

07/09/23

Gareth Watkins

By email to: fyi-request-23765-785ac257@requests.fyi.org.nz

Dear Gareth

OFFICIAL INFORMATION ACT REQUEST 2023/34

On Thursday 10 August 2023 you made a request under the Official Information Act 1982 (the OIA) for the following information:

Could you please supply me with the following.

- 1. Whether the supply of electoral rolls is a commercial arrangement with Ancestry, and the details of that arrangement (charges, contract etc).*
- 2. The names of any other commercial organisations that the Commission has supplied electoral rolls too. Please also specify in which countries the organisations are registered, and any monies the Commission has received from the preparation and supply of the rolls.*
- 3. All information relating to the decision to release/supply the electoral rolls dated so close to the present day (e.g. the 2010 electoral roll).*
- 4. All information relating to any discussions within the Commission about whether the supply of contemporary voter information challenges the integrity of the electoral process.*

The Commission's response follows.

- 1. Whether the supply of electoral rolls is a commercial arrangement with Ancestry, and the details of that arrangement (charges, contract etc).*

The Electoral Commission has no commercial relationship with Ancestry.com.au.

Section 110(5) of the Electoral Act 1993 (The Act) provides that any person may, on paying the prescribed fee, obtain a copy of the main or supplementary roll for an electoral district and/or an index compiled under [section 108](#) of the Act.

Section 117(1) of the Act provides that it is an offence to process, manipulate, or otherwise change by optical scanning or other electronic or mechanical means, any printed electoral roll, in such a way as to produce that information or part of that information in a different form from that in which it was supplied under this Act.

However, section 117(3) of the Act provides that it is permissible to process, manipulate, or otherwise change information contained in any printed roll into a different form, if the information was obtained under the Electoral Act more than 10 years before the date on which the processing or manipulation is done or the change is effected.

It is noted that the Ancestry.com.au website refers to New Zealand Electoral Roll information for the period 1853 to 2010. Sections 111 to 114A of the Act require the provision of specified electronic elector data on request to the Tūhono iwi affiliation service, local councils, the Ministry of Justice, political parties, candidates and MPs, Stats NZ for statistical and research purposes and state sector organisations for research purposes. These provisions do not allow any electronic elector data to be provided to commercial organisations.

2. The names of any other commercial organisations that the Commission has supplied electoral rolls too. Please also specify in which countries the organisations are registered, and any monies the Commission has received from the preparation and supply of the rolls.

The Electoral Commission only holds data relating to the sale of electoral rolls going back to 2021.

Between 2021 and 2023 there have been a total of 205 separate roll sales, totalling 1,487 electoral rolls and 69 Habitation Indexes. The total monies received from these roll sales was \$47,034.94.

This includes the following commercial entities that have purchased electoral rolls over the period 2021 to 2023.

Alison Green Law	Mactodd Lawyers
Allied Press	Malborough Automotive
Anderson Memorials	Malborough Lines Ltd
Asteron Life Ltd	Mangere Congregation of Jehovah's Witness
Auckland central Jehovah's Witnesses	McIntosh & Signal Ltd
Auckland Library	McKenzie Law
Barfoot & Thompson Real Estate	Medical Alarms
Berry & Co	Moore Ltd
Bisson Moss Ltd	Morris & Morris Funeral Directors
Boyer Estate Ltd	Mwis Lawyers, Whangarei
Bramwell Bate, Lawyers	Napier City Library
Christchurch Casino	New Plymouth CAB
Christchurch City Library	New Zealand Cancer Society
Clancy, Fisher, Oxner & Bryant	New Zealand Post
Congregation of Jehovah's Witness	Norris, Ward, McKinnon
Connors Legal	North End Law

Core Legal	North Otago Motor Group
Corett Quillam Lawyers	NZR Real Estate Ltd
Cruickshank, Pryde Barristers and Solicitors	Onehunga Jehovah's Witness
Danniverke Cave Dwellers Inc	Otari Catholic Parish
Danniverke Congregation Jehovah's Witness	Palmerston North Library
Dew & Company	Penketh Property Law
Driving Ms Daisy, North Canterbury	Pinpoint Professional Investigators Ltd
Duncan Cotterill	Pitt & Moore Lawyers
Dunstalls Funeral Services	Porirua City Library
Easy Find Ltd	Presbyterian Support Upper South Island
Fendalton Funeral Services	Process Servers, Rotorua
Firewatch Wairarapa Taranua Ltd	Property Brokers
First Gas	Purnell Lawyers
Fitzherbert Rowe, Lawyers	Rabobank
Foresight Financial Planning	Radich Law
Gawith Burrige Lawyers	Rae Wright Ltd
Gibson Sheat Lawyers, Masterton	RMF Silva Ltd
Government Superannuation Fund Authority	Rotoma No.1 Incorporation
Gresson Dorman & Co	Salvation Army
H B Williams Memorial Library	Schofield Law
H Foundation Life (NZ) Ltd	Seaworks Ltd
Hall Law	Security Alert Ltd
Halliwells	Sellar & Sellar Chartered Accountants
Hamilton Filipino	Selwyn Libraries
Hannan Seddon Lawyers	Shand Thompson Ltd
Hansen Bate Ltd	Shone and Shirley Funeral Directors
Harcourts Team Taranaki	Smith Law
Harcourts West Coast	Sole Trader Protect Partnership
Hardy-Jones, Clarke	Solomons
Haven Realty Group 2014 Ltd	South Pacific Pictures
Headstone Warehouse	Sumpter Moore Lawyers
Home Safe Alarms	Tasman District Library
Hope Associates Legal	Taupo North Congregation of Jehovah's Witness
Hospice South Canterbury	Te Runga o Ngati Whatua
HTL Group	The Beacon
Hutt City Council Libraries	Thompson O'Neil & Co
Innes Dean Lawyers	Thompson Wilson Law
Invercargill Jehovahs Witness	Threadwell Gordon
Kaimai Law, Bethlehem	Timaru District Libraries
Kaimai Law, Katikati	Tripp Rollerston & Co
Kapiti Independent News	TVNZ Research Library
Knapps Lawyers	Wadham Partners lawyers
Langley Twigg Lawyers	Waiau Pa Historical trust
Leishman Funeral Services	Wairarapa Building Society

Locally Loyal
Loughans
Lucas Ltd
Lychway Funeral Directors
MacDonald, Brummer Lawyers

Wellington College Old Boys Association
WG Broadbent & Co
Wilkinson Rodgers Lawyers
Wisehart, MacNab & Partners

No organisation using the name “Ancestry” is recorded as having purchased electoral rolls from the Commission between 2021 and 2023.

3. All information relating to the decision to release/supply the electoral rolls dated so close to the present day (e.g. the 2010 electoral roll).

As discussed above, the Act provides that any person may purchase copies of a main or supplementary electoral rolls, and that after 10 years they may process, manipulate, or change any information in a printed roll, into a different form (for example on a website).

Thus, the decision to release or supply electoral rolls so close to the present day is made to meet legislative requirements.

4. All information relating to any discussions within the Commission about whether the supply of contemporary voter information challenges the integrity of the electoral process.

In 2022 the Commission made a submission to the Independent Electoral Review in relation to access to Electoral Rolls. That submission is included below, and can also be accessed via this link:[Submissions \(2022\) | Independent Electoral Review](#)

Maintaining and accessing the electoral rolls

Since 2002 the rolls have been maintained continuously for the conduct of parliamentary and local elections and referendums.

For the most part maintaining the rolls is an electronic process using the Commission’s enrolment management system. While there is less reliance on paper, the Commission is still required to produce printed copies of the rolls and habitation indexes on an annual basis.^[1] The printed rolls and indexes are made available for inspection at the Commission’s offices and public libraries.^[2] Changes to the Commission’s regional structure in 2022 mean the public can now only inspect the printed rolls and indexes, the master roll or list of dormant electors for a district^[3] at a limited number of our offices.

Allowing access to rolls serves an important integrity function, enabling people to be assured of the accuracy of the rolls. However, access to the rolls must be balanced with the need to protect personal information on the roll that New Zealanders are compelled to provide and individuals' concerns about the privacy of their personal information.

Sale of printed rolls and habitation indexes

The Commission recommended in its reports on the 2014, 2017 and 2020 elections the Act be amended to remove the rolls and habitation indexes from general sale. Despite a recommendation for a review of this area by the Justice Committee in its report on the 2017 General Election, to be conducted in conjunction with the Privacy Commissioner, there appears to have been no progress on a review to date.

In our view, allowing any person in New Zealand Aotearoa or overseas to purchase a printed copy of the roll (listing electors' name, address and occupation if specified) and use it for any purpose is inconsistent with the Privacy Act principles and contemporary understanding of the appropriate handling and use of personal information. Contrary to their primary purpose, the rolls are mainly purchased by business, media organisations and private investigators and used for debt collection, marketing, and other ancillary purposes.

There are restrictions on the digitisation of a paper roll, but once sold, or where rolls are available for inspection in unsupervised locations, digitisation may be occurring. New Zealand Aotearoa is well out of step with tighter restrictions in other jurisdictions. In Australia, for example, rolls have not been available for sale since 2004 and can only be inspected at an office of the Commission.

Recommendation made in report on 2020 General Election and referendums	Page
The Commission recommends legislative change to remove electoral rolls and habitation indexes from general sale except to MPs, parties and candidates for electoral purposes, and that public inspection of an electronic copy of the roll is provided for only at national and regional offices of the Commission.	57

Production and sale of Index to Places and Streets

4. The Commission works with Land Information New Zealand (LINZ) to produce the Index of Places and Streets, habitation indexes and up to date address information for electors who move into new developments or properties.
5. The Electoral Act does not make any provision for the Commission to share elector address information with LINZ. We recommend there is express provision that specifies what information the Commission can provide to LINZ to assist with the maintenance of the rolls and habitation indexes under Part 5 of the Act.
6. The Act should be future proofed to allow for the supply of the index in digital format. This will allow us to transition away from the paper index prepared by LINZ and used by electoral officials to look up voters' addresses in voting places.
7. In addition, the Index has not been available for sale to the public for a number of years. On that basis we recommend removing provision for the sale of the physical indexes in the Act.

Recommendation made in report on 2020 General Election and referendums	Page
The Commission also recommends review of the provisions for the sale and inspection of the Index to Places and Streets and clarification of the address information provided by Land Information New Zealand and their access to the habitation index for that purpose.	58

Supply of electronic roll data for research and campaign purposes

1. The Act is highly prescriptive about who, how and for what purpose roll data can be supplied including:
 - the Tūhono iwi affiliation service
 - local councils for electoral purposes
 - the Ministry of Justice for jury lists
 - political parties, candidates and MPs
 - state sector organisations for health or scientific research
 - Stats NZ for the production of official statistics or research.
2. We also note that the Act is unclear whether local body candidates standing on the same ticket are able to make one request for data (and pay one fee) or apply separately. The arrangements are less clear than those for a party which means we are not able to process them as an application by a party.

The master rolls

3. The master roll shows a record of who has voted at an election. After an election we compile a master roll for each district, which is kept for three years.^[4] The master roll for a district can only be inspected at our offices by the electors of that district. Academics and parties have shown an interest in having access to master roll data, particularly in electronic form. This would require law change.
4. There are significant policy and operational issues that would need to be worked through for such a proposal. Questions for consideration include:
 - Should this data be available before the close of polling for an election or only after an election?
 - What privacy concerns would voters have?
 - Would it be operationally feasible to collate this information before election day and the scrutiny and qualification of special voters?
 - Who should be allowed access to this data?
 - How long should they be able to keep the data?
5. Although the master roll does not show how voters have voted, sharing the master roll more widely could undermine the public's confidence about the secrecy of the ballot. Other interested parties may argue they have a right to see a person's choice to cast a vote.
6. We would welcome any further consideration of these issues in consultation with the Privacy Commissioner.

Recommendation made in report on 2017 General Election	Page
The Commission recommends that Parliament considers whether or not electronic master roll information should be available to parties during or after the election. The Commission recommends consultation with the Privacy Commissioner, as information about whether or not a person has voted engages significant privacy interests.	34

^[1] See sections 104, 105, 107 and 108 of the Electoral Act 1993.

^[2] Section 110 of the Electoral Act 1993.

^[3] Section 110(3) of the Electoral Act 1993 lists the documents that can be inspected at the Commission's offices.

^[4] Section 187(3) to (5) of the Electoral Act 1993.

In the interests of transparency, we release responses to Official Information Act requests every 3 months. We will publish this response with your personal details redacted.

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Yours sincerely



Ross McPherson
Director, Enrolment