

Review of statutory authorities for information matching

Report by the Privacy Commissioner
to the Minister of Justice pursuant to
section 184 of the Privacy Act 2020 in
relation to a review of the operation of
the:

Electoral Act 1993, sections 263A and
263B

June 2021

Commissioner's Recommendation

In this report I assess the ongoing value and suitability of the Electoral Act 1993 sections 263A and 263B information matching provisions.

Section 184 of the Privacy Act 2020 requires the Privacy Commissioner to carry out a review of the operation of each information matching provision at intervals of not more than 5 years and consider whether:

- the authority conferred by each provision should be continued; and
- any amendments to the provision are necessary or desirable.

The Electoral Commission (the Commission) maintains the electoral rolls used for central and local government elections, and for jury selection.

The Commission conducts a programme of five information matches, authorised by 263B, to identify people who are eligible to vote but who are not enrolled on the electoral roll ("unenrolled voters"), and to update details of existing electors. These matches make use of:

- driver licence and motor vehicle registration information from the New Zealand Transport Authority (NZTA)
- beneficiary and student information from the Ministry of Social Development (MSD)
- citizenship and passport information from the Department of Internal Affairs.

The Commission also runs a separate match, authorised by 263A, with information from Immigration New Zealand to identify people who are not eligible to be enrolled because of their immigration status.

I consider that the authority conferred by sections 263A and 263B of the Electoral Act 1993 should be continued.

I support the Electoral Commissioner's proposal that consideration being given to extending the contact information which may be provided under 263B.

My detailed assessments of these programmes follows. Appendix A gives a brief background to information matching, section 184 and the approach I have taken in undertaking this review.



John Edwards
Privacy Commissioner
June 2021

Unenrolled Voters Programme (Electoral Act 1993, section 263B)

1.1 Programme objectives

The programme is used to identify people who are qualified to be on the electoral roll but who have not yet registered, or people who are on the roll but whose details have changed, in order to encourage them to enrol or update their details.

1.2 Recommendation

I recommend that the authorities conferred by section 263B of the Electoral Act 1993 should be continued, and support the Electoral Commissioner's proposal that consideration being given to extending the contact information which may be provided under 263B.

1.3 Programme assessment

Financial cost/benefit and other outcomes

The programme is a cost-effective approach to identifying people who may be eligible to be enrolled as electors, but who are not yet on the roll.

This process supports the objective of maintaining accurate electoral rolls.

Compliance/operational difficulties

During 2018/19 the Electoral Commission noticed that the Citizenship data supplied by DIA included pre-adoptive names previously used by some individuals. The programme used to extract the data was modified to exclude these.

There have been no other compliance issues or operational difficulties with this programme.

Scale of matching

The scale of the programme is appropriate. Each data set includes people who would not be identified from the other data sets received. Each data set provided to the Commission includes only the information necessary for the programme.

Alternative methods to achieve results

Other methods are also used by the Commission to encourage eligible people to enrol. These include actively seeking enrolments at key events within the community and targeting of specific dwellings that do not have any occupants enrolled. These approaches cost, on average, \$5.90 and \$10.92 per form completed respectively. The cost for events is based on staff costs only. These figures compare with an average of \$9.46 for new or updated enrolments from the matching programme.

Amendment to the information matching provision

The Electoral Commission noted in their report on the [2020 General Election and referendums](#) that a person identified in a data match can only be contacted by mail because the data match

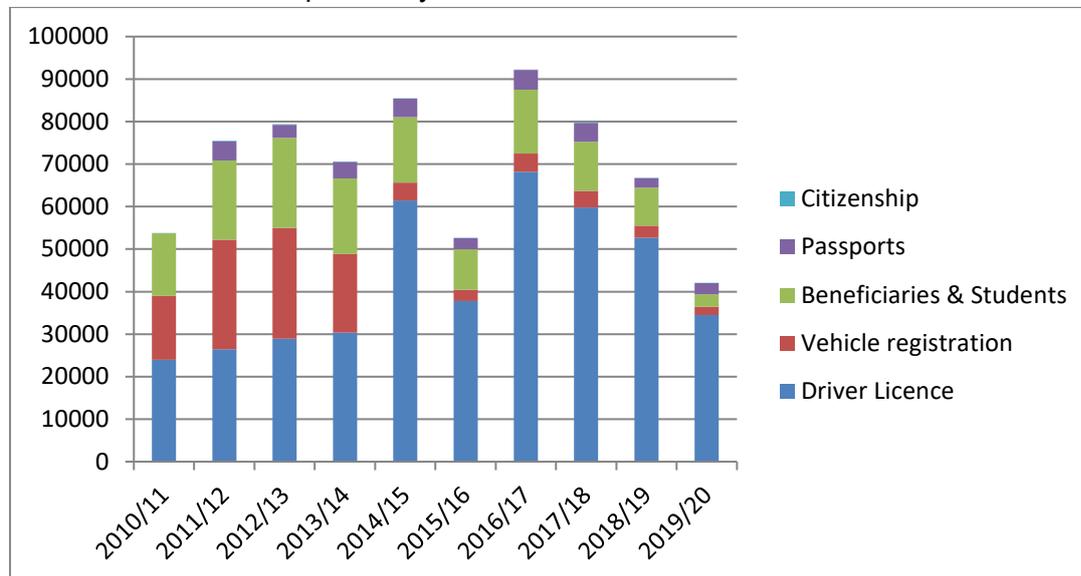
disclosure provided for in the legislation is restricted to address and does not allow email or phone contact details to be provided. Following a data match; a registration is not automatic. It requires the person to sign and return a form or update online.

The Electoral Commission recommends a legislative change to allow email addresses and cell phone number details to be provided so that the Electoral Commission can contact people electronically.

1.4 Programme results

Success for this programme is measured by the number of people who become enrolled or update their enrolment details in response to the invitations sent out. This success is illustrated by the graph below.

New enrolments and updates by Source ^{1 2 3}



Only one of the two matches conducted in 2019/20 included MSD data as there was confusion over the date range of data requested for the other match run conducted.

¹ Includes provisional enrolment of 17 year olds.

² People are counted for the first match in which they are identified, so if the same person is found in subsequent matches they are not included in the counts for those later matches.

³ Citizenship, which is the last data set to be processed, does not show in the graph because the number of people identified only from that match is too small to show in this scale.

1.5 Programme operation

The programme is generally run two to four times a year, to spread the workload and to have the rolls as up to date as possible for general elections.

The files received are processed together in a sequence intended to maximise the benefits from each run. The sequence is:

- Drivers licences.
- Vehicle registration.
- Benefits.
- Passports.
- Student loans.
- Citizenship.

The Electoral Commission match each extract with the electoral database based on surname, given name/s and date of birth. Records that match are checked for addresses that have been updated. If it is a new address the individual will be sent an invitation to update their details. Records that are not matched are used to send an invitation to enrol. These are sorted to ensure they do not send multiple invitations to an individual. The roll is updated only if a positive response to the invitation is received.

1.6 Programme Authorisation

This programme was authorised by the Electoral Amendment Act 2002 (2002 No 1) which inserted section 263B in the Electoral Act 1993 and operation started that year. Passports were added in 2011 by the Electoral (Administration) Amendment Act 2011 (2011 No 57). The statutory responsibility was transferred from the Chief Executive of New Zealand Post to the Commission by the Electoral (Administration) Amendment Act 2011. In 2012 the Information Matching Agreement was amended by a Novation Agreement to reflect that change.

The specific provisions are:

- | | |
|-----------------------------|------------------------|
| • s263B(4)(a)(i) | beneficiaries. |
| • s263B(4)(a)(ii) and (iii) | students. |
| • s263B(4)(b) | vehicle registrations. |
| • s263B(4)(c) | driver licences. |
| • s263B(4)(d)(i) | new citizens. |
| • s263B(4)(d)(ii) | passports. |

INZ/EC Unqualified Voters Programme (Electoral Act 1993, section 263A)

1.1 Programme objective

To ensure people who are not eligible because of their immigration status, are not added to the electoral rolls.

1.2 Recommendation

I recommend that the authority conferred by section 263A of the Electoral Act 1993 should be continued without amendment.

1.3 Programme assessment

Financial cost/benefit and other outcomes

The programme is a cost-effective approach to identifying people who apply to be enrolled as electors, but who are not eligible because of their immigration status.

This process supports the objective of maintaining accurate electoral rolls.

Compliance/operational difficulties

There have been no compliance issues or operation difficulties with this programme. The operation of the programme has been changed over time to improve the efficiency of the process, and the engagement with applicants who, because of their immigration status, may not be entitled to be enrolled. These changes are noted under the table of programme results below.

Scale of matching

The scale of the programme is appropriate. The programme involves only two agencies and only information necessary to achieve the purposes of the programme is transferred.

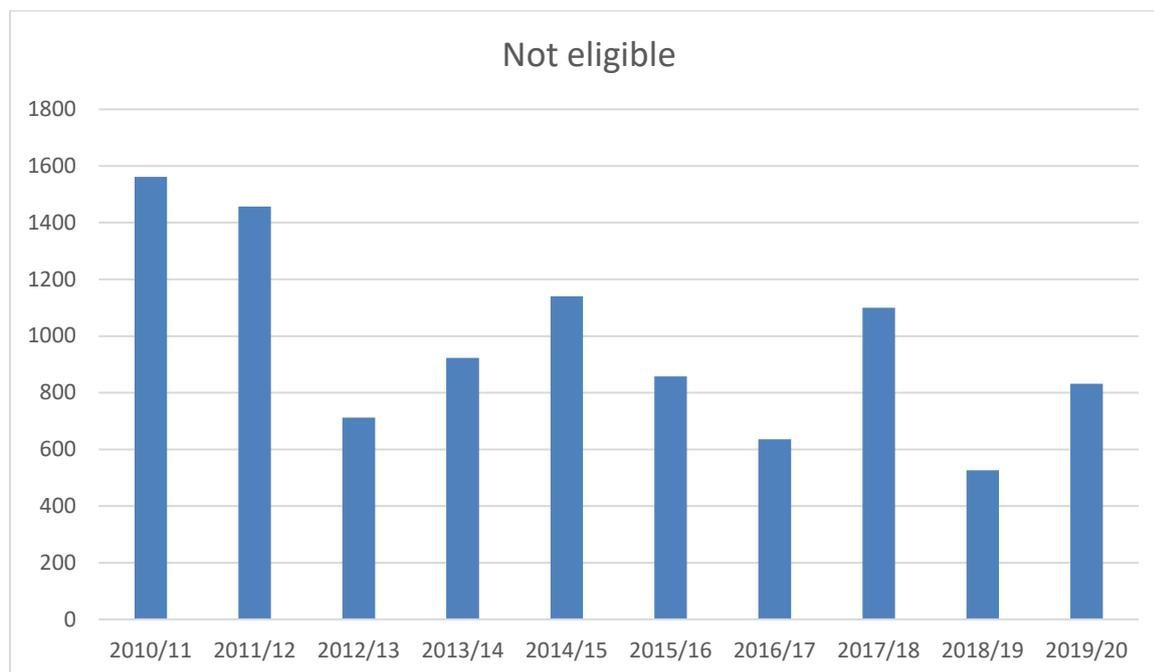
Alternative methods to achieve results

The programme serves as a necessary check to ensure that the electoral roll only includes people who are entitled to be enrolled as electors. Alternative methods would be less efficient or place a higher burden on applicants.

Amendment to the information matching provision

I have not received any advice from the Electoral Commission suggesting amendments to the provision authorising this programme. I am satisfied that the provision is suitably constrained and does not require amendment.

1.4 Programme results



* Not counting follow up letters after phone conversations where the applicant had agreed they are not eligible.

In August 2011 the legislation was amended to allow the match to take place before people are added to the roll (previously the check could only occur after the person had been added to the roll).

1.5 Programme operation

This programme was authorised by the Electoral Act 1993 section 263A in 1995 and has operated since 1996. The statutory responsibility was transferred from the Chief Executive of New Zealand Post to the Commission by the Electoral (Administration) Amendment Act 2011. In 2012 the Information Matching Agreement was amended by a Novation Agreement to reflect that change.

Immigration New Zealand sends the Electoral Commission daily files of all people known to be in New Zealand on the basis of limited duration residence permits or visas, or who are believed to be overstayers. The file contains the names (including aliases), date of birth, address, and permit expiry date.

The Electoral Commission matches enrolment applications as they are received against this information. If a match is found, the applicant is contacted, by phone where possible, or by letter, to check their eligibility. After each telephone conversation a letter is still sent to confirm the conclusion reached during the phone call.

Appendix A: Background to Information matching

Information matching involves the comparison of one set of records with another, usually to find records in both sets that belong to the same person. Matching is commonly used to detect fraud in social assistance programmes, or to trace people who owe debts to the Crown, but can also be used ensure people get entitlements as in the case of the unenrolled voters programmes.

Oversight of this activity is important to safeguard individuals and maintain transparency and trust in government. The Privacy Act regulates information matching through controls directed at:

- authorisation – ensuring that only programmes clearly justified in the public interest are approved;
- operation – ensuring that programmes operate within the information matching framework; and
- evaluation – subjecting programmes to periodic review.

Section 184

Section 184 of the Privacy Act requires the Privacy Commissioner to undertake periodic reviews of the operation of each information matching provision and to consider whether:

- the authority conferred by each provision should be continued;
- any amendments to the provision are necessary or desirable.

A periodic review is necessary to assess the ongoing value and suitability of a programme in light of experience operating the programme. A programme may lose effectiveness over time if hit rates have peaked or the wider context has changed.

To conduct these reviews I consider, in particular, whether each provision:

- continues to achieve its objective by providing significant monetary benefits or other comparable benefits to society;
- raises concern because of the scale of matching (because of the number of agencies involved, the frequency of matching, or the amount of personal information being disclosed); and
- is operating within the information matching controls in the Privacy Act.