

23 July 2014

D Dawson
fyi-request-1760-cb17041c@requests.fyi.org.nz

Dear D Dawson

Thank you for your email of 25 June 2014 seeking the following information:

1. *what if any charges are payable when requesting an individual's own personal information under the Privacy Act?*
2. *what procedure should an individual follow when making this type of request?*

Responses to your specific questions are provided below:

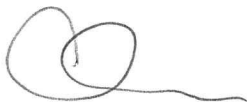
1. The Privacy Act 1993 prohibits Inland Revenue from charging individuals for information privacy requests (section 35 and 36 refer). Charging is only permitted when the Privacy Commissioner authorises it and is satisfied that an agency would be commercially disadvantaged in working on a request. Generally, no charges are made.
2. Although the Privacy Act does not specify that a request for personal information needs to be in writing, it is usually better to submit such a request in writing. This reduces any opportunity for misunderstandings. The request should be specific and clear. Individuals should send their requests through secure email via their myIR account or by post to: Inland Revenue, PO Box 39010, Wellington Mail Centre, Lower Hutt 5045.

I should also point out that under the provisions contained in section 81 of the Tax Administration Act 1994 (TAA), there is a requirement for Inland Revenue staff to maintain secrecy over all matters relating to the Inland Revenue Acts. The savings provision in section 7 of the Privacy Act means the Tax Administration Act 1994 prevails. We can only release information where there is authority to do so.

Section 81(4)(l) of the TAA allows Inland Revenue to release information to the person from whom, or in relation to whom, it was obtained, providing the information is readily available, and it is considered reasonable and practicable to give the information. This reinforces the requirement that information requests are specific and clear.

Thank you for writing. I trust that my comments are of assistance to you.

Yours sincerely



Christina Goodall
Manager, Commissioner's correspondence