



23 July 2020

Mr James Atkinson
fyi-request-12881-46e23c34@requests.fyi.org.nz

Ref: DOIA 1920-1646

Dear Mr Atkinson,

I refer to your request under the Official Information Act 1982 (the Act) received on 25 May 2020 requesting the following information:

I would like to make a FOI request on the details of the sharing of biometric data between NZ and its 5 Eyes partners (Australia, Canada, the US, UK), for immigration purposes or otherwise. Please provide information on the following points:

- 1. Is biometric data collected from NZ visa or residency applicants (including but not limited to fingerprints, photographs, DNA, etc.) currently being shared on a systematic or case by case basis between NZ and its 5 Eyes Partners? Systematic sharing would mean data of all applicants would be shared automatically, without any selection criteria.*
- 2. Please provide any statistics, if available (e.g. number of queries sent to each country per year)*
- 3. If the sharing of biometric data is not systematic, please provide details of the procedures and criteria that apply. For example, how does NZ select the cases that it wants to make queries on?*
- 4. Please provide details on all relevant regulations or agreements/MoUs that are either already in force, or currently being planned but not yet in force.*

On 10 June 2020 the Ministry of Business, Innovation and Employment (the Ministry) notified you that the timeframe to respond to your request is extended to 23 July 2020 under section 15(1)(b) of the Act.

Our Response

Question One

Immigration New Zealand (INZ) confirms the identity of a person by comparing a photograph or fingerprint to a stored version. Biometric information is used to improve effectiveness by facilitating service improvements, reducing costs and reducing the potential for identity fraud. It enables improved efficiency by permitting faster processing of low risk people and introducing automated processing of labour intensive operations such as identity verification. The Immigration Act 2009 contains provisions that permit the Ministry to collect biometric information from clients on a mandatory basis.

New Zealand is part of the Migration Five (previously known as the Five Country Conference) and shares biometric and biographic data with Australia, Canada, the United States of America, and the United Kingdom. More information about how INZ collects and uses data can be found on: <https://www.immigration.govt.nz/documents/about-us/privacyimpactassessment.pdf>

The sharing of data may be either systematic or case by case depending on the circumstances. The basis for the sharing of biometric data is specified in the relevant agreements with individual countries. Data may be shared according to the criteria specified in the agreements.

INZ captures fingerprints from a small cohort of people. Systematic data sharing of these anonymised fingerprints occurs. If a fingerprint match is confirmed, further data may be exchanged. This may include facial images, biographic data or other relevant immigration data. The number of queries initiated by INZ is provided in the table in the answer to question 2.

Question Two

The table below shows the number of fingerprint queries sent by INZ to each Migration Five country member. INZ started collection of this statistical information in 2017.

Number of fingerprint queries INZ sent to Migration Five country members					
Financial Year	Australia	Canada	United Kingdom	United States of America	Total
1 July 2017 – 30 June 2018	4757	4867	4697	4818	19139
1 July 2018 – 30 June 2019	5149	5163	5102	5168	20582
1 July 2019 – 18 June 2020	4109	4376	4136	4171	16792
Total	14015	14406	13935	14157	56513

Question Three

In addition to the systematic data sharing described in the answer to question 1 above, INZ also exchanges biometric and biographic information on an ad hoc case-by-case basis with Australia, Canada, the United States of America, and the United Kingdom to:

- identify individuals with criminal histories;
- identify and check the identity of foreigners seeking resettlement;
- help identify refugees under New Zealand's quota programme;
- identify and check people under investigation at the border;
- record the identity of deportees and stop them re-entering New Zealand under another identity;
- identify and check people suspected of breaching the Immigration Act 2009; or
- expose assumed identities.

The arrangements with these partner countries also permit additional requests for information following a systematic exchange of fingerprint information or an entirely new ad hoc request for information, for example in cases where a fingerprint may not be available. There is further information in relation to biometric data available on the INZ website: <https://www.immigration.govt.nz/about-us/policy-and-law/identity-information-management/how-biometric-information-is-used>

Question Four

The Ministry interprets this request to mean 'details on all relevant regulations or agreements/MoUs *with INZ* that are either already in force, or currently being planned but not yet in force *on the use of biometric information*'.

As noted above, the Immigration Act 2009 enables INZ to gather biometric data. The legislation can be found at:

[http://www.legislation.govt.nz/act/public/2009/0051/latest/DLM1440303.html?search=sw_096be8ed8199f257 biometric 25 se&p=1](http://www.legislation.govt.nz/act/public/2009/0051/latest/DLM1440303.html?search=sw_096be8ed8199f257%20biometric%20se&p=1)

Privacy Impact Assessments containing details on how we use and share biometric information can be found at:

<https://www.immigration.govt.nz/about-us/policy-and-law/identity-information-management/how-biometric-information-is-used>

The United Kingdom has published a Biometric data sharing process which can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/557896/biometric-data-sharing-v7.0.pdf

The agreement between New Zealand and Canada is published on the Government of Canada website, and is publicly available at:

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements.html>

In relation to your question regarding any agreements that are being planned but not yet in force, agreements are being developed between INZ, and separately, Australia and the United States of America covering the use of biometric information, for example, in relation to notification of third country nationals deported as a result of criminal offending. An agreement already exists in this regard with the United Kingdom.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Catriona Robinson', with a long horizontal flourish extending to the right.

Catriona Robinson
Acting General Manager – Intelligence, Data and Insights
Immigration New Zealand
Ministry of Business, Innovation and Employment