

13 September 2024

Hannah Baxter
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Ref: DSC 115131

Tēnā koe Hannah

Request regarding collection of Information for a Criminal Conviction check

Thank you for your request on 20 August 2024 to the Ministry of Justice (the Ministry). Specifically, you requested:

Please advise under which statute governs the collection of information for criminal conviction checks (CCH).

Please also advise which policy or statute governs the requirement for 10 years of addresses.

I do not mind being given links to specific Hansard records.

Your request has been referred to me for a response, as it falls within my responsibilities as Manager Centralised Services.

In response to your request, and for background information, I must advise that Criminal Conviction History reports (CCH) are generated directly from court information which is held on a permanent basis under s7.2 of the Criminal Procedure Rules 2012, which is reflected in Schedule 1 of the District Court Act 2016 and schedule 2 of the Senior Courts Act 2016.

Law enforcement information, as it relates to convictions, is accessed from the court record by the Ministry of Justice, as permitted under schedule 4 of the Privacy Act 2020 for the purpose of generating a criminal conviction history report at the request of the applicant. Section 172(1) of the Privacy Act 2020 describes this access.

There are no specific policies or statutes regarding the requirement for 10 years of addresses. It is an operational decision that a minimum of ten years of addresses are required to assure the CCH team that the correct information has been generated into the CCH report for the requestor.

In most cases, the process to generate a CCH report is automatic, however, in some instances manual checks are required to ensure the information to be generated in the report matches the identity of the person requesting the record. It is important that additional checks are completed when the need arises, to ensure private information is protected, and released only to the person entitled to receive it. Manual checks can involve requesting further information from the requestor to confirm the identity and generated report match.

CCH reports, and any additional information obtained to support the creation of that report are stored temporarily while the request is being processed and while any quality assurance checks are completed. This is generally for a period of three months, and the records are then destroyed by the CCH team. The permanent court record, however, is retained by the court.

If you require any further information, please contact Media & Social Media Manager Joe Locke at media@justice.govt.nz

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses

You have the right under section 28 of the Act to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at ombudsman.parliament.nz or call 0800 802 602.

Nāku noa, nā



Reuben Lewthwaite

Manager Centralised Services