Personal Information about an identifiable individual under this Agreement. Information that is not about an identifiable individual will not be shared under this Agreement.

Personal Information may only be shared under this Agreement where Veterans' Affairs is either the providing or receiving Party. Other Parties may not share Personal Information between themselves under this Agreement.

The following diagram depicts the information flows. Parties shown in green denote two-way information sharing, whilst those Parties shown in blue denote one-way information sharing.



The Personal Information that can be shared by each Party is specified in the relevant Schedule as below:

- Schedule 1 – Veterans' Affairs
- Schedule 2 – ACC
- Schedule 3 – Corrections
- Schedule 4 – Customs
- Schedule 5 – DIA
- Schedule 6 – Health NZ
- Schedule 7 – Moe
- Schedule 8 – MOH
- Schedule 9 – MSD
- Schedule 10 – NZDF
- Schedule 11 – Registrar-General

8. How parties may use the Personal Information

Personal Information may be used by each Party as specified in the relevant Schedule as below:

- Schedule 1 – Veterans’ Affairs
- Schedule 2 – ACC
- Schedule 3 – Corrections
- Schedule 4 – Customs
- Schedule 5 – DIA
- Schedule 6 – Health NZ
- Schedule 8 – MOH
- Schedule 9 – MSD
- Schedule 10 – NZDF

9. Adverse Actions

Section 152 of the Privacy Act 2020 requires Parties to provide written notice to individuals before any “Adverse Action” is taken against those individuals on the basis of Personal Information shared under an information sharing agreement, and not to take that action before 10 Working Days have elapsed.

Details of expected Adverse Actions applicable to each of the Parties as a result of information being shared under this Agreement are specified in the relevant Schedules.

10. How to view this document

This document can be viewed on the Veterans’ Affairs New Zealand website www.veteransaffairs.mil.nz and at:

Veterans’ Affairs New Zealand
Level 6
Reserve Bank Building
2 The Terrace
Wellington 6011

11. Overview of operational processes

The operational processes associated with this Agreement will vary depending on the transfer mechanism utilised by the Parties. Possible transfer options, depending on the circumstance, are likely to include:

- API-based transfer;
- Direct system access;
- Email;
- Paper-based transfer; and
- Bulk transfer.

As a first step of information sharing under this Agreement, a one-off bulk exchange of information collected prior may occur to allow the receiving Party to do a one-off update of their records for one or more of the purposes specified in Clause 4.

The operational procedures detail the operational processes for providing and receiving information for each Party. At a minimum the operating procedures must include:

- Details about the proposed use of the information;
- Fields of personal information to be shared by each Party;
- Details of the mechanism for transfer to be utilised;
- The process for handling Adverse Action;
- Specifics regarding retention periods; and
- Audit and reporting requirements.

12. Safeguards to protect privacy

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

12.1. Staff

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) All Parties to this Agreement, including their staff, will abide by the Public Sector Standards of Integrity and Conduct.
- b) The staff of all Parties to this Agreement performing the services set out in this Agreement will hold all necessary statutory powers and/or delegations required for the provision of those services and will comply with relevant operational policy and procedures.
- c) All Parties to this Agreement will have appropriate procedures and safeguards in place to ensure that information shared under the Agreement can only be accessed by staff who are authorised to access that information.

12.2. Information Handling

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) No Party will provide the Personal Information obtained under this Agreement to other agencies or any other third party except as required by law or in order to comply with a court order. For the avoidance of doubt, this does not prevent a Party that has updated the information they hold based on Personal Information received under this Agreement from disclosing the information they hold in accordance with this Agreement or as required by law.
- b) Processes and procedures exist within each Party to ensure that Personal Information sent under this Agreement is transferred separately from information transferred under any other agreements.
- c) Processes and procedures exist within each Party to ensure that Personal Information is only used for the purposes specified in this Agreement and remains protected.
- d) Processes and procedures exist within each Party to ensure that Personal Information is not held longer than required.

- e) Parties may put constraints and/or caveats on Personal Information provided under this Agreement. This includes, but is not limited to, any constraints and/or caveats that are required to comply with protections imposed by any law or statute other than the Privacy Act 2020, or to take account of legal privilege.
- f) Each Party is responsible for ensuring constraints and/or caveats are complied with upon receipt or disclosure of Personal Information shared under this Agreement.
- g) Each Party will handle Adverse Actions they may take in accordance with Clause 9 of this Agreement.
- h) If the individual the information relates to is resident in the United Kingdom or Europe and the receiving Party is subject to the UK Data Protection Act 2019 or the European Data Protection Regulation (EU) 2016/679, then the receiving Party will provide a copy of their privacy notice to the individual concerned on receipt of the Personal Information.
- i) No Party is obliged to provide to another Party any of the requested information to be shared under this Agreement.
- j) Subject to the requirements under Section 11 and Information Privacy Principle 5 of the Privacy Act 2020 where a Party discloses Personal Information under this Agreement to their agent, appropriate safeguards must be in place for the Personal Information provided to ensure all of the provisions of this Agreement are complied with.
- k) No Personal Information will be shared under this Agreement without the existence of agreed operating procedures.
- l) Veterans' Affairs will consult with the Office of the Privacy Commissioner regarding proposed operating procedures and any subsequent changes and give due consideration to the Commissioner's feedback.
- m) Where appropriate, consent of the individual will be sought prior to sharing of their Personal Information under this Agreement. Parties are not required to confirm that the individual is legally in a position to provide consent.

12.3. Privacy Act Requests

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) Each Party will be responsible for responding to Privacy Act requests made under Information Privacy Principle 6 or 7 of the Privacy Act 2020 relating to Personal Information held by that Party as appropriate in the circumstances.

12.4. Privacy Breach

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) Where any Party has reasonable cause to believe than an actual or suspected breach of an IPP in respect of Personal Information provided under this Agreement, (but not exempted by this Agreement), has occurred, an inspection and/or internal investigation process will be applied utilising the identifying Party's standard processes.
- b) Where a Party identifies that a breach of any IPP in respect of Personal Information provided under this Agreement, (but not exempted by this Agreement), has occurred, the identifying Party will notify the Veterans' Affairs and NZDF's Privacy Officers as soon as possible.

- c) Where a Party's investigation confirms actions amounting to a notifiable Privacy Breach in relation to Personal Information they hold that was shared under this Agreement, in accordance with the Privacy Act 2020, the Privacy Commissioner and individuals will be notified by the Party.
- d) All relevant Parties shall ensure that reasonable assistance is provided to any investigation into an actual or suspected Privacy Breach in respect of Personal Information provided under this Agreement.
- e) Any Party may suspend sharing under this Agreement to allow time for a Privacy Breach to be remedied.

12.5. Audit

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) To ensure safeguards are operating as intended and are sufficient to protect the privacy of individuals, each Party will conduct regular internal first line assurance and internal audits of the operation of this Agreement.

12.6. Security

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) All Personal Information provided under this Agreement will be appropriately secured when at rest and in transit in accordance with each agency's internal information security policies and adherence to the PSR INFOSEC requirements.
- b) Where a Security Breach is suspected or there is concern that a breach may occur, the identifying Party's internal investigation processes will be applied.
- c) Where a Party identifies that a Security Breach has occurred in relation to Personal Information provided under this Agreement, the identifying Party will notify New Zealand Defence Force's Chief Security Officer, the HQNZDF Unit Security Officer and Chief Information Security Officer as soon as possible.
- d) All relevant Parties shall ensure that reasonable assistance is provided to any investigation into an actual or suspected Security Breach in relation to information shared under this Agreement.
- e) Any Party may suspend its participation under this Agreement to allow time for a Security Breach to be remedied.

13. Reasonable assistance provided

All Parties to this Agreement will provide each other with any reasonable assistance that is necessary in the circumstances to allow:

- a) an individual to make a complaint about an interference with their privacy; and
- b) the Privacy Commissioner to investigate the complaint.

14. Fees / costs

Fees associated with this Agreement, if any, and as agreed, will be notified by the Head of Veterans' Affairs, or their delegated representative, in writing to the other Parties.

15. Dispute resolution

Should any dispute arise relating to the interpretation or application of this Agreement, the respective Parties will meet in good faith to resolve the dispute or difference as quickly as possible.

If the Parties are unable to resolve the dispute within 60 Working Days, the matter will be referred to NZDF Chief of Staff's nominated representative for resolution.

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

16. Review and reporting

A joint review of this Agreement must be undertaken whenever any Party believes that such a review is necessary.

The Parties shall co-operate with each other in any review and will take all reasonable actions to make the required resources available.

Veterans' Affairs shall report annually or at intervals specified by the Privacy Commissioner as specified in section 156 of the Privacy Act 2020. The report will be included in NZDF's annual report.

17. Minor amendments to this Agreement

Minor amendments to this Agreement as defined in section 157(5) of the Privacy Act 2020 will be in writing and signed by all the Parties.

Should the Parties be unable to agree on any minor amendments to this Agreement the matter will be dealt with in accordance with Clause 15 above.

18. Major amendments to this Agreement

Major amendments to this Agreement will be made in accordance with section 157 (1) – (4) of the Privacy Act 2020.

Should the Parties be unable to agree on any major amendments to this Agreement the matter will be dealt with in accordance with Clause 15 above.

19. Term, performance, and termination

This Agreement comes into force on the date specified in the Order in Council giving legal effect to it.

This Agreement shall continue to be in force until either all of the Parties agree to terminate this Agreement, or the Order in Council is revoked.

Any Party may suspend, limit, or terminate their participation under this Agreement if it appears to the Party that the terms of this Agreement or the Order in Council are not being met or the Personal Information sharing under this Agreement is otherwise unlawful.

The obligations in this Agreement specified in clauses 12.2, 12.3, 12.4, 12.5, 12.7 and 13 shall remain in force notwithstanding the termination of this Agreement.

If extraordinary circumstances arise (including but not limited to earthquake, volcanic eruption, fire, flood, storm, pandemic, or war) which prevent any Party performing its obligations under this Agreement, the performance of that Party's obligations shall be suspended for as long as those extraordinary circumstances prevail or prevent performance.

20. Party representatives

Each Party will appoint a contact person to co-ordinate the operation of this Agreement with the other Parties and will ensure that the contact person is familiar with the requirements of the Privacy Act 2020 and this Agreement. The initial contact persons are as follows:

Party	Contact and Role
Accident Compensation Corporation (ACC)	Cheryl Gall Manager DCE Office – Service Delivery Cheryl.gall@acc.co.nz
Department of Corrections (Corrections)	Nic Barkley Manager Ministerial Services.cs_help_desk@corrections.govt.nz
Te Tari Taiwhenua Department of Internal Affairs (DIA)	Logan Fenwick Manager Information Partnerships SDOInformationPartnerships@dia.govt.nz
Health New Zealand (Health NZ)	Viv Kerr Head of Privacy Viv.kerr@tewhatauora.govt.nz
The New Zealand Customs Service (Customs)	Jonathan Morten Manager Process Optimisation jonathan.morten@customs.govt.nz
The New Zealand Defence Force (NZDF)	Wing Commander Mike Ferguson Executive Officer – NZDF Privacy Officer michael.ferguson@nzdf.mil.nz
Te Tāhuhu o te Mātauranga Ministry of Education (MOE)	Sally Barry Acting Manager, Information Management information.sharing@education.govt.nz
The Ministry of Health (MOH)	Karin Anderson Principal Advisor, Privacy and Inquiries Karin.Anderson@health.govt.nz
The Ministry of Social Development (MSD)	Vice Saletele Manager Centralised Service vice.saletele001@msd.govt.nz

Party	Contact and Role
The Registrar-General, Births, Deaths and Marriages (Registrar-General)	Logan Fenwick Manager Information Partnerships SDOInformationPartnerships@dia.govt.nz
Veterans' Affairs which is a unit of the New Zealand Defence Force (Veterans' Affairs)	Alexander Brunt Deputy Head of Veterans Affairs Vanzpol@nzdf.mil.nz



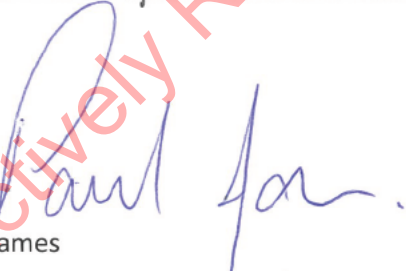

All notices and other communications between the Parties under this Agreement shall be sent to the contact persons specified above.

The contact persons for each Party set out above may be updated from time to time by the Party giving written notice (which may be by email) to Veterans' Affairs. If the contact for Veterans' Affairs is updated, then all Parties will be advised.

Veterans' Affairs will ensure that the Privacy Commissioner is informed of the current contact persons for this Agreement if they are not those set out above.

21. Acceptance

In signing this Agreement each Party acknowledges it has read and agrees to be bound by it.

 Megan Main Chief Executive The Accident Compensation Corporation Dated: 8 April 2024	 Jeremy Lightfoot Chief Executive The Department of Corrections Dated: 15 APRIL 2024
 Paul James Secretary for Internal Affairs / Chief Executive Te Tari Taiwhenua The Department of Internal Affairs Dated: 11/4/24	 Margie Apa Chief Executive Health New Zealand Dated: 15/4/24

 Christine Stevenson, Comptroller of Customs The New Zealand Customs Service Dated: 9/4/24	 Air Marshal Kevin Short Chief of Defence Force The New Zealand Defence Force Dated: 18 APRIL 2024
 Iona Holsted Secretary for Education Te Tāhuhu o te Mātauranga The Ministry of Education Dated: 12.04.24	 Dr Diana Sarfati Director-General of Health The Ministry of Health Dated: 12/4/24
 Debbie Power Chief Executive The Ministry of Social Development Dated: 16.04.24	 Russell Burnard The Registrar-General, Births, Deaths and Marriages Dated: 11/4/24
 Bernadine MacKenzie Head of Veterans Affairs Veterans' Affairs Dated: 18TH APRIL 2024	

Schedule 1 – Veterans’ Affairs

1. Description of Personal Information to be shared

Personal Information that can be shared by Veterans’ Affairs under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Passport Details	Current and any previous Passport number of a Veteran.	Schedule 4 – clause 2
Veteran Status	Fact of being a Veteran.	Schedule 2 – clause 2 (a) and (b) Schedule 3 – clause 2 (a) Schedule 5 – clause 2 Schedule 6 – clause 2 (a) and (b) Schedule 8 – clause 2 (a) and (b) Schedule 9 – clause 2 Schedule 10 – clause 2 (a) and (b)
Service Date	Last date of active service for a Veteran.	Schedule 6 – clause 2(b) Schedule 8 – clause 2(b)
Rehabilitation Information	Details relating to a Veteran’s current rehabilitation plan.	Schedule 3 – clause 2 (a), (b) and (c)
Entitlement Information	Details relating to the current Services provided by Veterans’ Affairs to a Veteran or Other Claimant, including the type of assistance and financial value.	Schedule 2 – clause 2 (a) and (b) Schedule 3 – clause 2 (a), (b) and (c) Schedule 9 – clause 2 Schedule 10 – clause 2 (a) and (b)

2. How Veterans’ Affairs may use Personal Information provided by ACC

The Personal Information received by Veterans’ Affairs from ACC may be used to:

- a) Assess or reassess the eligibility and entitlement of a Veteran or Other Claimant for Services.
- b) Facilitate rehabilitation and treatment of a Veteran.
- c) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

3. How Veterans' Affairs may use Personal Information provided by Corrections

The Personal Information received by Veterans' Affairs from Corrections may be used to:

- a) Assess or reassess the eligibility and entitlement of a Veteran or Other Claimant for Services.
- b) Facilitate rehabilitation and treatment of a Veteran.
- c) Cleanse and update records after a change in circumstances of a Veteran or Other Claimant.
- d) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

4. How Veterans' Affairs may use Personal Information provided by Customs

The Personal Information received by Veterans' Affairs from Customs may be used to:

- a) Assess or reassess the eligibility and entitlement of a Veteran or Other Claimant for Services.
- b) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

5. How Veterans' Affairs may use Personal Information provided by DIA

The Personal Information received by Veterans' Affairs from DIA may be used to:

- a) Enable an individual's identity to be verified.
- b) Assess or reassess the eligibility and entitlement of a Veteran or Other Claimant for Services.
- c) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

6. How Veterans' Affairs may use Personal Information provided by MOE

The Personal Information received by Veterans' Affairs from MOE may be used to:

- a) Assess or reassess the eligibility and entitlement of a Veteran or Other Claimant for Services.
- b) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

7. How Veterans' Affairs may use Personal Information provided by MSD

The Personal Information received by Veterans' Affairs from MSD may be used to:

- a) Assess or reassess the eligibility and entitlement of a Veteran or Other Claimant for Services.
- b) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.
- c) Update contact details for Veterans and Other Claimants.

8. How Veterans' Affairs may use Personal Information provided by NZDF

The Personal Information received by Veterans' Affairs from NZDF may be used to:

- a) Notify an individual of Services that they may be eligible for and entitled to access.
- b) Assess or reassess the eligibility and entitlement of a Veteran or Other Claimant for Services.
- c) Facilitate rehabilitation and treatment of a Veteran.
- d) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

9. How Veterans' Affairs may use Personal Information provided by the Registrar-General

The Personal Information received by Veterans' Affairs from the Registrar-General may be used to:

- a) Enable an individual's identity to be verified.
- b) Assess or reassess the eligibility and entitlement of a Veteran or Other Claimant for Services.
- c) Cleanse and update records after a change in circumstances of a Veteran or Other Claimant.
- d) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

10. Adverse Actions by Veterans' Affairs

Veterans' Affairs can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from a Party:

- a) Cease contact with a Veteran or Other Claimant.
- b) Decline to provide requested Services.
- c) Cancel, suspend, or modify Services.
- d) Undertake a reconsideration of decision, or undertake an appeal, in respect of Services.
- e) Update the contact details for a Veteran or Other Claimant.
- f) Investigate any matter that may constitute an offence under any legislation it administers and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office.

- g) Engage in civil proceedings about decisions relating to a Veteran's or Other Claimant's entitlements under the Veterans' Support Act 2014.

Proactively Released by the Minister for Veterans

Schedule 2 – ACC

1. Description of Personal Information to be shared

Personal Information that can be shared by ACC under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
ACC Entitlement Information	Details relating to the current and previous Services provided by ACC to a Veteran including type of assistance and financial value.	Schedule 1 – clause 2 (a), (b) and (c)
ACC status	Fact of a Veteran having Cover for a personal injury.	Schedule 1 – clause 2 (a), (b) and (c)

2. How ACC may use Personal Information provided by Veterans' Affairs

The Personal Information received by ACC from Veterans' Affairs may be used to:

- a) Assess or reassess the eligibility and entitlement of a Veteran for Services.
- b) Facilitate rehabilitation and treatment of a Veteran, which may include the joint supply of rehabilitation and treatment by ACC and Veterans' Affairs.

3. Adverse Actions by ACC

ACC can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- a) Decline to provide requested Services.
- b) Cancel, suspend or modify Services.
- c) Undertake a reconsideration of decision, or undertake an appeal, in respect of Services.
- d) Investigate any matter that may constitute an offence under the Accident Compensation Act 2001 and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office.
- e) Engage in civil proceedings.

Schedule 3 – Corrections

1. Description of Personal Information to be shared

Personal Information that can be shared by Corrections under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Prison Admission/Release Information	Information relating to when a Veteran enters and leaves prison, including their release plan.	Schedule 1 – clause 3 (a), (c) and (d)
Release Conditions	Information relating to any sentence conditions imposed when a Veteran leaves prison.	Schedule 1 – clause 3 (b) and (c)
Rehabilitation and Treatment Plan	Details relating to a Veteran’s current rehabilitation and treatment plan.	Schedule 1 – clause 3 (b) and (d)
Reintegration Plan	Details relating to how a Veteran will be reintegrated into the community, including details of any conditions imposed on the Veteran.	Schedule 1 – clause 3 (a), (b), (c) and (d)

2. How Corrections may use Personal Information provided by Veterans’ Affairs

The Personal Information received by Corrections from Veterans’ Affairs may be used to:

- Support the rehabilitation and treatment of a Veteran while in custody, on a post-release order or on a community-based sentence.
- Support a Veteran’s reintegration plan.
- Assist with submissions to the New Zealand Parole Board regarding a Veteran.

3. Adverse Actions by Corrections

Corrections can reasonably be expected to not take any Adverse Actions based on Personal Information received from Veterans’ Affairs.

Schedule 4 – Customs

1. Description of Personal Information to be shared

Personal Information that can be shared by Customs under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth 	All
Passport Details	Current and any previous Passport number	Schedule 1 – clause 4 (a) and (b)
Travel Movements	Information contained within the Passenger Movement Records of a Veteran relating to the dates of departure from and arrival into New Zealand and the destination of travel outside of New Zealand.	Schedule 1 – clause 4 (a) and (b)

2. How Customs may use Personal Information provided by Veterans’ Affairs

The Personal Information received by Customs from Veterans’ Affairs may be used to provide Veterans’ Affairs a Veteran’s Travel Movements.

3. Adverse Actions by Customs

Customs can reasonably be expected to not take any Adverse Actions based on Personal Information received from Veterans’ Affairs.

Schedule 5 – DIA

1. Description of Personal Information to be shared

Personal Information that can be shared by DIA under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Passport Information	Information relating to the individual’s New Zealand Passport and the location it was delivered to.	Schedule 1 – clause 5 (a), (b) and (c)

2. How DIA may use Personal Information provided by Veterans’ Affairs

The Personal Information received by DIA from Veterans’ Affairs may be used to provide a means for Veterans to prove their status and eligibility for the purpose of obtaining services and other benefits.

3. Adverse Actions by DIA

DIA can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans’ Affairs:

- a) Decline to provide a means to prove a Veteran’s status and eligibility for services and other benefits.

Schedule 6 – Health NZ

1. Description of Personal Information to be shared

Personal Information that can be shared by Health NZ under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All

2. How Health NZ may use Personal Information provided by Veterans’ Affairs

The Personal Information received by Health NZ from Veterans’ Affairs may be used to:

- a) Update a Veteran’s National Health Index record or National Enrolment Service record to indicate that they are a Veteran.
- b) Provide additional or reduced-cost Services to a Veteran.

3. Adverse Actions by Health NZ

Health NZ can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans’ Affairs:

- a) Decline to provide additional Services.
- b) Decline to provide Services at a reduced cost.

Schedule 7 – MOE

1. Description of Personal Information to be shared

Personal Information that can be shared by MOE under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • contact details 	All
Enrolment Information	Information relating to the enrolment in a registered school of an Other Claimant.	Schedule 1 – clause 6 (a) and (b)

Schedule 8 – MOH

1. Description of Personal Information to be shared

Personal Information that can be shared by MOH under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All

2. How MOH may use Personal Information provided by Veterans' Affairs

The Personal Information received by MOH from Veterans' Affairs may be used to:

- a) Update a Veteran's National Health Index record or National Enrolment Service record to indicate that they are a Veteran.
- b) Provide additional or reduced-cost health services to a Veteran.

3. Adverse Actions by MOH

MOH can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- a) Decline to provide additional Services.
- b) Decline to provide Services at a reduced cost.

Schedule 9 – MSD

1. Description of Personal Information to be shared

Personal Information that can be shared by MSD under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Working Status	Information relating to whether a Veteran is currently working.	Schedule 1 – clause 7 (a) and (b)
Benefit or Subsidy Information	Information relating to current and previous Benefits or Subsidies provided to a Veteran or Other Claimant.	Schedule 1 – clause 7 (a) and (b)
Spouse or Partner Information	Information relating to current and previous spouse or Partner of a Veteran.	Schedule 1 – clause 7 (a) and (b)
Children and Dependand, Information	Identifying Information about Child or Dependand of a Veteran and information about type of relationship Child or Dependand has with the Veteran.	Schedule 1 – clause 7 (a) and (b)

2. How MSD may use Personal Information provided by Veterans' Affairs

The Personal Information received by MSD from Veterans' Affairs may be used to assess or reassess the eligibility and entitlement of a Veteran or Another Claimant for Benefits or Subsidies.

3. Adverse Actions by MSD

MSD can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- Decline to provide requested Benefits or Subsidies.
- Cancel, suspend, or modify Benefits or Subsidies.
- Investigate any matter that may constitute an offence under any legislation it administers and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office.

Schedule 10 – NZDF

1. Description of Personal Information to be shared

Personal Information that can be shared by NZDF under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Service Records	Information relating to a Veteran's NZDF Service.	Schedule 1 – clause 8 (a), (b) and (d)
ACC Entitlement Information	Details relating to the current and previous ACC AEP Services provided to a Veteran including type of assistance and financial value.	Schedule 1 – clause 8 (b), (c) and (d)
ACC status	Fact of a Veteran having Cover for a personal injury.	Schedule 1 – clause 8 (b), (c) and (d)

2. How the NZDF may use Personal Information provided by Veterans' Affairs

The Personal Information received by the NZDF from Veterans' Affairs may be used to:

- a) Assess or reassess the eligibility and entitlement of a Veteran for ACC AEP Services.
- b) Facilitate rehabilitation and treatment of a Veteran, which may include the joint supply of rehabilitation and treatment by NZDF as an ACC Accredited Employer and Veterans' Affairs.

3. Adverse Actions by NZDF

NZDF can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- a) Decline to provide requested ACC AEP Services.
- b) Cancel, suspend or modify ACC AEP Services.
- c) Undertake a reconsideration of decision, or undertake an appeal, in respect of ACC AEP Services.
- d) Engage in civil proceedings about a decision made by NZDF relating to conditions of service, entitlements, or allowances provided under the Defence Act 1990 or related legislation.
- e) Report any suspected offence to the New Zealand Police or Serious Fraud Office.

- f) Otherwise use the information for the purposes of administering the Armed Forces Discipline Act 1971 or the Defence Act 1990, including the investigation or prosecution of offences against those Acts

Proactively Released by the Minister for Veterans

Schedule 11 – Registrar-General

1. Description of Personal Information to be shared

Personal Information that can be shared by the Registrar-General under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual, including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth 	All
Birth Information	Information relating to the individual's birth that is maintained by the Registrar-General under the BDMRR Act excluding information protected by sections 27, 75 to 77, and 81 to 83 of that Act.	Schedule 1 – clause 9 (a), (b), (c) and (d)
Marriage Information	Information relating to the individual's marriage that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c) and (d)
Civil Union Information	Information relating to the individual's civil union that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c) and (d)
Death Information	Information relating to the individual's death that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c) and (d)
Name Change Information	Information relating to the individual's name change that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c) and (d)

Appendix B - Regulatory Impact Statement: Veterans' Affairs AISA

Coversheet

Purpose of Document	
Decision sought:	This analysis and advice have been produced for the purpose of informing Cabinet's final policy decisions on the Veterans' Affairs Approved Information Sharing Agreement (AISA).
Advising agencies:	<p>This Regulatory Impact Statement (RIS) has been developed by Veterans' Affairs in conjunction with the following agencies who are proposed to be parties to the AISA:</p> <ul style="list-style-type: none">• Accident Compensation Corporation (ACC)• Department of Corrections (Corrections)• Te Tari Taiwhenua Department of Internal Affairs (DIA)• Health New Zealand (Health NZ)• New Zealand Customs Service (Customs)• The New Zealand Defence Force (NZDF)• Te Tāhuhu o te Mātauranga Ministry of Education (MOE)• The Ministry of Health (MOH)• The Ministry of Social Development (MSD)• Kairēhita Matua – Whānautanga, Matenga, Mārenatanga The Registrar-General, Births, Deaths, and Marriages (Registrar-General)
Proposing Ministers:	Hon Peeni Henare (April 2023) Chris Penk (May 2024)
Date finalised:	28/04/2023 – Original version 29/03/2024 – Update to remove The Māori Health Authority (MHA) as a party.
Problem Definition	
<p>Most of the information required to assess entitlements or services must currently be provided directly by veterans or their family and whānau. Due to the age of many veterans, much of this is provided in paper form and sent by post. This places a burden on the veteran, their family and whānau, and results in delays to the provision of entitlements or services.</p> <p>Equally, it is difficult for the agencies to exercise powers to not provide services, to adjust services, to prevent fraud or mistaken identity, and to prevent the accumulation of debt for veterans due to the lack of information sharing.</p> <p>The issues regarding information sharing were identified in the Paterson Report in June 2017 and a recommendation made that Veterans' Affairs reviews its information sharing.</p>	

Executive Summary

Problem Statement

Most of the information required to assess entitlements or services must currently be provided directly by veterans or their family and whānau. Due to the age of many veterans, much of this is provided in paper form and sent by post. For example, if a veteran needs to prove their income, they're required to locate last year's tax statement in their physical records, then make a copy and post this to Veterans' Affairs. This places a burden on the veteran, their family and whānau, and results in delays to the provision of entitlements or services.

Equally, many government agencies have incomplete or missing information on veterans. This lack of information sharing makes it difficult for agencies to provide adequate services for veterans, including preventing fraud and accumulation of debt.

Criteria

Veterans' Affairs examined possible options to improve the information sharing relating to veterans and their family and whānau. When considering the options, the following were taken into account:

- Efficiency for veterans and their family and whānau
- Accuracy and timeliness of information
- Transparency regarding how information will be shared and used by government agencies
- Achievability within a reasonable time (up to two years).

Options Considered

The following options were considered to address the problem:

- Option A - Status Quo – this would involve making no changes to the way information is shared.
- Option B - Development of Memoranda of Understanding (MOUs) – this would involve putting in place a small number of MOUs between government agencies and Veterans' Affairs to support sharing under the exceptions to the Privacy Act or other legislation where allowable.
- Option C - Development of an Approved Information Sharing Agreement (AISA) – this would enable two-way sharing with government agencies for a variety of specified purposes.
- Option D - Amend Primary Legislation – this would involve an extensive process to update the Veterans' Support Act 2014 and other primary legislation.

A key difference between an AISA and a MOU is that an AISA can also authorise departures from the information privacy principles (IPPs) that each organisation is required to follow under the Privacy Act if there is a clear public policy justification and the privacy risks of doing this are managed appropriately.

The other difference is an AISA can be used to share information about:

- Sex offenders or high-risk offenders by Corrections;
- An individual's enrolment at a registered school in NZ by Te Tāhuhu o te Mātauranga |Ministry of Education; and
- An individual's birth, marriage, civil union or death by the Registrar-General.

Preferred Option

As a result of this analysis, Veterans' Affairs has identified the preferred option is to create an AISA because it meets all four of the criteria:

- Efficiency for veterans and their family and whānau – Information about veterans and their family and whānau would be able to be shared with and by Veterans' Affairs.
- Accuracy and timeliness of information – This will occur when Veterans' Affairs and other government agencies are able to gain access to information from an authoritative source in a timely fashion.
- Transparency regarding how information will be shared and used by government agencies – The AISA and related Order in Council would be public and also all sharing would be documented in the relevant privacy statement. It is also proposed that information about how the AISA functions will be readily available, easy to navigate, and clear and easy to understand.
- Achievability within a reasonable time (up to two years) – It is expected an AISA would take approximately 18 months to deliver.

Using an AISA would also enable predictable and consistent outcomes for the government agencies involved.

Public Consultation

Public consultation began on 29th August 2022 and closed on 7th October 2022. Thirty-seven submissions were received in response to the initial public consultation, coming mainly from individuals, with three submissions from organisations. This is a very high number of submissions in relation to a proposed AISA especially from individuals. This reflects the level of engagement from the veteran community with Veterans' Affairs.

The submissions for and against appeared roughly even, however many did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances. A key theme to the feedback from those opposed centred around a distrust for government agencies to securely transfer and store personal information about them.

Initial consultation feedback did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances, a set of definite questions was therefore developed by Veterans' Affairs to seek further clarity on the views expressed. Twenty-five clarifying submissions were received from both organisations and individuals, most of which were strongly supportive of the AISA.

Limitations and Constraints on Analysis

The initial problem statement was identified as part of the [Paterson Report](#) in June 2017 and a recommendation made that Veterans' Affairs reviews its information sharing. This recommendation did not limit the analysis. When completing the analysis Veterans' Affairs considered all information sharing with government entities and not just those parties listed as part of the recommendation. The analysis was constrained to solutions for information sharing only with New Zealand government entities.

The Privacy Act 2020 sets the framework for how personal information must be managed. The information proposed to be shared is considered personal information therefore only options that enabled compliance with the Privacy Act were considered.

The Privacy Act also sets out what an AISA can contain and how it can modify the way the Privacy Act applies, such as authorising exemptions from some of the information privacy principles. The Privacy Act also sets out the process that must be followed to make an AISA. To come into force, an AISA must be authorised through an Order in Council. The Operation of the AISA is subject to reporting in accordance with requirements set by the Privacy Commissioner.

Costs and time to develop options were not a limiting factor in the analysis.

Responsible Manager (April 2023)

Marti Eller

Deputy Head of Veterans' Affairs

Veterans' Affairs New Zealand – Te Tira Ahu Ika A Whiro



28 April 2023

Responsible Manager (February 2024)

Alexander Brunt

Deputy Head of Veterans' Affairs

Veterans' Affairs New Zealand – Te Tira Ahu Ika A Whiro



29 February 2024

Quality Assurance

Reviewing Agency: Department of Internal Affairs

Panel Assessment & Comment: The panel considers that the information and analysis summarised in the RIA overall **meets** the quality assurance criteria.

This RIS provides all of the necessary information. There was solid analysis about why an AISA could help ease administrative burdens for veterans and their whānau, and lead to faster adjustments to their services and support. While most of the RIS was reasonably clear, in places it was not as clear or concise as it could be, for example when explaining the problem for each of the agencies.

While only a moderate amount of feedback was received, the RIS also clearly shows evidence of effective consultation with stakeholders that is proportionate to the type of policy change (i.e., introducing an AISA).

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

Background

1. Veterans' Affairs provides services, entitlements, and support to veterans with injuries and illnesses related to qualifying service so that they can be well at home, at work, and in their communities. Veterans' Affairs is a unit within the New Zealand Defence Force which operates under the Veterans' Support Act 2014.
2. Veterans' Affairs works alongside other government agencies and veterans' groups to:
 - Support veterans with qualifying service, as well as their family and whānau.
 - Celebrate their courage, comradeship, and commitment.
 - Commemorate their loss and sacrifice.
3. Veterans' Affairs does this by:
 - Providing support to veterans with injuries and illnesses relating to qualifying service, their family and whānau, so they can be well at home, at work, and in their communities.
 - Helping coordinate commemorative activities.
 - Maintaining over 180 service cemeteries throughout New Zealand.
 - Working with other organisations that also support and advocate for veterans.
4. Veterans' Affairs clients range in age from 19 to more than 100 years old, and include retirees, those in civilian life, current service members, and their families and whānau. It is estimated that there are over 31,000 New Zealanders who could be eligible for support, services, and entitlements from Veterans' Affairs. The average age of a veteran supported by Veterans' Affairs is in excess of 80 years old.
5. Currently Māori constitute approximately 30% of New Zealand Defence Force personnel whereas they make up 16% of the general population in New Zealand.

Services to Veterans and their Family and Whānau

6. Veterans' Affairs provides services to veterans and their family and whānau residing both in New Zealand and overseas. In all cases, the provision of a service will depend on whether a veteran or their family and whānau have applied for or elected to utilise a particular service.
7. Examples of the types of support provided by Veterans' Affairs to veterans and their family and whānau include:
 - Treatment or rehabilitation when a veteran is sick or injured.
 - Mental health support.
 - Financial support if a veteran cannot work full time or at all, expenses associated with treatment, impairment compensation, support for children and dependants, and expenses associated with the death of a veteran.
 - In-home rehabilitation/support to independence, including home modifications, training for independence, home help, childcare payments and attendant care.
 - Vocational rehabilitation for veterans returning to work and continuing recovery while at work and vocational assistance for a veteran's spouse or partner if a veteran is unable to undertake vocational rehabilitation.
 - Support to participate in commemorations of service including events, travel, and projects.

8. A number of government agencies are currently involved in providing services, support or entitlements to veterans and their families and whānau alongside Veterans' Affairs.

Proactively Released by the Minister for Veterans

Agency	Services in relation to veterans	Primary Legislation
Accident Compensation Corporation (ACC)	Depending on the scheme the veteran is part of, based on their qualifying service, certain conditions are not covered by ACC but funded by Veterans' Affairs instead. Veterans' Affairs may also top up ACC payments.	Accident Compensation Act 2001
Department of Corrections (Corrections)	Rehabilitation services stop when a veteran is in prison (subject to a few exceptions) and are passed over to Corrections to provide. On release, the obligation to provide these services is passed back to Veterans' Affairs. Financial payments to the veteran stop when they are in prison. Veterans' Affairs may provide support services to aid a veteran's reintegration on release and may also provide information to Corrections for provision to the Parole Board.	Corrections Act 2004
Department of Internal Affairs (DIA)	Provide travel documents to veterans and their families and whānau. Provide identity services to other organisations.	Passports Act 1992
Inland Revenue	Income information is used to determine compensation payment amounts paid to veterans. These payments are based on previous income or lump sums depending on the circumstances. On a veteran's death Veterans' Affairs may provide childcare payments, income compensation or pensions for spouses, partners, children and dependents, depending on the veteran's service and whether the veteran's death is service-related.	Tax Administration Act 1994
Ministry of Education (MOE)	Provide education to families and whānau of veterans.	Education and Training Act 2020
Ministry of Health (MOH)	Provide medical care to veterans and their families and whānau.	Health Act 1956
Ministry of Social Development (MSD)	Administer and pay the Veteran's Pension on behalf of Veterans' Affairs.	Social Security Act 2018
New Zealand Customs Service (Customs)	Manages border risks associated with veterans and their luggage / goods.	Customs and Excise Act 2018
New Zealand Defence Force (NZDF)	Confirm the veteran's service to determine if he or she may be eligible for Veterans' Affairs services. Provide health records to enable ongoing care and determination of coverage for support such as impairment compensation.	Defence Act 1990
Registrar-General, Births, Deaths and Marriages (Registrar-General)	Manage the birth, marriage and death records for veterans and their families and whānau within New Zealand.	Births, Deaths, and Marriages Registration Act 1995

Proactively Released by the Minister for Veterans

Existing Legislation

9. The primary legislation governing the principles and controls under which personal information can be shared is the Privacy Act 2020.
10. Veterans' Affairs has several Memoranda of Understanding (MOUs) with the Ministry of Social Development and ACC that involve information sharing. These agreements do not enable variation of the privacy principles. This means in accordance with the Privacy Act personal information may only be shared between agencies through either authorisation under the Privacy Act or primary powers in legislation.
11. Before Veterans' Affairs was established in 1999, the Ministry of Social Development was responsible for the War Pensions Act 1954. During that time, the Ministry of Social Development had greater ability to receive information from other agencies such as Corrections and the Department of Internal Affairs than Veterans' Affairs currently does. However, these sharing provisions were not carried over when Veterans' Affairs separated from the Ministry of Social Development.
12. Furthermore, the Births, Death, Marriages, and Relationships Registration Act 1995 (BDMRRA) restricts the sharing of birth, death, marriage and civil union records unless authorised under the BDMRRA. Currently Veterans' Affairs is not authorised to receive these records. Section 78A of the BDMRRA authorises the establishment of information sharing agreements and AISAs to share information collected under the BDMRRA.
13. Without an AISA or powers in primary legislation the Department of Corrections has no power under the Correction Act 2005 to share information with Veterans' Affairs about when veterans enter or are released from prison.

Current Arrangements

14. Most of the information required to assess entitlement for services must now be provided by veterans or their family and whānau. Due to the age of many veterans, much of this is provided in paper form and sent by post.
15. Information is also sought from other government agencies e.g., ACC, with the veteran's consent. The veteran provides consent at the time that they first access Veterans' Affairs services, but this may have been given many years prior. Even with reminders, due to the makeup of the veteran community, many are not in a position to remember giving consent. There is a further challenge in relation to consent as a number of veterans are incapable of providing informed consent and may not have a representative who is legally authorised to consent on their behalf.

What is the policy problem or opportunity?

16. There is a burden on the veteran, their family and whānau to provide information to support requests for entitlements or services as it cannot be shared directly from the agency holding the information, much of this information is provided in paper form and sent by post. In addition to the administrative burden this also results in delays to the provision of entitlements or services.
17. Veterans' Affairs is constantly receiving feedback from veterans that they should be able to access information already held within Government. There are frustrations regularly expressed when veterans have to seek information from other agencies to provide it to Veterans' Affairs.
18. The issues regarding information sharing were identified in the [Paterson Report](#) in June 2017. A recommendation was made that "*Veterans' Affairs reviews its information-sharing and relationship arrangements with the Defence Force and ACC, progresses information-sharing arrangements with IRD for the purposes of weekly compensation and broader tax issues, and explores ways to share information with health practitioners.*"

19. The challenges around access to information and the need to provide information are illustrated in the surveys completed by Veterans' Affairs clients. There were 186 comments about the need to improve information sharing in the latest survey.
20. There are a number of legislative barriers that currently inhibit the ability of the identified agencies to share information:
 - Births, Deaths, Marriages, and Relationships Registration Act 1995 – Section [78A](#) of the BDMRRA restricts disclosure of personal information without an Information Matching Agreement¹, AISA or other exception in the BDMRRA.
 - Corrections Act 2004 – A partial prohibition under sections [181A](#) and [182A](#) exists in relation to information relating to highest-risk offenders and sex offenders, which is only able to be shared via an AISA.
 - Tax Administration Act 1994 – IRD cannot disclose tax information without consent, or an AISA under section [18\(1\)](#).
21. In addition, there are also the following non-legislative barriers:
 - A higher than average number of clients have an inability to provide informed and appropriately authorised consent due to their age or medical capacity.
 - A Veteran who has died is unable to consent to their information being shared therefore identification of the executors of the estate is required.
 - The Crown is a single legal entity – the Crown cannot effectively refund itself unless the ability to do so is prescribed in statute (e.g., Accident Corporation Act 2001, s281 - Disclosure of information by Corporation for benefit and benefit debt recovery purposes).
22. This results in a number of problems being faced by the identified agencies.

Problem Faced	Agency
Lack of awareness of entitlements	<ul style="list-style-type: none"> • ACC • Ministry of Health • Veterans' Affairs
Delay in provision of services / entitlements	<ul style="list-style-type: none"> • Veterans' Affairs • Ministry of Health
Require consent to be obtained before sharing information	<ul style="list-style-type: none"> • ACC • DIA • Inland Revenue • Veterans' Affairs • Defence
Duplication of services	<ul style="list-style-type: none"> • ACC
Incurrence of debt	<ul style="list-style-type: none"> • Veterans' Affairs • MSD

¹ This is an older information sharing mechanism enabled under Part 7 Subpart 4 of the Privacy Act 2020. Information matching agreements generally focus on sharing bulk information sets between parties.

Problem Faced	Agency
Inability to be able to share information with consent	<ul style="list-style-type: none"> • Corrections • MOE • Registrar-General, Births, Deaths and Marriages
Ability to detect and prevent fraud	<ul style="list-style-type: none"> • Veterans' Affairs

What objectives are sought in relation to the policy problem?

Key Objectives

23. The key objective sought is to improve the delivery of services, entitlements, and support to veterans and their family and whānau by easing the burden for veterans and their families and whānau when assessing eligibility for services by reducing the number of documents that need to be provided.
24. In addition, Veterans' Affairs is seeking to improve the delivery of government services by:
 - Allowing organisations to correctly identify an individual who is a veteran and their family and whānau.
 - Protecting public revenue through timely adjustment in funding.
25. There will be some variation in how some of these objectives are realised, depending on the specific needs for each agency.

Negative Consequences

26. It has been identified that as a consequence of improving the information sharing to improve the delivery of services, entitlements and support there may be a number of adverse outcomes to veterans and their families and whānau. These include:
 - Agencies declining to provide requested services or additional services.
 - Cancellation or modification of services.
 - Undertaking a reconsideration of decision or undertaking an appeal in respect of the services.
 - Engaging in civil proceedings.
 - Investigating any matter that may constitute an offence under any legislation it administers and prosecuting the offence or reporting any suspected offence to the New Zealand Police or Serious Fraud Office.
27. Individuals may be concerned that improving information sharing may have a negative impact on their privacy. A Privacy Impact Assessment was developed as part of the public consultation to discuss the privacy risks and the proposed mitigations. In addition, the Office of the Privacy Commissioner has been consulted as part of developing solutions for improved information sharing. It is expected the impact on individuals' privacy will be minimal and the benefits outweigh this.
28. Veterans' Affairs has an established and robust review and appeals process in place for use in scenarios where a veteran or their family and whānau do not agree with a decision that Veterans' Affairs has made, or where the veteran or their family and whānau is unhappy with the level or extent of service received or not received. The review and appeals process is comprised of the following steps:
 - A discussion with Veterans' Affairs about a decision made, or service levels;

- A review of the decision or service, either by a Review Officer or the Veterans' Service Review Panel (if in relation to meeting the definition of qualifying service);
- An appeal to the Veterans' Entitlement Appeal Board; and
- An appeal to the High Court of New Zealand.

Section 2: Deciding upon an option to address the policy problem

What criteria will be used to compare options to the status quo?

29. Veterans' Affairs examined possible options to improve the information sharing relating to veterans and their family and whānau. When considering the options, the following were taken into account:
 - Efficiency for veterans and their family and whānau – This will occur when veterans and their family and whānau are not required to provide information already held by another government agency.
 - Accuracy and timeliness of information – This will occur when Veterans' Affairs and other government agencies are able to gain access to information from an authoritative source in a timely fashion.
 - Transparency regarding how information will be shared and used by government agencies – This will occur when veterans and their family and whānau are able to access information in one central location about how their information will be shared.
 - Achievability within a reasonable time (up to two years) – This will be based on the process steps that are required to implement the option, the number of individual agreements required and the expected timeframes based on other similar work within New Zealand.
30. Compliance with the Privacy Act was not considered as a criterion as one of the limitations on the analysis was that all options proposed must conform with the Privacy Act. Furthermore, veterans and their family and whānau are required by law to provide the majority of the information to the relevant government agencies as part of receiving services from them.
31. At an operational level when considering the individual sharing arrangements with each agency privacy will be a key consideration when determining what information is to be shared.
32. Feedback was sought through public consultation as to whether the criteria used to compare the options were appropriate. Only one of the thirty-seven submissions answered the question posed. The submission stated they thought services delivered by Veterans' Affairs should acknowledge Veterans' Affairs objectives described in the MOU with the New Zealand Vietnam Veterans, family and whānau. These objectives are focused on the services delivered by Veterans' Affairs rather than the mechanics of delivery.

What scope will options be considered within?

33. The Privacy Act 2020 sets the framework for how personal information must be managed. The information proposed to be shared is considered personal information therefore only options that enabled compliance with the Privacy Act were considered.
34. The Privacy Act provides four key legislative enablers to share personal information between parties:
 - In accordance with the privacy principles
 - As part of an Information Matching Programme – Since the introduction of the Privacy Act 2020 no new programmes are allowed to be developed.
 - Under an AISA – This also allows the privacy principles to be varied if justified.

- In accordance with specific legislation that overrides the general provisions of the Privacy Act.
35. Although it is possible for information sharing provisions to exist under all four of the enablers only one legal basis can be utilised at any given time for a specific information share.
 36. When completing the analysis Veterans' Affairs considered all information sharing with government entities and not just those parties listed as part of the recommendation in the Paterson Report. The analysis was constrained to solutions for information sharing only with New Zealand government entities.
 37. Due to resource and budget constraints Veterans Affairs only considered delivery of the same option for all identified parties.
 38. Inland Revenue were requested by Veterans' Affairs to participate in developing an improved solution to provide details of veterans' income and details of child support payments made by a veteran. However, Inland Revenue advised that currently information is able to be shared under a Memorandum of Understanding under the Tax Administration Act where consent is obtained. Inland Revenue did not have the resources required at the time to explore whether a change would be beneficial.
 39. Veterans' Affairs reviewed the information sharing arrangements between other agencies. There was a mixture of all four of the above legal options utilised. However certain agencies such as the Registrar-General, Births, Deaths and Marriages were significantly limited by their legislation in which options could be utilised for new information sharing programmes. In the previous years, a number of AISAs have been developed as these provide more flexible information sharing arrangements that can encompass multiple parties in one arrangement.

What options are being considered?

40. The following options were considered:
 - **Option A - Status Quo** – this would involve making no changes to the way information is shared.
 - **Option B - Development of Memoranda of Understanding (MOUs)** – this would involve putting in place a small number of MOUs between government agencies and Veterans' Affairs to support sharing under the exceptions to the Privacy Act or other legislation where allowable.
 - **Option C - Development of an Approved Information Sharing Agreement (AISA)** – this would enable two-way sharing with government agencies for a variety of specified purposes.
 - **Option D- Amend Primary Legislation** – this would involve an extensive process to update the Veterans' Support Act 2014 and other primary legislation.

Option A - Status Quo

41. This would involve continuing to use the current provisions and methods for information sharing between the parties. There would be no change in the arrangements.
42. Veterans' Affairs has several Memoranda of Understanding (MOUs) with the Ministry of Social Development and ACC that involve information sharing. These agreements were in place under the Privacy Act 1993. In terms of the sharing of personal information, these agreements have no basis in law as since 1993, the Privacy Act has provided that personal information may only be shared through either authorisation under the Privacy Act or primary powers in legislation.
43. There are several barriers for retaining the status quo, including the need to heavily rely on consent from the individual. Due to current limitations in the ability to share information, heavy administrative burdens (with costs attached) are placed on veterans

and their family and whānau in providing evidence of the various requirements such as proof of marriage or income received. This often results in delays in providing services.

44. The inability to share personal information also makes it difficult for agencies to exercise their powers:
 - To provide services correctly in terms of their legislation;
 - Not to provide services to an ineligible person;
 - To adjust, reduce or stop services; and
 - To prevent fraud or overpayment occurring which must then be repaid by the individual.
45. Information about information sharing that is occurring is currently explained in the Veterans' Affairs privacy statement provided to veterans and their family and whānau. Further information is also provided at the time the information is collected from the individual.

Option B - Development of Memoranda of Understanding (MOUs)

46. This option would involve putting in place a small number of Memoranda of Understanding (MOUs) between government agencies and Veterans' Affairs to support sharing under the exceptions to the Privacy Act or other legislation, where allowable. It is expected that this process would take approximately twelve months to be completed.
47. Individual MOUs would need to be developed with the following agencies:
 - Department of Corrections (Corrections)
 - Te Tari Taiwhenua | Department of Internal Affairs (DIA)
 - Health New Zealand (Health NZ)
 - New Zealand Customs Service (Customs)
 - The New Zealand Defence Force (NZDF)
 - The Ministry of Health (MOH).
48. The majority of the sharing would occur under the exceptions to the Privacy Act which allow sharing with consent. Therefore, the challenges regarding consent would still apply.
49. There are some circumstances where even with the individual's informed consent, information cannot be shared under an MOU due to legislative restrictions. These include the sharing of information relating to:
 - Sex offenders or high-risk offenders by Corrections;
 - An individual's enrolment at a registered school in NZ by Te Tāhuhu o te Mātauranga |Ministry of Education; and
 - An individual's birth, marriage, civil union, or death by the Registrar-General.
50. The option of putting in place a number of MOUs would assist in addressing specific information sharing gaps. However, it will still result in some gaps where the veterans and their family and whānau will be required to provide the information needed and in the majority of cases the veteran would still be required to provide consent in advance of the sharing occurring.
51. MOUs are relatively easy to update between the parties if the information sharing needs to be adjusted at a later date as long as the information sharing remains authorised under the exceptions to the Privacy Act. Consultation is only required with the two impacted parties.
52. Information about information sharing under the various MOUs would be explained in the Veterans' Affairs privacy statement provided to veterans and their family and whānau. Further information would also be provided at the time the information is collected from the individual.

Option C - Development of an Approved Information Sharing Agreement (AISA)

53. An AISA is a legal mechanism made by Order in Council under Part 7 subpart 1 of the Privacy Act that authorises the sharing of personal information between organisations to facilitate the provision of public services or government policy.
54. An AISA would enable information about veterans and their family and whānau to be shared between the parties. The details of the specific information that may be provided and received by each party, and the uses and purposes for which shared information may be used by that party, are set out in the AISA.
55. A key difference between an AISA and a MOU is that an AISA can also authorise departures from the information privacy principles (IPPs) that each organisation is required to follow under the Privacy Act if there is a clear public policy justification and the privacy risks of doing this are managed appropriately. An AISA will usually adjust the following IPPs:
 - IPP 2 - personal information should usually be collected directly from the individual concerned.
 - IPP 10 - information collected by a party should usually only be used for the purpose for which it was originally collected.
 - IPP 11 - personal information should not usually be disclosed to another person or organisation.
56. By enabling variation of the IPPs this would enable sharing without the consent of the individual. This will streamline the information sharing process in the majority of cases and also remove the risk around ensuring informed consent is obtained.
57. The other difference is an AISA can be used to share information about:
 - Sex offenders or high-risk offenders by Corrections;
 - An individual's enrolment at a registered school in NZ by Te Tāhuhu o te Mātauranga |Ministry of Education; and
 - An individual's birth, marriage, civil union or death by the Registrar-General.
58. By providing certainty around information to be shared, an AISA removes doubt around privacy implications and barriers to information sharing under the Privacy Act. AISAs are also public documents. An AISA can only be made if it meets a certain standard, including having checks and balances in place to protect the privacy of individuals. The Privacy Act sets out a transparent process to make an AISA, which includes:
 - Consulting with the Privacy Commissioner, who can also review an AISA once it comes into effect and make other recommendations for change;
 - Undertaking consultation with affected persons; and
 - Requiring an Order in Council to bring the AISA into force.
59. An AISA will reduce duplication of effort by combining multiple existing and possible new MOUs into a single agreement. This will provide greater transparency for people wishing to understand how their personal information may be used and shared.
60. The majority of work to develop an AISA is completed by the lead agency, Veterans' Affairs, with the other agencies involved reviewing key documents. An AISA does not mandate changes to business processes and technology but rather enables sharing where possible if desired.
61. The complete process for developing an AISA is approximately eighteen months.
62. If the AISA itself needs to be changed, usually to add an additional purpose, then the process specified in the Privacy Act must be followed and a new Order in Council developed. This process takes approximately 18 months and usually requires three separate approvals from Cabinet at various stages of the process.
63. AISAs are supported by operating procedures which detail how the information sharing occurs within the bounds of the AISA. These are developed with consultation between

the parties and the Office of the Privacy Commissioner. Changes to operating procedures are relatively simple and require consultation with the Office of the Privacy Commissioner.

64. It is relatively unusual for an AISA to require change after it has been developed. However, changes to the operating procedures are common as business processes change and develop.

Option D - Amend Primary Legislation

65. This option would update the Veterans' Support Act 2014 and other primary legislation such as the Births, Deaths, Marriages, and Relationships Registration Act 2021.
66. Amending legislation is a lengthy process and includes public consultation on the draft legislation, Select Committee processes and political debate. The speed of the process would depend on how the changes to the legislation relating to veterans rate against other government priorities, whether the changes are considered controversial, and the availability of specialist policy resources to lead the work. It is expected it would take three to five years to amend primary legislation due to the respective priority when compared to other legislative changes within New Zealand.
67. Achievability is a concern with this option, given the length of the process of legislative change and the changing government priorities at this time. There is also a limited case for a change of this nature, given that the Privacy Act already provides an option, in the form of an AISA, to enable sharing between organisations.
68. Once primary legislation has been amended to reflect the information sharing required it is not possible to adjust it at a later date without following the same process used to originally amend the legislation.

Public Consultation

69. Public consultation began on 29th August 2022 and closed on 7th October 2022. The following activities occurred during the consultation period:
 - Stakeholder packs - The main mailout of the 'packs' were sent to the 47 organisations detailed in Appendix B on the first day of consultation.
 - Email newsletter – Veterans' Affairs twice included an article in its email newsletter about the consultation. The newsletter was emailed to 3,742 subscribers, and it had an open rate of 71%. The newsletter generated 544 clicks though to the AISA page on Veterans' Affairs website.
 - Veterans' Affairs AISA webpage – Veterans' Affairs published a dedicated webpage (<https://www.veteransaffairs.mil.nz/about-veterans-affairs/our-programmes/aisa/>) containing information about the proposed changes and copies of all the documents. The webpage had 1,274 unique views.
 - Social media – Veterans' Affairs posted 13 times to their Facebook page which has 4,200 followers. The average reach for each post was approximately 1,300. Thirty-three comments were made on the posts.
 - Media - A media release went out the first week of the consultation. It was only picked-up by Sunlive, Tauranga.
 - Zoom meeting – Two individuals, other than staff, attended the call. The attendees were a Viet Nam veteran and a delegated representative from The Royal New Zealand Artillery Association.
70. Thirty-seven submissions were received in response to the initial public consultation, coming mainly from individuals with three submissions from organisations. This is a very high number of submissions in relation to a proposed AISA especially from individuals. This reflects the level of engagement from the veteran community with Veterans' Affairs.

71. The submissions for and against appeared roughly even as detailed below.

Sentiment	Number of Submissions
In Favour	17
Ambivalent	1
Opposed	13
Uncategorised	5

72. However, many submitters did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances. A key theme to the feedback from those opposed centred around a distrust for government agencies to securely transfer and store personal information about them. Veterans' Affairs reviewed the safeguards in the draft AISA and believes these are sufficient to mitigate the identified concerns.
73. Initial consultation feedback did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances. A set of definite questions was therefore developed by Veterans' Affairs to seek further clarity on the views expressed. Twenty-five clarifying submissions were received from both organisations and individuals, most of which were strongly supportive of the AISA. Appendix A details the responses.
74. As a result of feedback received as part of the public consultation an additional safeguard has been included in the draft AISA to require parties to seek the consent of individuals prior to sharing their information in situations where consent is appropriate. However the draft AISA confirms that the party are not required to establish the individual's legal ability to provide consent.

How do the options compare to the status quo/counterfactual?

	Option A – Status Quo	Option B – Development of Memoranda of Understanding (MOUs)	Option C - Development of an Approved Information Sharing Agreement (AISA)	Option D – Amend Primary Legislation
Efficiency for veterans and their family and whānau	A number of agencies are not in a position to share information and therefore information has to be provided by the veteran.	+	++	++
		MOUs would enable sharing with consent in most instances. However certain parties such as the Registrar-General, Corrections and MOE would be unable to share information in some circumstances.	An AISA would enable sharing in all cases without the need for consent to be obtained.	Legislative change would enable sharing in all cases without the need for consent to be obtained.
Accuracy and timeliness of information	Information has to be manually provided by the veteran in some circumstances which doesn't provide any surety of accuracy and there is a delay in the provision.	+	++	++
		Accurate information could be provided by agencies with an MOU in place. Consent would first need to be obtained from the individual which would take additional time to obtain.	Accurate information could be provided by agencies. Consent would not need to be obtained; therefore, information could be provided as soon as required.	Accurate information could be provided by agencies. Consent would not need to be obtained; therefore, information could be provided as soon as required.
Transparency regarding how information will be shared and used by government agencies	Transparency is achieved through provision of details by the respective agencies. This is usually provided on their website.	+	++	+
		Transparency is achieved through provision of details by the respective agencies. This is usually provided on their website.	Transparency is achieved through provision of details by the respective agencies. This includes a requirement for the lead agency to make available hard copies of the AISA. Information provided by the agencies is further complemented by an Order in Council that is publicly available and information contained on the Office of the Privacy Commissioner's website.	Transparency is achieved through provision of details by the respective agencies. Information provided by the agencies is further complemented by primary legislation that is publicly available.
Achievability within a reasonable time (up to two years)		++	++	-
		MOUs generally take about 6 months to develop. In this case a number are required.	The development process for an AISA is well established and documented. Previous AISAs have a history of being delivered in up to two years.	The process to change primary legislation is impacted by a number of factors. It is expected it could take three to five years.
Overall assessment	0	5	8	4

Key: ++ meets criteria + partially meets criteria - does not meet criteria

Proactively Released by the Minister for Veterans

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

The Proposed Solution

75. As a result of this analysis, Veterans' Affairs has identified the preferred option is to create an AISA because it meets all four of the criteria. No trade-offs were made where identifying the preferred solution as it met all the criteria identified.
76. Using an AISA would also enable predictable and consistent outcomes for the government agencies involved. In contrast to using MOUs, an AISA would enable information to be shared with all the government agencies involved including those with legislative barriers, such as Corrections and the Registrar-General, Births, Deaths and Marriages (Registrar-General) where legislation prevents sharing under an MOU.
77. AISAs, which are a more recently developed type of information sharing agreement under the Privacy Act, authorise the sharing of personal information between organisations to facilitate the provision of public services or government policy. They also allow the privacy principles to be varied.
78. Development of a Veterans' Affairs AISA would enable information about veterans and their family and whānau to be shared between the parties. The details of the specific information that may be provided and received by each party, and the uses and purposes for which shared information may be used by that party, are set out in the AISA.
79. The development of an AISA to facilitate sharing information to facilitate public services is cornerstone of a unified public sector, which is a major focus of State Services Commission led reforms.

Impacted Parties

80. The Veterans' Affairs AISA proposes to allow prescribed access to information about veterans and other claimants held by the relevant government agencies that will be parties to the AISA. The lead agency for the AISA is Veterans' Affairs.
81. It is proposed the parties to the AISA are:
 - Accident Compensation Corporation (ACC)
 - Department of Corrections (Corrections)
 - Te Tari Taiwhenua | Department of Internal Affairs (DIA)
 - Health New Zealand (Health NZ)
 - New Zealand Customs Service (Customs)
 - The New Zealand Defence Force (NZDF)
 - Te Tāhuhu o te Mātauranga | Ministry of Education (MOE)
 - The Ministry of Health (MOH)
 - The Ministry of Social Development (MSD)
 - Kairēhita Matua – Whānautanga, Matenga, Mārenatanga | The Registrar-General, Births, Deaths, and Marriages (Registrar-General).
82. The AISA would vary the following principles under the Privacy Act:
 - IPP 2: Source of Personal Information - It would not be a breach of information privacy principle 2 or the Health Information Privacy Code rule 2 for a party to collect personal information from another party in accordance with the AISA for one of the purposes of the AISA.
 - IPP 10: Limits on the Use of Personal Information - It would not be a breach of information privacy principle 10 or the Health Information Privacy Code rule 10 for personal information to be used by a party in accordance with the AISA for one of the purposes of the AISA.

- IPP 11: Limits on Disclosure of Personal Information – It would not be a breach of information privacy principle 11 or the Health Information Privacy Code rule 11 for a party to disclose personal information to another party in accordance with the AISA for one of the purposes of the AISA. It would also not be a breach of information privacy principle 11 or the Health Information Privacy Code rule 11 for a party to disclose personal information to another party as part of making a request for personal information.

What are the marginal costs and benefits of the option?

83. Improving information sharing about veterans and their family and whānau has the potential to significantly improve the delivery of services, entitlements, and support to veterans and their family and whānau.
84. These benefits are not quantifiable at this point, and the timing of their realisation will depend on when parties are able to begin sharing under the AISA and update their databases and processes. Not all parties will be ready and able to begin information sharing immediately, for a range of reasons. It is known cost savings are expected for veterans as certain items that are expected to be provided such as birth certificates currently cost \$33 per certificate.
85. Cost savings are expected to be incurred by Veterans' Affairs due to:
 - A reduction in the number of interactions with clients needed to process services, entitlement and support requests.
 - A reduction in time utilised for consent management.
 - Reduced levels of overpayments that then need to be recovered from clients.
 - Reduced levels of fraud.
86. Fees are not expected to be charged by the agencies sharing information.
87. It is expected that a large amount of the information sharing will be conducted on an individual basis and utilise existing technologies such as SEEMAIL. Therefore, costs are not expected to be incurred by the parties for technology improvements.

Additional costs of the preferred option compared to taking no action			
Affected groups	Comment	Impact	Evidence Certainty
Veterans and their family and whānau	There are no added costs for Veterans and their family and whānau.	Low	High – The parties legislatively can not charge fees to individuals.
	There is a perceived negative impact that support will be reduced to individuals. However, legislation requires the support to be reduced therefore regardless of improved information sharing the support would be reduced once know and any debt incurred would be reclaimed.	Low	High – Legislation requires entitlements to be reduced.

Additional costs of the preferred option compared to taking no action			
Affected groups	Comment	Impact	Evidence Certainty
Regulators (Office of the Privacy Commissioner)	There is a one-off administrative cost to government to develop the AISA.	Low – met within existing baselines	Medium – Costs of previous AISAs are well understood.
Veterans' Affairs	There is a one-off administrative cost to government to develop the AISA.	Low – met within existing baselines	Medium – Costs of previous AISAs are well understood.
	The AISA does not compel technology or process changes to occur.	Low – met within existing baselines	High – The majority of sharing is on an individual basis therefore technology exists to support this already.
Other Parties	There is a one-off administrative cost to government to develop the AISA.	Low – met within existing baselines	High – Majority of the cost is incurred by Veterans' Affairs.
	The AISA does not compel technology or process changes to occur.	Low – met within existing baselines	High – The majority of sharing is on an individual basis therefore technology exists to support this already.
Total monetised costs	Not applicable		
Non-monetised costs	Not applicable		

Additional benefits of the preferred option compared to taking no action			
Affected groups	Comment	Impact	Evidence Certainty
Veterans and their family and whānau	Cost saving as information will not need to be purchased in some instances e.g., birth certificates. Faster access to services and entitlements. Proactive identification of services and entitlements available.	High	High – Multiple reports have identified areas for improvement around information sharing and the frustrations around the existing arrangements.

Additional benefits of the preferred option compared to taking no action			
Affected groups	Comment	Impact	Evidence Certainty
Regulators (Office of the Privacy Commissioner)	Legal clarity around the information sharing occurring.	Low	High – An Order in Council will be developed.
Veterans' Affairs	Reduced costs for providing services and entitlements to individuals who don't qualify.	Low	High – Overpayment amounts are quantifiable.
	Reduction in debt collection activities associated with over payment.	Low	High – Collection of debt is quantifiable.
	Improved data integrity.	Low to medium	Medium – The level of integrity issues is not quantified.
	More efficient service delivery and better protection against fraudulent interactions and transactions.	High	High – The level of time taken working with clients to gather information from other agencies is known.
Total monetised benefits	Not applicable		
Non-monetised benefits	Not applicable		

Section 3: Delivering an option

How will the new arrangements be implemented?

88. The legal arrangements underpinning the sharing of information is the AISA itself, which will be signed by the signing authorities of the parties to the AISA, and the Order in Council that will be approved by Executive Council.
89. A further two Cabinet approvals will be required as part of the process to develop the required Order in Council. It is expected these will occur as follows:
 - July 2023 - Approval of policy decisions and issuance of instruction to draft the Order in Council.
 - December 2023 – Approval by Executive Council.

Therefore, it is expected the AISA would come into force in early 2024.

90. Once these arrangements are in place, Veterans' Affairs will work with the parties to develop operating procedures, to outline exactly what information fields they need, including the business reason for each requirement, and the proposed details of how information will be shared, managed, and kept safe.
91. The operating procedures will be developed using standard templates utilised for other AISAs developed by DIA. As most of the proposed parties are already party to one of the DIA AISAs this will reduce the time needed to agree the template.
92. Generally operating procedures are developed by the lead agency initially and provided to the other agencies for review and comment. Usually, it takes less than a day to develop a set of operating procedures for a given information share.
93. The operating procedures are reviewed by the Office of the Privacy Commissioner and signed off at Chief Executive level by Veterans' Affairs and the other party.
94. Veterans' Affairs anticipates that information sharing will be put in place over a period of twelve months. Priorities and timing will be negotiated to make sure any urgent needs are addressed as soon as possible.
95. It is expected most of the information sharing will be conducted on an individual basis as each client engages with Veterans' Affairs or the other agencies about their needs. The exception to this is the flagging of Veterans within the health systems which is likely to occur in bulk on a regular scheduled basis.
96. It is not expected that significant IT changes are needed to operationalise the AISA as most of the information sharing will be on an individual basis through SEEMAIL or phone.
97. Ongoing information sharing services will be managed by the Business Systems team at Veterans' Affairs and supported by Legal. Veterans' Affairs are already party to another AISA and therefore are familiar with the requirements of developing and operating an AISA.

How will the new arrangements be monitored, evaluated, and reviewed?

98. As required by the Privacy Act 2020 s154, Veterans' Affairs, as lead agency for the AISA, will report on the AISA annually or less frequently. The Office of the Privacy Commissioner will specify the frequency of reporting.
99. The normal expectation is that Veterans' Affairs will report on the operation of the AISA in New Zealand Defence Force's published annual report required under the Public Finance Act 1989. The report is expected to cover the rate of uptake of the AISA, the level of information sharing under the AISA, and handling of adverse actions affecting individuals whose information is shared.
100. Parties to the AISA will be required to report annually to Veterans' Affairs on their use of the AISA, including number of adverse actions as a result of the information shared

under the AISA. Every party to the AISA must conduct regular internal audits of the operation of the AISA.

101. The Privacy Commissioner may review the operation of any AISA at any time, on the Commissioner's own initiative (Privacy Act 2020 s158). However, no such review may be conducted before the end of 12 months after the Order in Council (OIC) approving the AISA is made.
102. The Commissioner must provide a report on any such review to the relevant Minister if any major concerns are identified, and may recommend that the AISA should be amended, or that the OIC should be revoked. The types of circumstances that might prompt a major review of an AISA could include an AISA:
 - Operating in an unusual or unexpected way (not foreseen by the Commissioner of the parties when the agreement was entered into).
 - Failing to facilitate the provision of public services intended.
 - Unreasonably impinging on the privacy of individuals.
 - Operating in such a way that the costs of sharing information under the AISA outweigh the benefits.
103. In these circumstances the Minister is required to present the Commissioner's report and then the Government's response to the House of Representatives.
104. In the normal course of events, amendments can be made to an AISA at any time by the lead agency (Veterans' Affairs) if new needs emerge or the AISA needs to be updated (Privacy Act 2020 s157). Significant amendments must be notified to the Minister and the Privacy Commissioner, and the OIC must be amended through appropriate processes. Minor amendments (e.g., change of name of a party, fee updates etc) do not need to be notified in this way, and do not amend the OIC.
105. Stakeholders may raise concerns about the AISA and its operations with Veterans' Affairs at any time. The first opportunity was at the public consultation conducted at the drafting stage of an AISA. The AISA and reporting on the AISA are always publicly available.
106. In the event a veteran feels that their privacy has been compromised by the use of the AISA they are able to make a complaint to the agency concerned, Veterans' Affairs or the Office of the Privacy Commissioner in accordance with the Privacy Act.
107. Veterans' Affairs has an established and robust review and appeals process in place for use in scenarios where a veteran or their family and whānau do not agree with a decision that Veterans' Affairs has made, or where the veteran or their family and whānau is unhappy with the level or extent of service received or not received. The review and appeals process is comprised of the following steps:
 - A discussion with Veterans' Affairs about a decision made, or service levels;
 - A review of the decision or service, either by a Review Officer or the Veterans' Service Review Panel (if in relation to meeting the definition of qualifying service);
 - An appeal to the Veterans' Entitlement Appeal Board; and
 - An appeal to the High Court of New Zealand.

Appendix A – Scenario Submissions

Scenario	Desirable	Not Desirable
When leaving NZDF, NZDF can notify VA of all veterans with qualifying service so VA can reach out to advise the veteran of the services available to them.	25	
When a veteran wishes to become a client, VA can confirm their service history with NZDF.	25	
Where a veteran is claiming ACC and employed by NZDF, VA can process a request to top-up the veteran's salary /services without the need for the veteran to provide all their ACC cover documents to VA.	22	2
VA and/or MSD can increase benefits paid by MSD if the benefits are lower than the maximum claimable by a veteran.	20	2
VA and/or MSD can decrease benefits paid by MSD if the benefits are greater than the maximum claimable by a veteran.	19	4
Where a veteran is known to be deceased by either MSD or VA, they can advise the other party to cease payments.	25	
Where a veteran's contact details have been updated by either MSD or VA, they can advise the other party to keep the records aligned.	24	1
When a veteran's family applies for services from VA, they do not need to prove their relationship to the veteran to VA as they have already proven this with MSD.	23	2
Where a veteran is claiming ACC, VA can process a request to top-up the veteran's salary / services without the need for the veteran to provide all their ACC cover documents to VA.	22	3
Where a veteran is receiving ACC and support from VA, VA are able to check the veteran is not receiving more support than legislatively allowed.	24	1
When a veteran enters prison VA can cease financial payments to the veteran.	20	2
When a veteran leaves prison VA can automatically restart financial payments to the veteran.	22	1
When a veteran enters prison VA can provide details of the veteran's rehabilitation and treatment plan to ensure ongoing care.	22	2
When a veteran leaves prison Corrections can provide details of the veteran's rehabilitation and treatment plan to ensure ongoing care.	21	1
When a veteran is preparing to leave prison, VA is able to work with Corrections to develop a support plan for reintegration.	22	1
When Corrections are preparing submissions to the Parole Board, VA can provide details about the support available to the veteran.	24	1
When applying to become a client of VA the veteran does not have to provide a copy of their passport as this will be obtained from DIA.	23	

When applying to be a client or obtain services the veteran / other claimant does not have to provide copies of their birth, marriage, or death certificates as these can be accessed directly from DIA.	23	
If a veteran is claiming entitlements that are only available to NZ based veterans, then these may be investigated based on the location the veteran's passport is sent to.	22	2
If a veteran is claiming entitlements that are only available to NZ based veterans, then these may be investigated based on their travel movements out of the country.	20	3
DIA can provide the veteran a way to prove they are a veteran to other organisations in digital channels.	22	1
Health agencies are made aware a patient is a veteran through a veteran flag on the National Health Index, and therefore can offer more tailored services.	23	
GPs are made aware a patient is a veteran, so they can provide free appointments.	23	
When applying for an education bursary the veteran / other claimant is not required to provide evidence the child is attending school as this is confirmed by the Ministry of Education.	23	2

Proactively Released by the Minister for Veterans

Privacy Commissioner's submission on the proposed information sharing agreement facilitating services for Veterans and Other Claimants

Introduction

1. Under section 150(1)(a)(i) of the Privacy Act 2020 (Privacy Act), Veterans' Affairs has consulted me on a proposed information sharing agreement (AISA). The agreement seeks to enable twelve public sector agencies to collect, use, and share certain personal information about veterans and other claimants to facilitate public services.
2. Section 150(2)(a) provides that I must consider the privacy implications of the proposed agreement and subsection (2)(b) further provides that I may make any submissions that I consider appropriate. In considering the privacy implications, I have regard to the AISA's required form and content, which is set out under section 144, including the specified safeguards that will apply to protect the privacy of individuals and ensure that any interference with their privacy is minimised.
3. The AISA will replace the following agreements:
 - Memorandum of Understanding between the Chief Executive of the Ministry of Social Development and the New Zealand Defence Force dated 2 December 2014, Schedule 2 and clause 2.
 - Memorandum of Understanding between Accident Compensation Corporation and the New Zealand Defence Force dated 27 May 2015.
4. Overall, I am satisfied that the AISA meets the requirements set out in Part 7 of the Privacy Act, and in particular those set out in section 149. My more detailed comments are outlined below, referring to the criteria in section 149 of the Privacy Act.

5. This submission does not affect my position on what will constitute appropriate monitoring of compliance with this agreement, under the provisions of sections 154-156 and section 158 of the Privacy Act.

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

6. Several services, support and entitlements to veterans and other claimants are based on current and historic factors in a veteran's life, and many organisations are involved in providing services to veterans and other claimants. This agreement facilitates the sharing of personal information between Veterans' Affairs and the parties involved.
7. The public services that this agreement is intended to facilitate are:
 - Accurate and efficient assessment of eligibility for, and entitlement to receive, services that a veteran or other claimant applies for or elects to utilise.
 - Accurate and efficient delivery of services that a veteran or other claimant applies for or elects to utilise.
8. The purposes of this agreement are to:
 - Notify an individual of services that they may be eligible for and entitled to access.
 - Enable an individual's identity and status as a veteran or other claimant to be verified.
 - Assess or reassess the eligibility and entitlement of a veteran or other claimant for services.
 - Facilitate rehabilitation and treatment of a veteran.
 - Cleanse and update records of a veteran or other claimant.
 - Assist in reviews and appeals against decisions regarding services.

9. I consider that these purposes meet the criteria of supporting the delivery of public services.

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?

10. I am satisfied that the type and quantity of personal information to be shared under the agreement is reasonably necessary to achieve the objective of facilitating the provision of, and assessment of eligibility for, services, support and entitlements to veterans and other claimants.

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

11. I am satisfied that this agreement does not unreasonably impinge on the privacy of individuals and contains adequate safeguards to protect individuals' privacy.
12. There are important limits on sharing personal information under this agreement. Personal information may only be shared under this agreement where Veterans' Affairs is either the providing or receiving party. Other parties may not share personal information between themselves under this agreement. This helps to ensure that once agencies receive personal information, there are protections in place to prevent unnecessary distribution to other agencies.
13. The agreement also provides that no party is obliged to provide any of the requested information to be shared under this agreement. This is an important privacy protection because it allows agencies to exercise discretion or judgement regarding personal information sharing in the interests of an individual's privacy. An agency cannot be forced to share when they consider

that sharing may constitute a breach of the agreement or a person's privacy more generally.

14. The agreement also requires that processes and procedures exist within each party to ensure that information sent under this agreement is transferred separately from information transferred under other agreements. This will help to ensure that personal information is not inadvertently disclosed to the wrong agencies. It also means that agencies will be able to comply with privacy-protective AISA obligations that apply to the information shared under this agreement, as agencies may have other repositories of personal information outside of this agreement. Importantly, the AISA requires processes and procedures exist within each party to ensure that the personal information received under this agreement is only used for the purposes specified in this agreement and remains protected.

15. The agreement provides that a joint review of the AISA must be undertaken whenever any party believes that a review is necessary. Furthermore, Veterans' Affairs shall report annually or at intervals specified by the Privacy Commissioner, as stated in section 156 of the Privacy Act. As Veterans' Affairs is part of NZDF, the report will be included in NZDF's annual report. The agreement also requires that the parties conduct regular internal first-line assurance and internal audits of the operation of the AISA.

16. I consider these to be important and necessary privacy protections to ensure that the safeguards are operating as intended and are sufficient to protect the privacy of individuals.

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

17. I am satisfied that this agreement will result in positive benefits that outweigh the costs of sharing the information.

18. The agreement aims to improve the delivery of services to veterans and other claimants through the sharing of authoritative information, enabling parties to offer new services, or improve and adjust existing services when required.

The intended benefits are as follows:

- Parties can correctly identify an individual who is a veteran or other claimant for the purposes of providing services and take appropriate action without delay.
- Enabling prompt alterations to the services provided, including commencement of additional financial support, upon a change in a veteran's circumstances.
- Easing the burden for veterans and other claimants when assessing eligibility for services by reducing the number of documents that need to be provided.
- Protection of public revenue through prompt adjustment in funding where another party is providing services or a veteran's circumstances have changed.
- Proactive notification to veterans and other claimants of services they are eligible to receive.

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?

19. I am not aware of any conflicting enactment that will impact on this proposal. I understand that Veterans' Affairs has performed this check, and it believes there are no issues.

Operational procedures

20. My Office looks forward to reviewing the accompanying operational procedures, which will add another critical layer of protection. I am pleased to see that, at a minimum, the agreement states that the protocols must include:

- Details about the proposed use of the information,
- Fields of personal information to be shared by each party,
- Details of the mechanism for transfer to be utilised,
- The process for handling adverse action,
- Specifics regarding retention periods, and
- Audit and reporting requirements.

Conclusion

21. Having considered the privacy implications of this agreement, I consider that there are several protections to minimise any interference with people's privacy.

22. I hope that these comments assist in finalising approval of the agreement by Order in Council.



Michael Webster
Privacy Commissioner

IN CONFIDENCE

**Privacy (Information Sharing Agreement Facilitating
Services for Veterans and Other Claimants) Order 2024**

Governor-General

Order in Council

At Wellington this day of 2024

Present:
in Council

This order is made under sections 145 to 147 of the Privacy Act 2020—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Veterans made in accordance with section 149 of that Act.

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**Privacy (Information Sharing Agreement Facilitating
Services for Veterans and Other Claimants) Order 2024**

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Order

1 Title

This order is the Privacy (Information Sharing Agreement Facilitating Services for Veterans and Other Claimants) Order 2024.

2 Commencement

This order comes into force on 6 June 2024.

3 Interpretation

In this order, unless the context otherwise requires,—

ACC means the Accident Compensation Corporation

ACC accredited employer means an employer who has entered into an accreditation agreement under section 184 of the Accident Compensation Act 2001

ACC AEP Services means services provided to veterans by NZDF in its role as an ACC accredited employer

Act means the Privacy Act 2020

agreement means the information sharing agreement approved under clause 4

BDMRR Act means the Births, Deaths, Marriages, and Relationships Registration Act 2021

benefit means—

- (a) a benefit within the meaning of paragraph (a) of the definition of benefit in Schedule 2 of the Social Security Act 2018; or
- (b) any other amount that is payable or may be paid under the Social Security Act 2018, including—
 - (i) a funeral grant that may be paid under subpart 15 of Part 2 of that Act; and
 - (ii) any special assistance payable under a programme approved under section 101 of that Act

child has the same meaning as in section 7 of the Veterans' Support Act 2014

Corrections means the Department of Corrections

cover has the same meaning as in section 6(1) of the Accident Compensation Act 2001

Customs means the New Zealand Customs Service

dependant has the same meaning as in section 7 of the Veterans' Support Act 2014

DIA means the Department of Internal Affairs

Health Information Privacy Code means the Health Information Privacy Code 2020 issued by the Privacy Commissioner under section 33 of the Act

Health NZ means Health New Zealand established under section 11 of the Pae Ora (Healthy Futures) Act 2022

information privacy principle means an information privacy principle in section 22 of the Act

MoE means the Ministry of Education

MoH means the Ministry of Health

MSD means the Ministry of Social Development

NZDF means the New Zealand Defence Force

NZDF Service means Service as defined in section 2(1) of the Defence Act 1990

other claimant means a person within any of paragraphs (b) to (e) of the definition of other claimants in section 7 of the Veterans' Support Act 2014

partner has the same meaning as in section 7 of the Veterans' Support Act 2014

party means a party to the agreement under clause 5(1)

passenger movement record means the electronic record created and held by Customs under the Customs and Excise Act 2018 for a passenger's arrival into or departure from New Zealand

personal information has the same meaning as in section 7(1) of the Act

Registrar-General has the same meaning as in section 4 of the BDMRR Act

schedule for the party, in relation to a party, means the schedule of this order that has the name of that party in its heading

services means public services provided to veterans and other claimants within the legislative responsibilities of the relevant party

subsidy means—

- (a) a Working For Families tax credit payable under the Income Tax Act 2007 and the Tax Administration Act 1994;
- (b) a community services card available under regulations made, or deemed to have been made, under 1 or both of—
 - (i) section 102 of the Pae Ora (Healthy Futures) Act 2022; and

- (ii) section 437 of the Social Security Act 2018:
- (c) a student loan payable under the student loan scheme as defined in section 4(1) of the Student Loan Scheme Act 2011:
- (d) a student allowance payable under the Education and Training Act 2020:
- (e) child support payable under the Child Support Act 1991:
- (f) an income-related rent payable under the Public and Community Housing Management Act 1992:
- (g) social housing as defined in section 2(1) of the Public and Community Housing Management Act 1992

veteran has the same meaning as in section 7 of the Veterans' Support Act 2014

Veterans' Affairs means the unit of the NZDF established under section 198 of the Veterans' Support Act 2014.

4 Information sharing agreement approved

- (1) The information sharing agreement described in subclause (2) is approved.
- (2) The information sharing agreement is the Veterans' Affairs Information Sharing Agreement made on 18 April 2024.
- (3) The agreement comes into force on the day on which this order comes into force.

Parties and lead agency

5 Parties to agreement and designation of lead agency

- (1) The parties to the agreement are—
 - (a) ACC; and
 - (b) Corrections; and
 - (c) DIA; and
 - (d) Health NZ; and
 - (e) Customs; and
 - (f) NZDF; and
 - (g) MoE; and
 - (h) MoH; and
 - (i) MSD; and
 - (j) the Registrar-General; and
 - (k) Veterans' Affairs.
- (2) The lead agency is Veterans' Affairs.

Purposes for which information may be shared

6 Purposes for which information may be shared

The agreement authorises the sharing of personal information for 1 or more of the following purposes:

- (a) to notify an individual of services that they may be eligible for or entitled to access:
- (b) to enable an individual's identity and status as a veteran or other claimant to be verified:
- (c) to assess or reassess the eligibility or entitlement of a veteran or other claimant for services:
- (d) to facilitate rehabilitation and treatment of a veteran:
- (e) to cleanse and update records of a veteran or other claimant:
- (f) to assist in reviews and appeals against decisions regarding services.

Public services that agreement facilitates

7 Public services that agreement intended to facilitate

The public services that the agreement is intended to facilitate are—

- (a) the accurate and efficient assessment of eligibility for and entitlement to receive services that a veteran or other claimant applies for or elects to utilise; and
- (b) the accurate and efficient delivery of services that a veteran or other claimant applies for or elects to utilise.

Personal information that may be shared under agreement

8 Personal information that may be shared under agreement

A party may share personal information as specified in the schedule for the party.

How personal information shared under agreement may be used

9 How parties may use personal information

A party may use personal information shared under the agreement as specified in the schedule for the party.

*Exemptions from information privacy principles and Health Information
Privacy Code*

10 Exemption from information privacy principle 2 (source of personal information) and Health Information Privacy Code rule 2 (source of health information)

- (1) Subclause (2) exempts the parties from information privacy principle 2 and rule 2 of the Health Information Privacy Code.
- (2) It is not a breach of information privacy principle 2 or rule 2 of the Health Information Privacy Code for a party to collect personal information from another party in accordance with the agreement and for 1 or more of the purposes specified in clause 6.

11 Exemption from information privacy principle 10 (limits on use of personal information) and Health Information Privacy Code rule 10 (limits on use of health information)

- (1) Subclause (2) exempts the parties from information privacy principle 10 and rule 10 of the Health Information Privacy Code.
- (2) It is not a breach of information privacy principle 10 or rule 10 of the Health Information Privacy Code for personal information to be used by a party in accordance with the agreement and for 1 or more of the purposes specified in clause 9.

12 Exemption from information privacy principle 11 (limits on disclosure of personal information) and Health Information Privacy Code rule 11 (limits on disclosure of health information)

- (1) Subclause (2) exempts the parties from information privacy principle 11 and rule 11 of the Health Information Privacy Code.
- (2) It is not a breach of information privacy principle 11 or rule 11 of the Health Information Privacy Code for a party to disclose personal information to another party in accordance with the agreement and for 1 or more of the purposes specified in clause 6.

Adverse actions

13 Adverse actions

- (1) This clause states the adverse actions that each party can reasonably be expected to take in relation to an individual as a result of the sharing of personal information under the agreement.
- (2) A party can reasonably be expected to take any 1 or more of the adverse actions specified in the schedule for the party.

*Miscellaneous***14 How to access agreement**

- (1) A copy of the agreement is available online at <https://www.veteransaffairs.mil.nz>
- (2) A copy of the agreement is also available at Veterans' Affairs New Zealand, Level 6, Reserve Bank Building, 2 The Terrace, Wellington 6011.

15 Principal Act

Clause 16 amends the Privacy Act 2020.

16 Schedule 2 amended

In Schedule 2, after the last item, insert the item set out in Schedule 12 of this order.

Schedule 1 Veterans' Affairs

cls 8, 9, 13

1 Personal information that may be shared under agreement

Veterans' Affairs may share the personal information about an individual specified in columns 2 and 3 of the following table with any party that is permitted to use the information by column 4 of the table and the applicable schedule for the party.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All
2	Passport details	Current and any previous passport number of a veteran	Schedule 4, clause 2
3	Veteran status	Fact of being a veteran	Schedule 2, clause 2(a) and (b) Schedule 3, clause 2(a) Schedule 5, clause 2 Schedule 6, clause 2(a) and (b) Schedule 8, clause 2(a) and (b) Schedule 9, clause 2 Schedule 10, clause 2(a) and (b)
4	Service date	Last date of active service for a veteran	Schedule 6, clause 2(b) Schedule 8, clause 2(b)
5	Rehabilitation information	Details relating to a veteran's current rehabilitation plan	Schedule 3, clause 2(a), (b), and (c)
6	Entitlement information	Details relating to the current services provided by Veterans' Affairs to a veteran or other claimant, including the type of assistance and financial value	Schedule 2, clause 2(a) and (b) Schedule 3, clause 2(a), (b), and (c) Schedule 9, clause 2 Schedule 10, clause 2(a) and (b)

2 How Veterans' Affairs may use personal information provided by ACC

The personal information received by Veterans' Affairs from ACC may be used to—

- (a) assess or reassess the eligibility or entitlement of a veteran or other claimant for services:
- (b) facilitate rehabilitation and treatment of a veteran:
- (c) assist in reviews and appeals against decisions regarding services where Veterans' Affairs determines the information is required to assist the decision.

3 How Veterans' Affairs may use personal information provided by Corrections

The personal information received by Veterans' Affairs from Corrections may be used to—

- (a) assess or reassess the eligibility or entitlement of a veteran or other claimant for services:
- (b) facilitate rehabilitation and treatment of a veteran:
- (c) cleanse and update records after a change in circumstances of a veteran or other claimant:
- (d) assist in reviews and appeals against decisions regarding services where Veterans' Affairs determines the information is required to assist the decision.

4 How Veterans' Affairs may use personal information provided by Customs

The personal information received by Veterans' Affairs from Customs may be used to—

- (a) assess or reassess the eligibility or entitlement of a veteran or other claimant for services:
- (b) assist in reviews and appeals against decisions regarding services where Veterans' Affairs determines the information is required to assist the decision.

5 How Veterans' Affairs may use personal information provided by DIA

The personal information received by Veterans' Affairs from DIA may be used to—

- (a) enable an individual's identity to be verified:
- (b) assess or reassess the eligibility or entitlement of a veteran or other claimant for services:
- (c) assist in reviews and appeals against decisions regarding services where Veterans' Affairs determines the information is required to assist the decision.

6 How Veterans' Affairs may use personal information provided by MoE

The personal information received by Veterans' Affairs from MoE may be used to—

- (a) assess or reassess the eligibility or entitlement of a veteran or other claimant for services:
- (b) assist in reviews and appeals against decisions regarding services where Veterans' Affairs determines the information is required to assist the decision.

7 How Veterans' Affairs may use personal information provided by MSD

The personal information received by Veterans' Affairs from MSD may be used to—

- (a) assess or reassess the eligibility or entitlement of a veteran or other claimant for services:
- (b) assist in reviews and appeals against decisions regarding services where Veterans' Affairs determines the information is required to assist the decision:
- (c) update contact details for veterans and other claimants.

8 How Veterans' Affairs may use personal information provided by NZDF

The personal information received by Veterans' Affairs from NZDF may be used to—

- (a) notify an individual of services that they may be eligible for and entitled to access:
- (b) assess or reassess the eligibility or entitlement of a veteran or other claimant for services:
- (c) facilitate rehabilitation and treatment of a veteran:
- (d) assist in reviews and appeals against decisions regarding services where Veterans' Affairs determines the information is required to assist the decision.

9 How Veterans' Affairs may use personal information provided by Registrar-General

The personal information received by Veterans' Affairs from the Registrar-General may be used to—

- (a) enable an individual's identity to be verified:
- (b) assess or reassess the eligibility or entitlement of a veteran or other claimant for services:
- (c) cleanse and update records after a change in circumstances of a veteran or other claimant:

- (d) assist in reviews and appeals against decisions regarding services where Veterans' Affairs determines the information is required to assist the decision.

10 Adverse actions by Veterans' Affairs

Veterans' Affairs can reasonably be expected to take any of the following adverse actions as a result of the sharing of personal information under the agreement:

- (a) cease contact with a veteran or other claimant:
- (b) decline to provide requested services:
- (c) cancel, suspend, or modify services:
- (d) undertake a reconsideration of a decision, or undertake an appeal, in respect of services:
- (e) update the contact details for a veteran or other claimant:
- (f) investigate any matter that may constitute an offence under any legislation it administers and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office:
- (g) engage in civil proceedings about decisions relating to a veteran's or other claimant's entitlement under the Veterans' Support Act 2014.

Schedule 2
ACC

cls 8, 9, 13

1 Personal information that may be shared under agreement

ACC may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All
2	ACC entitlement information	Details relating to the current and previous services provided by ACC to a veteran, including type of assistance and financial value	Schedule 1, clause 2(a), (b), and (c)
3	ACC status	Fact of a veteran having cover for a personal injury	Schedule 1, clause 2(a), (b), and (c)

2 How ACC may use personal information provided by Veterans' Affairs

The personal information received by ACC from Veterans' Affairs may be used to—

- (a) assess or reassess the eligibility or entitlement of a veteran for services:
- (b) facilitate rehabilitation and treatment of a veteran, which may include the joint supply of rehabilitation and treatment by ACC and Veterans' Affairs.

3 Adverse actions by ACC

ACC can reasonably be expected to take any of the following adverse actions as a result of the sharing of personal information under the agreement:

- (a) decline to provide requested services:
- (b) cancel, suspend, or modify services:
- (c) undertake a reconsideration of a decision, or undertake an appeal, in respect of services:
- (d) investigate any matter that may constitute an offence under the Accident Compensation Act 2001 and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office:
- (e) engage in civil proceedings.

Schedule 3 Corrections

cls 8, 9, 13

1 Personal information that may be shared under agreement

Corrections may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All
2	Prison admission and release information	Information relating to when a veteran enters and leaves prison, including their release plan	Schedule 1, clause 3(a), (c), and (d)
3	Release conditions	Information relating to any sentence conditions imposed when a veteran leaves prison	Schedule 1, clause 3(b) and (c)
4	Rehabilitation and treatment plan	Details relating to a veteran's current rehabilitation and treatment plan	Schedule 1, clause 3(b) and (d)
5	Reintegration plan	Details relating to how a veteran will be reintegrated into the community, including details of any conditions imposed on the veteran	Schedule 1, clause 3(a), (b), (c), and (d)

2 How Corrections may use personal information provided by Veterans' Affairs

The personal information received by Corrections from Veterans' Affairs may be used to—

- (a) support the rehabilitation and treatment of a veteran while in custody, on a post-release order, or on a community-based sentence;
- (b) support a veteran's reintegration plan;
- (c) assist with submissions to the New Zealand Parole Board regarding a veteran.

3 Adverse actions by Corrections

Corrections can reasonably be expected not to take any adverse actions as a result of the sharing of personal information under the agreement.

Schedule 4 Customs

cls 8, 9, 13

1 Personal information that may be shared under agreement

Customs may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All
2	Passport details	Current and any previous passport number	Schedule 1, clause 4(a) and (b)
3	Travel movements	Information contained within the passenger movement records of a veteran relating to the dates of departure from and arrival into New Zealand and the destination of travel outside of New Zealand	Schedule 1, clause 4(a) and (b)

2 How Customs may use personal information provided by Veterans' Affairs

The personal information received by Customs from Veterans' Affairs may be used to provide Veterans' Affairs with a veteran's travel movements.

3 Adverse actions by Customs

Customs can reasonably be expected not to take any adverse actions as a result of the sharing of personal information under the agreement.

Schedule 5

DIA

cls 8, 9, 13

1 Personal information that may be shared under agreement

DIA may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All
2	Passport information	Information relating to the individual's New Zealand passport and the location it was delivered to	Schedule 1, clause 5(a), (b), and (c)

2 How DIA may use personal information provided by Veterans' Affairs

The personal information received by DIA from Veterans' Affairs may be used to provide a means for an individual to prove their status as a veteran and eligibility for the purpose of obtaining services and other benefits.

3 Adverse actions by DIA

- (1) This clause states the adverse actions that DIA can reasonably be expected to take in relation to an individual as a result of the sharing of personal information under the agreement.
- (2) DIA can reasonably be expected to decline to provide a means to prove an individual's status as a veteran and eligibility for services and other benefits.

Schedule 6 Health NZ

cls 8, 9, 13

1 Personal information that may be shared under agreement

Health NZ may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All

2 How Health NZ may use personal information provided by Veterans' Affairs

The personal information received by Health NZ from Veterans' Affairs may be used to—

- (a) update a veteran's National Health Index record or National Enrolment Service record to indicate that they are a veteran;
- (b) provide additional or reduced-cost services to a veteran.

3 Adverse actions by Health NZ

Health NZ can reasonably be expected to take any of the following adverse actions as a result of the sharing of personal information under the agreement:

- (a) decline to provide additional services;
- (b) decline to provide services at a reduced cost.

Schedule 7

MoE

cl 8

1 Personal information that may be shared under agreement

MoE may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All
2	Enrolment information	Information relating to the enrolment in a registered school of an other claimant	Schedule 1, clause 6(a) and (b)

Schedule 8
MoH

cls 8, 9, 13

1 Personal information that may be shared under agreement

MoH may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All

2 How MoH may use personal information provided by Veterans' Affairs

The personal information received by MoH from Veterans' Affairs may be used to—

- (a) update a veteran's National Health Index record or National Enrolment Service record to indicate that they are a veteran;
- (b) provide additional or reduced-cost health services to a veteran.

3 Adverse actions by MoH

MoH can reasonably be expected to take any of the following adverse actions as a result of the sharing of personal information under the agreement:

- (a) decline to provide additional services;
- (b) decline to provide services at a reduced cost.

Schedule 9

MSD

cls 8, 9, 13

1 Personal information that may be shared under agreement

MSD may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All
2	Working status	Information relating to whether a veteran is currently working	Schedule 1, clause 7(a) and (b)
3	Benefit or subsidy information	Information relating to current and previous benefits or subsidies provided to a veteran or other claimant	Schedule 1, clause 7(a) and (b)
4	Spouse or partner information	Information relating to any current or previous spouse or partner of a veteran	Schedule 1, clause 7(a) and (b)
5	Child and dependant information	Identifying information about child or dependant of a veteran and information about type of relationship child or dependant has with the veteran	Schedule 1, clause 7(a) and (b)

2 How MSD may use personal information provided by Veterans' Affairs

The personal information received by MSD from Veterans' Affairs may be used to assess or reassess the eligibility or entitlement of a veteran or other claimant for benefits or subsidies.

3 Adverse actions by MSD

MSD can reasonably be expected to take any of the following adverse actions as a result of the sharing of personal information under the agreement:

- (a) decline to provide requested benefits or subsidies:
- (b) cancel, suspend, or modify benefits or subsidies:
- (c) investigate any matter that may constitute an offence under any legislation it administers and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office.

Schedule 10 NZDF

cls 8, 9, 13

1 Personal information that may be shared under agreement

NZDF may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All
2	Service records	Information relating to a veteran's NZDF service	Schedule 1, clause 8(a), (b), and (d)
3	ACC entitlement information	Details relating to the current and previous ACC AEP services provided to a veteran, including type of assistance and financial value	Schedule 1, clause 8(b), (c), and (d)
4	ACC status	Fact of a veteran having cover for a personal injury	Schedule 1, clause 8(b), (c), and (d)

2 How NZDF may use personal information provided by Veterans' Affairs

The personal information received by NZDF from Veterans' Affairs may be used by NZDF to—

- (a) assess or reassess the eligibility or entitlement of a veteran for ACC AEP Services:
- (b) facilitate rehabilitation and treatment of a veteran, which may include the joint supply of rehabilitation and treatment by NZDF as an ACC Accredited Employer and Veterans' Affairs.

3 Adverse actions by NZDF

NZDF can reasonably be expected to take any of the following adverse actions as a result of the sharing of personal information under the agreement:

- (a) decline to provide requested ACC AEP Services:
- (b) cancel, suspend, or modify ACC AEP Services:
- (c) undertake a reconsideration of a decision, or undertake an appeal, in respect of ACC AEP Services:
- (d) engage in civil proceedings about a decision made by NZDF relating to conditions of service, entitlements, or allowances provided under the Defence Act 1990 or related legislation:

- (e) report any suspected offence to the New Zealand Police or Serious Fraud Office:
- (f) otherwise use the information for the purposes of administering the Armed Forces Discipline Act 1971 or the Defence Act 1990, including the investigation or prosecution of offences against those Acts.

Proactively Released by the Minister for Veterans

Schedule 11 Registrar-General

cl 8

1 Personal information that may be shared under agreement

The Registrar-General may share the personal information about an individual specified in columns 2 and 3 of the following table with Veterans' Affairs for the use specified in column 4 of the table.

Column 1 Item	Column 2 Information	Column 3 Description	Column 4 Uses
1	Identifying information	Information to identify the individual, including current name, previous names, date of birth, place of birth, and contact details	All
2	Birth information	Information relating to the individual's birth that is maintained by the Registrar-General under the BDMRR Act, excluding information protected by sections 27, 75 to 77, and 81 to 83 of that Act	Schedule 1, clause 9(a), (b), (c), and (d)
3	Marriage information	Information relating to the individual's marriage that is maintained by the Registrar-General under the BDMRR Act	Schedule 1, clause 9(a), (b), (c), and (d)
4	Civil union information	Information relating to the individual's civil union that is maintained by the Registrar-General under the BDMRR Act	Schedule 1, clause 9(a), (b), (c), and (d)
5	Death information	Information relating to the individual's death that is maintained by the Registrar-General under the BDMRR Act	Schedule 1, clause 9(a), (b), (c), and (d)
6	Name change information	Information relating to the individual's name change that is maintained by the Registrar-General under the BDMRR Act	Schedule 1, clause 9(a), (b), (c), and (d)

Schedule 12

Amendment to Schedule 2 of Privacy Act 2020

cl 16

Information Sharing Agreement facilitating services for veterans and other claimants made on 18 April 2024	(a)	the accurate and efficient assessment of eligibility for and entitlement to receive services that a veteran or other claimant applies for or elects to utilise; and	https://www.veteransaffairs.mil.nz	Veterans' Affairs New Zealand	(a)	identifying information:
	(b)	the accurate and efficient delivery of services that a veteran or other claimant applies for or elects to utilise			(b)	passport details:
					(c)	veteran status:
					(d)	service date:
					(e)	Veterans' Affairs New Zealand rehabilitation information:
					(f)	entitlement information:
					(g)	ACC entitlement information:
					(h)	ACC status:
					(i)	prison admission and release information:
					(j)	release conditions:
					(k)	Corrections rehabilitation and treatment plan:
					(l)	Corrections reintegration plan:
					(m)	travel movements:
					(n)	passport information:
					(o)	enrolment information:
					(p)	working status:
					(q)	benefit or subsidy information:
					(r)	spouse or partner information:
					(s)	child and dependant information:
					(t)	service records:
					(u)	birth information:
					(v)	marriage information:
					(w)	civil union information:
					(x)	death information:

(y) name change information

Clerk of the Executive Council.

Explanatory note

This note is not part of the order but is intended to indicate its general effect.

This order, which comes into force on 6 June 2024, approves an information sharing agreement entered into under the Privacy Act 2020 (the **Act**) between the following:

- the Accident Compensation Corporation:
- the Department of Corrections:
- the Department of Internal Affairs:
- Health New Zealand:
- the New Zealand Customs Service:
- the New Zealand Defence Force:
- the Ministry of Education:
- the Ministry of Health:
- the Ministry of Social Development:
- the Registrar-General of Births, Deaths, Marriages, and Relationships:
- Veterans' Affairs New Zealand.

Veterans' Affairs New Zealand is the lead agency for the agreement.

Under the agreement, a party can share with another party the personal information it holds as set out in *new Schedules 1 to 11*.

The sharing of this information between the parties is intended to facilitate—

- the accurate and efficient assessment of eligibility for and entitlement to receive services that a veteran or other claimant applies for or elects to utilise; and
- the accurate and efficient delivery of services that a veteran or other claimant applies for or elects to utilise.

The purposes for which the personal information may be shared (*see clause 6*) include notifying an individual of services that they may be eligible for or entitled to access, assessing or reassessing the eligibility or entitlement of a veteran or other claimant for services, and facilitating the rehabilitation and treatment of a veteran.

This order inserts into Schedule 2 of the Act information regarding the agreement that is required to be inserted under 147 of the Act.

Regulatory impact statement

Veterans' Affairs New Zealand produced a regulatory impact statement on 28 April 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.nzdf.mil.nz/media-centre/search-our-libraries/documents/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

This order is administered by the New Zealand Defence Force.

Proactively Released by the Minister for Veterans