



WELLINGTON

The Customhouse, 1 Hinemoa Street, Wellington
PO Box 2218, Wellington 6140, New Zealand
Phone: 04 901 4500 Fax: 04 901 4555 All general enquiries phone: 0800 428 786
Email: feedback@customs.govt.nz Website: www.customs.govt.nz

PROTECTING NEW ZEALAND'S BORDER

03 February 2016

Ref: IIE OIA 15-259

Mr Alex Harris
Email: fyi-request-3479-3c1b1705@requests.fyi.org.nz

Dear Mr Harris

Request for information

Thank you for your email dated 15 December 2016 in which you made a number of enquiries under the Official Information Act 1982 (OIA) relating to the information (specified under section 12C and 12D of the Customs and Excise Regulations 1996) required to be provided to the New Zealand Customs Service (Customs) pursuant to section 21 of the Customs and Excise Act 1996. Your requests and Customs' responses are below.

1. How long is the personally identifying information on passengers en route to New Zealand retained by Customs?

Customs requires the provision of advance passenger information, or advance notice of arrival information, for all craft en route to New Zealand. This information is necessary to protect New Zealand's border by identifying risks to New Zealand prior to the craft's arrival. The information is retained in Customs' data warehouse, Nexus. Customs holds copies of travel movement records going back to 1988.

The reason this information is retained in Nexus is two-fold. The first is to aid current and future investigations, thus ensuring the maintenance of the law in New Zealand. Customs often receives requests for assistance from other law enforcement agencies as to the movements of persons of interest if they are linked to an offence. The information may prove relevant if, for example, the person of interest was not in the country at the time of the offence. The second reason the information is retained is because Customs is considered a repository for travel movement information in New Zealand. Each year Customs receives hundreds of requests for travel movements (including historical travel movements) from individuals who require the information for many reasons (for insurance, superannuation, or tax purposes for example).

2. What precautions do Customs use to protect this personally identifiable information from loss, unauthorised use, unauthorised access or medication, or other misuse?

The data related to passengers en route to New Zealand is held within Customs' main database 'CusMod' as well as 'Nexus'.

Both are:

- Secured;
- Housed in a secure environment; and
- Covered by an enterprise-wide Business Continuity Plan.

The data is accessed via Customs applications housed on dedicated Customs infrastructure by authorised users only.

The applications are accessed through embedded security mechanisms using authorisation and authentication techniques. The security grants or revokes functionality within the applications depending on the Officer's role. The functionality controls what they can view and their ability to create or modify data. Access to, and use of, the applications and the data (including modification of) is tracked electronically and is audited. Further, all officers are required to attain the pre-requisite security clearances before access is provided.

3. What other agencies is the information shared with or disclosed to, and what is the legal authority for such sharing or disclosure?

Every passenger movement into and out of New Zealand is transmitted to Immigration New Zealand (INZ) in real-time when the passenger is processed. This is because Customs officers perform basic immigration functions (passport control) at the border on behalf of INZ, under the statutory authority provided by section 465 of the Immigration Act 2009.

Every passenger movement is also batch-processed into a secure file, which is downloaded on a weekly basis by the Ministry of Social Development for benefit and benefit debt recovery purposes. The statutory authority for this is contained in section 280 of the Customs and Excise Act 1996 (the Act).

Inland Revenue provides Customs with the names and dates of birth of persons who meet certain criteria relating to student loans and child support. As each passenger movement is processed, it is checked against this list of persons of interest, and the movement information is transmitted to Inland Revenue when a possible match is made. The statutory authority for this is contained in sections 280G – 280I (inclusive) of the Act for student loans, and sections 280J – 280L (inclusive) of the Act for child support.

Customs does not proactively release this type of information to any other agency but the information can be, and sometimes is, released to agencies when it is requested and there is a legal basis for the release. Such disclosures of information will be governed by the principles of the Privacy Act 1993, unless the provision of the information is required by another piece of New Zealand legislation.

4. Please provide any privacy policy which applies to the collection, storage, use and disclosure of this information.

The Privacy Principles contained in Part 2 of the Privacy Act 1993 guide current practice in this regard. Customs does not currently have a specific policy document relating to the collection, storage, use and disclosure of this type of information.

In 2015 Customs appointed an officer to the newly-created position of Information and Privacy Officer, to be responsible for the oversight of all information management and privacy activities conducted by Customs. This includes ensuring that policies and procedures that relate to the management and use of information and preserving the privacy of information are developed, maintained, and adhered to. The Information and Privacy

Officer is currently undertaking a review of all of Customs' information and privacy practices to ensure they are aligned and in accordance with current legislation.

Please be advised that you have a right, by way of complaint to the Office of the Ombudsman under section 28(3) of the OIA, to seek an investigation and review of the decision conveyed in this letter.

Please also feel free to contact Customs at OIA@customs.govt.nz if you would like to discuss any aspect of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Young', with a long, sweeping horizontal stroke extending to the right.

Murray Young
Chief Information Officer