

5 August 2019

Rt. Hon. Jacinda Ardern
Prime Minister

Tēnā koe Prime Minister

Privacy concerns regarding proposed Police firearms registry information sharing (Our Ref: P/1841)

I am aware that on 2 August you received a briefing from the Police titled 'Strengthening the framework for information sharing and introducing direct data access provisions'. I have significant concerns with the level of analysis surrounding the proposals contained in that paper. These insufficiencies raise concerns about the impact of Police's proposals on individual privacy. I am writing to you as I am aware Police is seeking your approval to issue drafting instructions to Parliamentary Counsel.

Section 13(r) of the Privacy Act 1993 provides that the Commissioner may report to the Prime Minister on any matter relating to privacy. I am also required under section 13(f) of the Act to examine any proposed legislation that proposes the collection or disclosure of personal information.

In this case Police has proposed the drafting of legislation to provide a power to enter into direct access agreements with presently unspecified agencies for similarly unspecified information. In essence Police is asking Ministers for a blank cheque for information sharing.

It is my view that the proposal contains insufficient detail to allow Ministers to be satisfied that legislation is necessary and proportionate. In my view, Police is proposing an information sharing solution to an insufficiently defined problem. Police has also not articulated what information may be necessary or from whom it may be necessary to collect information. This means Police cannot with any degree of certainty assure Ministers that a legislative amendment providing a power to enter into direct access arrangements is necessary.

I am particularly concerned about the proposals regarding health practitioners' access to the firearms registry and an overly vague threshold for notification to Police. My office has relayed concerns about the effect this proposal may have due to the potential number of individuals with access to the register, the potential for data breaches and the safety concerns surrounding a large number of individuals knowing who owns a firearm and where they live. I

consider that wider consultation with the health sector is necessary to understand the implications of the proposal. There is potential for a number of unexpected consequences in relation to this ill-defined initiative. For example, in what circumstances are health practitioners expected to enquire of the register? How might this process affect the willingness of unwell people, particularly in rural communities, to seek support?

I am concerned that this work has been inadequately thought through and that it will unnecessarily compromise the security of very sensitive personal information and have unintended consequences. I am also concerned that the proposal will fail to meet the policy objectives and recommend that Ministers direct officials to do more work before issuing drafting instructions.

I am supportive of sensible gun reform and recognise the important public safety implications of ensuring that only fit and proper persons have access to firearms. However, while privacy is not the only matter for consideration, I am keen to ensure that legislation is fit for purpose and is not unnecessarily and disproportionately at the expense of individuals' right to privacy. I would be happy to meet with you and Ministers if that would assist your deliberations on this issue.

Nāku iti noa,



nā John Edwards
Privacy Commissioner

cc:

Rt. Hon. Winston Peters – Deputy Prime Minister
Hon. Grant Robertson – Minister of Finance
Hon. Andrew Little – Minister of Justice
Hon. Stuart Nash – Minister of Police
Hon. Ron Mark – Minister of Defence