



NEW ZEALAND  
**CUSTOMS SERVICE**  
TE MANA ĀRAI O AOTEAROA

PROTECTING NEW ZEALAND'S BORDER

**WELLINGTON**

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22 May 2023

Ref: OIA 23-071

Mr Shane Gibson  
FYI website

By email: [fyi-request-22246-4df93e17@requests.fyi.org.nz](mailto:fyi-request-22246-4df93e17@requests.fyi.org.nz)

Tēnā koe Mr Gibson

**Request for information under the Official Information Act**

Thank you for your email dated 24 March 2023, to New Zealand Customs Service (Customs), requesting copies of all Memorandum of Understandings (MOU's) signed in the last five years related to the sharing of data with other agencies under the Official Information Act 1982 (the Act).

Due to the broad nature of your request, Customs invited you to clarify the scope of your request on 30 March 2023 and to discuss any useful background and contextual information that Customs holds. On 1 May 2023, you clarified the scope of your request to:

- “1) Joint Agency Implementation Reference for Advance Passenger Processing & Advance Passenger Information between Immigration NZ and New Zealand Customs Service*
- 2) New Zealand Technical Operations Group Statement of Principles – New Zealand Police, New Zealand Customs Service, New Zealand Security Intelligence Service, New Zealand Defence Force and Government Security Communications Bureau*
- 3) Information Sharing Agreement between the Ministry of Social Development and the New Zealand Customs Service: Direct Access Agreement under Section 4314 Customs and Excise Act 2018*
- 4) Operational protocol to support the Arrivals/Departures Approved Information Sharing Agreement between Ministry of Social Development, Te Manatu Whakahiato Ora and New Zealand Customs Service, Te Mana Arai o Aotearoa: to allow MSD to verify entitlements to benefits, to help prevent MSD clients from incurring debt, and to recover debts owed*
- 5) Access Agreement for use of Pax Query between New Zealand Customs Service and Inland Revenue: Sections 312 and 313 Customs and Excise Act 2018*
- 6) Memorandum of Understanding between the New Zealand Customs Service and the Ministry of Health and the Ministry of Business, Innovation and Employment in relation to the New Zealand Traveller Declaration System (Tranche One)”*

In response, please find an attachment titled 'Appendix one – Requested Memorandum of Understandings' containing the following documents:

- *Joint Agency Implementation Reference between Immigration NZ and Customs*
- *Operational protocol to support the Arrivals Departures Approved Information Sharing Agreement*
- *Access Agreement for use of Pax Query between New Zealand Customs Service and Inland Revenue: Sections 312 and 313 Customs and Excise Act 2018*
- *Memorandum of Understanding between Customs, the Ministry of Health and MBIE in relation to NZ*

Customs has withheld the contact details in *Access Agreement for use of Pax Query between New Zealand Customs Service and Inland Revenue: Sections 312 and 313 Customs and Excise Act 2018* under section 9(2)(a) to protect the privacy of natural persons. Customs has considered the public interest arguments in favour of making this information available do not outweigh the necessity to withhold this information.

I refer you to the link below, where the requested document for the *Information Sharing Agreement between the Ministry of Social Development and the New Zealand Customs Service: Direct Access Agreement under Section 4314 Customs and Excise Act 2018* is publicly available:

<https://www.privacy.org.nz/assets/New-order/Privacy-Act-2020/Information-sharing/Approved-Information-Sharing-Agreements/Information-Sharing-Agreement-between-the-MSD-and-the-NZ-Customs-Service.pdf>

Your request for the *New Zealand Technical Operations Group Statement of Principles – New Zealand Police, New Zealand Customs Service, New Zealand Security Intelligence Service, New Zealand Defence Force and Government Security Communications Bureau* is refused under section 6(c) of the Act as the release of this document would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences.

You have the right, by way of complaint to the Office of the Ombudsman under section 28(3) of the Act, to seek an investigation and review of this response. Information about how to make a complaint is available online at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz), or you can phone 0800 802 602.

If you have any queries in relation to this response, please contact the Correspondence, Reviews and Ministerial Servicing team at: [OIA@customs.govt.nz](mailto:OIA@customs.govt.nz).

Please note that Customs proactively releases responses to Official Information Act requests on our website. As such, we may publish this response on our website after we have sent it to you. Your name and contact details will be removed.

Nā māua noa, nā



Kathryn MacIver  
**Group Manager**  
**Policy and Strategy**



Terry Brown  
**Group Manager**  
**Intelligence, Investigations and**  
**Enforcement**