

Regulatory Impact Statement: Modernising and improving information sharing provisions

Decision sought	Analysis produced for the purpose of informing Cabinet decisions
Agency responsible	The Ministry of Business, Innovation and Employment (MBIE)
Proposing Ministers	Minister of Immigration
Date finalised	10 June 2025

On 13 November 2024, Cabinet agreed that what is now the Immigration (Enhanced Risk Management) Amendment Bill would take a stronger approach to compliance and law enforcement, including through updating provisions in the Immigration Act 2009 (the Immigration Act) that enable immigration information to be shared [ECO-24-MIN-0255].

The Minister of Immigration’s (the Minister’s) regulatory proposal is to modernise the Immigration Act through amendments which take a stronger enforcement and risk-management focus. This RIS is focused on the case to modernise and improve the Immigration Act’s information sharing provisions (i.e. the information sharing framework set out across sections 301 to 306), which is a key aspect of this reform.

Summary: Problem definition and options

What is the policy problem?

The problem is that government agencies seeking access to immigration information (i.e. information that is collected, used to administer, or generated through administration of the Immigration Act, for example information related to identity and visa status) are not always able to access it easily. This can affect their ability to efficiently manage risks to New Zealand.

The information sharing framework is also too limited, as it is outdated. Decisions about the design of the existing framework were made almost 20 years ago and the framework reflects a vastly different technological and risk environment to that faced today. While some changes to information sharing provisions were made as recently as 2023, through the [Worker Protection \(Migrant and Other Employees\) Act 2023](#), these were focused on addressing migrant exploitation, and did not constitute a review of the sharing framework’s overall effectiveness. They also contributed to what is now a patchwork of information sharing enablers, constraints, and protections within the Immigration Act, which makes it difficult to understand why and how information can be shared.

The Immigration Act should explicitly provide for the making of more information sharing agreements, rather than relying on the Approved Information Sharing Agreement (AISA) process under the Privacy Act 2020 (the Privacy Act). AISAs are resource-intensive to establish and can take several years to create. As MBIE is the authoritative source of

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immigration information, barriers to sharing have impacts on government efficiency and the quality of service provided to customers.

The Immigration Act's domestic information sharing framework is less permissive than some of its counterparts' (in particular, the [Customs and Excise Act 2018](#)). Notably, it is considerably more difficult for MBIE to share immigration information with, and receive information from, other government agencies than it is to set up information sharing arrangements internationally.

MBIE acknowledges that the proposal would result in individuals' information being shared more easily than the status quo permits, which some stakeholders have identified as a risk to personal information. We consider that modernising and simplifying the Immigration Act's information sharing framework would enhance public transparency (and trust) in relation to what MBIE does with the information it holds, and facilitate justified access to information with provisions included to manage risks to personal information.

The public will also benefit from the proposal insofar as more efficient information sharing will support the delivery of high-quality public services. Agencies will have simpler, quicker access to information supporting the discharge of their responsibilities, including those related to combating activities undermining compliance and law enforcement. MBIE should be able to efficiently provide authoritative immigration information to other government agencies and the private sector to enhance its contribution to wider government initiatives (such as supporting compliance and law enforcement activities), and to receive information, including from the courts, for a range of lawful purposes (such as verifying that applicants for visas meet policy requirements, and to detect and address non-compliance).

The government is also interested in the removal of legislative barriers that might impede the uptake of the Digital Identity Trust Services Framework). The Digital Identity Trust Services Framework aims to create a digital identity environment where people can share their information in a way that is safe and secure. While the sharing of information will occur through 'verifiable credentials', the Immigration Act is silent as to whether Immigration New Zealand (INZ) can issue, receive, and contribute to other agencies' verifiable digital credentials, and it would be desirable to clarify that these are permitted purposes.

What is the policy objective?

The overarching goal is to improve MBIE's ability to contribute to managing risks to New Zealand within its role the authoritative source of immigration information in New Zealand. This will be achieved by broadening the sharing framework in the Immigration Act to better facilitate the sharing of information between MBIE, other government agencies, the courts and the private sector, without the need to substantially rely on alternative methods for disclosure contained in the Privacy Act. The sub-objectives are to:

- better support government agencies (including MBIE) to exercise their responsibilities, and to prevent information-related harms (e.g. fraud, where bad actors capitalise on opportunities to take advantage of government processes),
- enhance public trust and confidence in how MBIE collects, uses, accesses and corrects information so that, for example, non-New Zealand citizens are not discouraged from providing complete and accurate information to public services, and
- make it clear that MBIE is able to issue digital credentials itself, provide information to support the issuance and use of digital credentials by other agencies, and support the innovation and uptake of digital identity services in New Zealand.

What policy options have been considered, including any alternatives to regulation?

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Cabinet has agreed to update the provisions that enable immigration information to be shared [ECO-24-MIN-0255], and the only non-regulatory option is the status quo. The options considered were:

1. **Status quo:** The information sharing provisions remain unchanged, and AISAs or Privacy Act exceptions (such as “maintenance of the law”) facilitate suboptimal levels of additional information sharing.
2. **Broaden the disclose provisions (preferred):** Achieved by:
 - a. replacing the ‘specified agencies’ list (applying across sections 302 to 303B) with a wider list of functions/purposes (i.e. beyond those stated across sections 301 to 306) justifying the disclosure of, or access to, information,
 - b. expanding the groups of individuals about which information can be shared (beyond references to ‘persons of interest’ in sections 303A and 303B),
 - c. including a ‘transparency provision’ (akin to the existing [section 25](#)) in the Immigration Act, so the public at large will be better positioned to understand how information held by MBIE will be handled, and
 - d. making explicit in the Act that INZ can issue, receive, and contribute to other agencies’ digital credentials.

What consultation has been undertaken?

MBIE sought written feedback from a range of targeted stakeholders and invited them to meet with MBIE, if necessary. A discussion document was provided to them to comment on and up to five business days was allowed for comment. Where further time was requested for comment, it was agreed. To achieve introduction of the Amendment Bill by October 2025 (in line with the Minister’s expectations), the Minister agreed to a short period of targeted consultation with key stakeholders. MBIE has consulted as broadly as possible within time constraints. There will be two more opportunities for consultation:

- targeted consultation on an exposure draft of the Bill in September 2025, and
- through the six-month Select Committee stage, at which point members of the public are invited to provide written and oral submissions on the Bill.

Of the stakeholders who provided substantive feedback, the majority were supportive of the proposal (Department of Corrections (Corrections), Department of the Prime Minister and Cabinet (DPMC), Health New Zealand (HNZ), Ministry of Social Development (MSD), Ministry of Foreign Affairs and Trade (MFAT), New Zealand Police (Police), Ministry of Education (MoE)). Some made neutral comments (Ministry of Justice (MoJ), Office of the Ombudsman (the Ombudsman), Inland Revenue Department (IRD)), while the Office of the Privacy Commissioner (OPC) did not express support for it at this stage of the policy process.

Of those who supported the proposals, the theme of feedback was that it was a “sensible and useful modernisation of the [Immigration] Act”, with many citing examples of instances where a broader information sharing framework could facilitate better access to information held by INZ (and MBIE more broadly) to assist them in fulfilling their functions.

Several of the stakeholders (MSD, IRD, OPC) questioned why legislative reform was required, given AISAs could achieve the same information sharing outcomes without legislative change, and emphasised that any revised sharing framework should retain adequate privacy protections (MoJ, MSD, OPC, the Ombudsman and the New Zealand Law Society). MBIE notes that AISAs are subject to various limitations (for example, they are resource intensive to establish) and are not always able to meet MBIE’s needs. Therefore, the modernisation and improvement of the information sharing framework in the Immigration Act is preferable

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to maintaining the status quo (as acknowledged by the Legislation Design and Advisory Committee (LDAC)).

The Ombudsman and OPC initially shared concerns about MBIE being able to share information it holds about an individual's character with other agencies. MBIE notes that the Immigration Act already permits the sharing of character information (sections 302 and 303), and that appropriate safeguards would be put in place when sharing agreements are made.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

Yes.

Summary: Minister's preferred option in the Cabinet paper

Costs (Core information)

The costs of broadening the provisions of the sharing framework are one-off costs to MBIE, including the need to make changes to operational procedures and the ongoing cost of creating and administering information sharing agreements with government agencies. For wider government, there is an (existing) cost stemming from the need to develop and administer disclosure agreements. There are no identified costs to the public. The nature of these impacts is assessed as low.

Benefits (Core information)

The benefits to MBIE are that it will be able to make more efficient use of administrative resources (by avoiding the need to rely on developing and implementing AISAs) and build public trust and confidence by being more transparent in the Immigration Act about how MBIE handles individuals' information (also benefiting individuals whose information is held by MBIE). Benefits to wider government and third parties (including individuals, where digital credentials are involved) include more efficient mechanisms to access MBIE's information where this will benefit them or the exercise of their functions/operations. The nature of these impacts is assessed as high.

Balance of benefits and costs (Core information)

The benefits of the Minister's preferred option are, in MBIE's view, highly likely to outweigh the costs.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

The revised framework will be implemented through the Immigration (Enhanced Risk Management) Amendment Bill. [REDACTED] Confidential advice to Government [REDACTED]

Implementation of the provisions will include the development of new information sharing agreements, which will require input from across MBIE. This may include reviewing pre-existing sharing arrangements to ensure consistency with the new legislative framework.

Standard operating procedures for staff will then also need to be developed or reviewed (for example, where compliance staff can request information about an employer from another agency). Various parts of MBIE will assist with their creation (e.g. operations, privacy, policy, legal staff).

MBIE website information which reflects the enhanced transparency obligations will be developed and published.

MBIE is taking the government's objectives around the development and promotion of digital credentials into account as it develops the new immigration IT system (Our Future Services).

MBIE considers there is sufficient time and resource to give effect to the changes required.

Limitations and Constraints on Analysis

The Minister's expectation is that the Bill is introduced by end of October 2025 [REDACTED] Confidential [REDACTED], requiring policy decisions in early June 2025. Accordingly, external consultation before Cabinet decisions has largely been limited to engaging with key stakeholders through a discussion document, and receiving their initial feedback on the proposals in writing over a period of approximately five working days. However, a consultation session was also held with OPC about the proposal in this RIS on 5 May.

We have not undertaken significant engagement beyond this, but note that the discussion document explained the drivers, objective and timing for introducing legislation, and (for explanatory purposes) contained a three-page document that had been sent to the Minister as part of the scoping briefing for the Bill. This document outlined the purpose of the proposal and how it fits with immigration portfolio priorities, and explained the problem, the proposal, and the identified risks and proposed mitigations.

Given the absence of available data to support MBIE's analysis, including information about costs, this RIS has been developed based on limited but informed input from internal and external experts.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:



Stacey O'Dowd
Manager, Immigration (Border and
Funding) Policy
10 June 2025

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Quality Assurance Statement

Reviewing Agency: MBIE

QA rating: Partially meets

Panel Comment:

A Quality Assurance Panel from MBIE has reviewed the Regulatory Impact Statement (RIS) prepared by MBIE titled 'Modernising and improving information sharing provisions' on 4 June 2025. The Panel consider that the information and impact analysis summarised in the RIS partially meets the Quality Assurance criteria.

Overall, the analysis in this paper is of sufficient detail to support an informed decision. The analysis would benefit from further evidence to support the rationale for this policy intervention, and additional detail on the implications and risks of this proposal for the public (in addition to the impact for central government).

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

The Immigration Act facilitates a limited extent of information sharing through an information sharing framework

1. Fundamentally, the Immigration Act facilitates the sharing of immigration information both domestically and internationally to:¹
 - a. support and sustain good public services for persons in New Zealand, and
 - b. empower agencies to carry out their various responsibilities (i.e. their regulatory functions).
2. 'Immigration information' is information that is collected, used to administer, or generated through the administration of, the Immigration Act. It comes from a wide variety of sources, given the breadth and sophistication of immigration services and processes.² Immigration information includes 'personal information', being any information which tells us something about a specific individual in an identifiable way.³

Overview of the sharing framework

3. Sections 301 to 306 of the Immigration Act set out a non-exhaustive framework for the disclosure of information.
 - a. [s301](#) facilitates the disclosure of information by MBIE to a provider of any publicly funded service to enable the service provider to **determine** either a **person's eligibility to access** a publicly funded service, or a person's **liability to pay** for a publicly funded service,
 - b. [s302](#) facilitates the **disclosure** of information **by a 'specified agency' to MBIE** to enable MBIE to **establish** or **verify a person's identity**, **check** matters relating to a person's **character**, or ascertain whether a person is an 'excluded person',⁴
 - c. [s304](#) facilitates the **disclosure** of information **by MBIE to an employer** to enable them to **verify that a person is entitled to work for them**, and
 - d. [s305](#) permits MBIE's chief executive to **disclose** information specified in [section 306 to an overseas agency, body, or person](#) whose functions include **the prevention, detection, investigation, or punishment of immigration or other offences; or the processing of international passengers; or border security**. It also sets out that an agreement is the basis for disclosure.

¹ <https://www.mbie.govt.nz/about/open-government-and-official-information/data-sharing>

² A non-exhaustive list of examples of immigration information can be found in [section 306](#) of the Immigration Act.

³ <https://www.privacy.org.nz/tools/knowledge-base/view/199/>

⁴ An 'excluded person' is a person to whom [section 15](#) (Certain convicted or deported persons not eligible for a visa or entry permission to enter or be in New Zealand) or [16](#) (Certain other persons not eligible for visa or entry permission) of the Immigration Act 2009 applies.

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4. In some situations, the Immigration Act permits MBIE to make agreements to share information. Section [303C](#) sets out the requirements for agreements entered into under sections 303, 303A, or 303B.
 - a. [s303](#) facilitates the **disclosure of information by MBIE to a ‘specified agency’** to enable the ‘specified agency’ to either establish or **verify a person’s identity** or check matters relating to the person’s **character** ,
 - b. [s303A \(Disclosure of information to specified agencies for purposes of law enforcement, counter-terrorism, and security\)](#) facilitates the disclosure of information by MBIE to a specified agency to allow that agency a longer period of time (than set out in an agreement made pursuant to s303C) to identify any person of interest who is intending to board a craft for the purpose of travelling from New Zealand; and perform any of the agency’s functions or powers in relation to an identified person of interest before that person departs New Zealand, and
 - c. [s303B \(Direct access⁵ to information for purposes of law enforcement, counter-terrorism, and security\)](#), for the purpose of s303A, permits the chief executive of MBIE to allow the chief executive of a specified agency to access the APP⁶ information database(s) to search for information relating to a person of interest.

MBIE’s ability to share personal information is also enabled by the Privacy Act

5. Where sharing is necessary, but is not specifically facilitated under the Immigration Act, the Privacy Act contains a number of bases on which personal information sharing can also be permitted:
 - a. by exceptions to the information privacy principles (IPP) under [section 22](#),⁷
 - b. by a code of practice under Part 3, Subpart 2,
 - c. by existing authority under Part 7, Subpart 2 (identity information access provisions); Subpart 3 (law enforcement information); Subpart 4 (information matching), and
 - d. by an AISA⁸ under Part 7 Subpart 1, including where there is either no authority under the above or where authority is unclear.

⁵ Direct access can mean, for example, allowing staff from an agency external to MBIE to log directly into an MBIE IT system to access information, or using cloud-based system to enable access by specified staff to limited specific information. Direct access is an efficient way to support information disclosure where there is a large volume of ongoing requests of a similar nature.

⁶ Advance passenger processing information about persons intending to board a craft for the purposes of travelling from New Zealand.

⁷ Information privacy principles address how agencies may collect, store, use and disclose personal information. They allow a person to also request access to and have their personal information corrected. Many of these principles contain exceptions.

⁸ An AISA is an information sharing agreement between two or more agencies approved by the Governor General, through an Order in Council (which is secondary legislation made by the Executive Council) on the recommendation of the relevant Minister. AISAs can be used to grant an exemption to, or modify, one or more of the privacy principles or a code of practice. Schedule 2 of the Privacy Act 2020 lists all the AISAs in existence, the agencies party to them, the information that can be shared under them, and the purpose/s for the sharing.

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6. The IPPs that cover matters relating to the security, storage and accuracy of personal information still apply to information sharing activities performed under the Immigration Act, as does the Privacy Commissioner's jurisdiction and the information access and correction regimes.

Information sharing is generally underpinned by an information sharing agreement

7. These documents typically outline:
 - a. the purpose of the sharing,
 - b. the information to be shared,
 - c. who the information is to be shared with,
 - d. the legal basis for the sharing, and
 - e. controls in place to ensure sharing is done safely and information is used and stored appropriately.
8. Restrictions on information sharing set out in information sharing agreements exist to ensure the information being shared is accurate and reliable, as well as securely stored. These restrictions and other safeguards will continue to be put in place under the proposal.

How is the status quo expected to develop without government intervention?

9. MBIE is the authoritative source of immigration information in New Zealand (including the identity information of non-citizens). This is significant because it means MBIE has substantial potential to support compliance and law enforcement activities across the public and private sectors which can help minimise risks to New Zealand (e.g. combatting migrant exploitation and organised crime). The proposed legislative reform is an important enabler of this potential.
10. The Immigration Act's sharing provisions have not been comprehensively updated since substantive decisions about the Act were made in 2006, and would benefit from modernisation. Since then, expectations and requirements for information sharing have changed considerably and amendments to the framework that have occurred since then have been limited in their scope and focused on addressing immediate issues [ECO-24-MIN-0255]. The amendments that have been made⁹ have increased complexity, with a patchwork of purposes and authorised agencies, which does not facilitate smooth sharing. It is also notable that the Immigration Act's domestic information sharing framework for immigration information is less permissive than some of its counterparts' (in particular, the Customs and Excise Act 2018).
11. While the current framework is not an absolute barrier to sharing (which can often be facilitated under either the Privacy Act or via another agency's legislation), and the impact of the problem with the framework is therefore not severe in nature, this should not undermine this opportunity to modernise and improve the framework. This proposal for change is one of a number of amendments sought following Cabinet's decision to take a stronger approach to compliance and law enforcement [ECO-24-MIN-0255].
12. Following an invitation from Cabinet in November 2024 [ECO-24-MIN-0255], the Minister submitted a legislative bid for an amendment bill, now provisionally named the Immigration (Enhanced Risk Management) Amendment Bill. This is the vehicle through which changes to the information sharing framework are proposed to occur.

⁹ Such as through the [Worker Protection \(Migrant and Other Employees\) Act 2023](#).

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Are there other ongoing government work programmes with interdependencies and linkages to this area that might be relevant context from a systems view?

The government's direction towards digitisation and digital verification

13. [REDACTED] Free and frank opinions [REDACTED], as part of an initiative to remove barriers to the uptake of the Digital Identity Services Trust Framework. This Framework aims to create a digital identity environment where people can share their information in a way that is safe and secure. It is understood that the sharing of information will occur through 'verifiable credentials' (among other ways), which are secure, digitally signed, trusted, and standardised packets of data about individuals and organisations that can be used by persons or organisations to prove their identity and identifying factors (such as age or name) digitally.¹⁰
14. [REDACTED] Confidential advice to Government [REDACTED]. While MBIE considers that the Immigration Act does not currently preclude the use of immigration information as the basis of a trusted digital credential, we will make it explicit in the Immigration Act that INZ can issue, receive, and contribute to other agencies' verifiable digital credentials, including those related to identity and immigration status.
15. This change will help INZ convey that it is the authoritative source of identity for non-New Zealand citizens, address any concerns about the clarity of the current legislative framework for the issuance of digital credentials, and signal the government's direction.

Refresh of the 2020-2025 Transnational Organised Crime Strategy

16. A refresh of the five-year (2020-2025) Transnational Organised Crime (TNOG) Strategy, which brought together government agencies (including MBIE) to tackle organised crime by setting out a framework for greater coordination and prioritisation of government responses to transnational organised crime, commenced in 2024.¹¹
17. One of the draft objectives for this refresh is to strengthen intelligence, capability and partnerships through "improv[ing] intelligence sharing, cross-agency collaboration, and evidence-based decision making to enhance prevention and enforcement." In a March 2025 report, the Ministerial Advisory Group on Transnational, Serious and Organised Crime (TSOC), whose work will feed into the refreshment of the Strategy, noted that in order to make meaningful progress in countering the threat posed by organised crime, one of the challenges that must be addressed is improving information sharing and that in this regard a "significant transformation is necessary..."¹²
18. The above draft objective, as well as the Strategy's longstanding focus on strengthening system resilience, legislative settings, and prevention across government, is demonstrative of a clear nexus between the refresh and the proposal to modernise and improve the information sharing provisions in the Immigration Act.

What is the policy problem or opportunity?

19. On 13 November 2024, Cabinet agreed that the Bill this proposal is a part of will, as a priority, take a stronger approach to compliance and law enforcement, including

¹⁰ <https://www.dia.govt.nz/Digital-Identity-Services>

¹¹ New Zealand Police, '2nd Tier BIM – Border to Backyard: it takes a network to beat a network.'

¹² Ministerial Advisory Group on Transnational, Serious and Organised Crime, March 2025 report (TSOC-MAG 25/01).

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through updating provisions that enable immigration information to be shared [ECO-24-MIN-0255].

20. The coalition Government has also expressed a commitment to restore law and order,¹³ and it is a priority of the Minister to have efficient immigration settings that deliver improved public services and better manage immigration risks [ECO-24-MIN-0158].

The Immigration Act's information sharing provisions undermine agencies' ability to efficiently manage risks to New Zealand

There is an unmet demand for access to MBIE's immigration information

21. MBIE collects a large amount of information¹⁴ as a result of its administration of the Immigration Act and this information can play a critical part in supporting initiatives across government and in the private sector, including those that help manage risks to New Zealand. Targeted consultation with a wide range of government agencies and within MBIE confirmed that there is an unmet demand across the public sector for access to information that MBIE holds.
22. MBIE's capacity to meet this demand is limited by the Immigration Act's information sharing framework which limits its ability to respond to disclosure requests and is, by contemporary standards, outdated. In practice, this means that government agencies that seek access to immigration information are not always easily able to access it, meaning the government as a whole is unable to manage risks to New Zealand as well as it otherwise could.
23. In 2025, the government and the public expect government agencies, especially those involved in compliance and law enforcement activities, to be able to share information with each other efficiently in order to undertake their responsibilities and deliver high-quality public services.
24. Therefore, MBIE requires a modernised information sharing framework that improves its ability to both seek information from, and disclose information to, other government agencies (and in some cases the courts and the private sector) for the purposes of:
- a. strengthening its position as the authoritative source of immigration information,
 - b. better manage immigration risks,
 - c. improve the delivery of public services (e.g. disclosing information to support an agency to enforce social security requirements), and
 - d. enhancing its contribution to wider government initiatives (e.g. supporting compliance and law enforcement activities, such as combatting migrant exploitation).
25. A revised framework will create clear accountabilities for how MBIE must handle the information it collects, including the disclosure of that information, and will require written sharing agreements that set out the protections for the information. The clauses

¹³ <https://www.national.org.nz/policy-2023>

¹⁴ For example, immigration information, which comes from a wide variety of sources, given the breadth and scope of immigration services and processes, and includes (among other things) personal identification details, details of any visa held by a person, border movements, and the general history of specified people. A non-exhaustive list of examples can be found in [section 306](#) of the Immigration Act.

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will be modelled on the existing provisions in the Immigration Act for information disclosure.

The framework has not been substantially updated for some time

26. The existing information sharing framework is a product of work conducted almost 20 years ago. While there have been various amendments to the Immigration Act over the years, including enhancements to the Act's information sharing capacity (for the purpose of combatting exploitation) in 2023, those changes have been in response to immediately-presenting issues, and have not addressed problems with the wider information sharing framework.¹⁵
27. Compared with the legislation of other agencies with border functions, and in particular the Customs and Excise Act 2018, the information sharing framework in the Immigration Act is out of step.¹⁶ This means that agencies may face barriers when seeking authoritative information from MBIE that they would not if similarly authoritative information was sought from another agency (e.g. Customs).

The current sharing framework has a number of limitations that affect MBIE's operations

28. As previously identified, there are alternative information sharing mechanisms available under the Privacy Act. However, the modernisation of the sharing provisions in the Immigration Act will make sharing simpler, quicker, and avoid the current reality whereby many of the information sharing gaps present in the Immigration Act are filled by the Privacy Act on a case-by-case basis, creating a patchwork of authorities which are inefficient to administer.
29. MBIE cannot clearly demonstrate that the Immigration Act supports its ability to assist with the government's priority of building trust in digital identity services. This is especially problematic given INZ is integral to establishing and/or verifying the identity and status (e.g. confirming the right to stay, work, and/or study) of non-New Zealand citizens.

While there are other bases for information sharing under the Privacy Act, MBIE does not consider that they meet its information sharing needs

Bespoke information sharing provisions are preferable to an over-dependence on AISAs

30. While MBIE accepts that AISAs are a valuable mechanism for facilitating sharing, they are not always able to meet MBIE's needs and a revised sharing framework under the Immigration Act is appropriate. For example:
 - a. Considerably more steps (and costs) are required to establish an AISA than a sharing agreement under the Immigration Act. For example, AISAs require an agreement to be reached between two or more agencies, consultation (often with the public and the Privacy Commissioner, but also with impacted individuals and related representative groups),¹⁷ engagement of legislative

¹⁵ Changes to sections [294AAA](#) and [294AAB](#) were made via the [Worker Protection \(Migrant and Other Employees\) Act 2023](#) in the context of combatting migrant exploitation and were focused on the production of documents. These changes were constrained to a limited set of purposes and agencies.

¹⁶ For example, the Customs and Excise Act 2018 has provisions broader in scope than those in the Immigration Act, including [section 315](#) (Direct access to information for other purposes), which allows for joint Ministers to approve information sharing for a range of "maintenance of the law" related purposes, [section 316](#) (Disclosure of information other than under information matching agreement or direct access agreement), and [section 317](#) (Disclosure to private sector organisations).

¹⁷ See [section 150](#) of the Privacy Act 2020.

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processes, Parliamentary Counsel Office resource to draft an Order in Council, and decisions from Ministers and often Cabinet. While these processes have value, they are comparatively inefficient as they require consultation and engagement of parliamentary processes for each new or amended AISA, whereas sharing agreements under the Immigration Act could be made without all the above steps and (by inference) at a lower cost.

- b. Using AISAs to cover gaps in the Immigration Act's sharing capability is inefficient and administratively burdensome compared to enabling sharing agreements to be made under a legislative framework. For example, the lack of clarity in section 301 as to whether the scope of "publicly funded services" includes "benefits" has caused challenges in respect of sharing information to confirm eligibility for superannuation. Due to the way the Immigration Act is currently written, MBIE and MSD may need to establish an AISA to facilitate sharing related to "benefits", resulting in two separate sharing agreements under different frameworks for the two agencies.
- c. The breadth of sharing in AISAs can be uncertain, whereas having specificity in the Immigration Act of the purposes that MBIE can engage in sharing will provide more transparency to the public and other stakeholders.
- d. AISAs only apply to personal information, while MBIE needs to be able to share other types of information as well (e.g. information about employers).
- e. The private sector may be unwilling to enter an into AISA (given their lengthy establishment process, for example) to access authoritative immigration information that they may need to optimise the delivery of their services. For example, a bank may wish to use MBIE information to check the visa status or address of a person setting up a bank account as part of an anti-fraud initiative.

What objectives are sought in relation to the policy problem?

31. The overarching goal is to improve MBIE's ability to contribute to managing risks to New Zealand where it can do so as the authoritative source of immigration information. This will be achieved through broadening the disclosure provisions in the Immigration Act (i.e. the information sharing framework) and better facilitating the sharing of information between MBIE, other government agencies, the courts and the private sector, without the need to substantially rely on alternative methods for disclosure contained in the Privacy Act.¹⁸
32. The sub-objectives are to:
 - a. better support government agencies (including MBIE) to exercise their responsibilities both generally and to prevent information-related harms in the delivery of their services (e.g. fraud, where bad actors capitalise on opportunities to take advantage of government processes),
 - b. enhance public trust and confidence in the way that MBIE collects, uses, accesses, and corrects their information so that non-New Zealand citizens are not discouraged from providing complete and accurate information when engaging with public services, and

¹⁸ For example: AISAs and Information Privacy Principles, such as the maintenance of the law ground under section 22 (applying to principles 2, 3, 10, and 11).

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- c. make clear that MBIE is able to issue digital credentials itself, provide information to support the issuance and use of digital credentials by other agencies, and support the innovation and uptake of digital identity services in New Zealand.
33. These objectives align with the coalition Government's commitment to restoring law and order, the Minister's priority to have efficient immigration settings that deliver improved public services and better manage immigration risks [ECO-24-MIN-0158] and address the Minister for Digitising Government's focus on ensuring the Immigration Act can enable MBIE to issue or contribute to digital credentials.

What consultation has been undertaken?

34. To achieve introduction of the Amendment Bill by October 2025 (in line with the Minister's expectations), the Minister agreed to a short period of targeted consultation with key stakeholders. MBIE has consulted as broadly as possible within time constraints, by undertaking a short and targeted period of stakeholder engagement with:
- a. government agencies,
 - b. independent statutory bodies, and
 - c. representatives of impacted parties (i.e. immigration lawyers and community representatives).
35. External consultation before Cabinet decisions has largely been limited to informing key stakeholders via email of the proposal and receiving their initial feedback in writing. MBIE also offered to meet with stakeholders to discuss the proposals in more detail, if required.
36. MBIE has not undertaken significant engagement beyond this given the time available but provided all stakeholders with a discussion document formally outlining MBIE's proposal and promptly responded to any clarifying questions received.
37. Wider or public consultation was not feasible in the time available. Through the targeted consultation process, MBIE received a broad range of perspectives which have been factored into the analysis.
38. There will be two more opportunities for consultation:
- a. targeted consultation with the above stakeholders on an exposure draft of the Bill, in September 2025, and
 - b. through the six-month Select Committee stage, at which point members of the public are invited to provide written and oral submissions on the Bill.

Stakeholders impacted by the problem

39. We have identified the following affected stakeholders and the nature of their interest:
- a. **OPC**, given its role in regulating the Privacy Act, and protecting personal information, and because a number of the provisions within the Immigration Act's sharing framework contain requirements to consult with the Privacy Commissioner before entering into or varying an agreement.
 - b. **Government agencies with an interest in** improving the Immigration Act's information sharing provisions to help address **organised crime**:
 - i. Police (noting they also stand to benefit from easier access to immigration information)

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- ii. Customs
 - iii. New Zealand Security Intelligence Service (NZSIS)
 - iv. IRD
 - v. MoJ
 - vi. Ministry for Primary Industries (MPI)
 - vii. DPMC.
- c. **Government agencies that stand to benefit from easier access to immigration information** for verification or compliance purposes:
- i. MoE
 - ii. MFAT
 - iii. MSD
 - iv. Corrections
 - v. HNZ.
- d. **The Ministry for Regulation (MfR)**, given its focus on lifting quality of regulation and performance across regulatory systems, including the Immigration system.
- e. **The Department of Internal Affairs (DIA)**, given it is responsible for the overall stewardship of the government's technology strategies, the development of the digital credential concept, and secure and accurate identity verification in New Zealand.
- f. **The Ombudsman**, given its role in promoting good administration and providing feedback and guidance to agencies to improve practices.
40. We informed the above stakeholders of the proposal on 7 April 2025, allowing up to five business days to respond. Only OPC expressed a desire to meet with MBIE to discuss the proposal in more detail (this took place 5 May), with other stakeholders providing written feedback only.
41. Meetings were also held with the New Zealand Law Society and LDAC (both on 1 May), as well as the Ombudsman (6 May) as part of broader consultation on the Bill.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

42. The criteria chosen to assess the options for modernising and improving information sharing provisions are as follows (in ranked order of importance):
- a. better facilitates the sharing of information between MBIE, other government agencies, the courts and the private sector,
 - b. is administratively workable and efficient (e.g. from a resource-use perspective),
 - c. does not enable information sharing powers that go beyond reasonable expectations and adversely affect the public (e.g. there are clear purposes justifying sharing and adequate privacy safeguards in place to protect personal information),
 - d. supports wider and related government objectives and helps prevent information-related harms generally (e.g. enables better management of immigration-related risks by adequately empowering government agencies to exercise their responsibilities), and

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- e. provides enough flexibility to enable the framework to survive future changes in the demand for information and in how it is supplied (i.e. has longevity).

What scope will options be considered within?

- 43. Cabinet has agreed that the Bill this proposal is a part of will, as a priority, take a stronger approach to compliance and law enforcement, including through updating provisions that enable immigration information and data to be shared [ECO-24-MIN-0255]. This represents an expectation that changes to MBIE’s information sharing framework will be made by legislative amendment.
- 44. Two options for a revised legislative sharing framework are to be considered, as set out in the section below. Only one option is proposed as an alternative to the status quo on the basis that this option (Option Two) is considered by MBIE to be the most effective way to address the policy problem.
- 45. Other options scoped out of contention include:
 - a. **Making information sharing powers under the Immigration Act very broad and without limitation.** MBIE will not consider this option as it would give rise to substantial concerns about the absence of adequate privacy safeguards and would likely disestablish those currently in place.
 - b. **Making all information sharing performed under the Immigration Act subject to the approval of the individual that it relates to.** While this would give individuals greater control over their own information, this would result in substantial delays to existing information sharing processes, place an undesirable administrative burden on individuals, and frustrate compliance activity.

What options are being considered?

Option One – Status Quo

- 46. The information sharing framework remains unchanged and instruments under the Privacy Act are utilised to facilitate information sharing where it is not available within the scope of the provisions of the Immigration Act.

Option Two – Broaden the disclosure provisions (preferred)

- 47. Specifically, this would be achieved by:
 - a. **Replacing the ‘specified agencies’ list** (which applies across sections 302 to 303B to exclude the possibility of sharing under the Immigration Act for agencies not included on this list) **with a wider list of functions/purposes** (i.e. beyond those stated across sections 301 to 306) justifying the disclosure of, or access to, information (which may not be limited to any one agency). **Table 1** provides an example of what this could look like in practice.

Table 1: Non-exhaustive examples of new functions/purposes justifying the disclosure of, or access to, information, with potential use cases

Examples of functions/purposes proposed				
	Assisting a government agency to carry out its functions	Assisting in the prevention, detection, investigation, prosecution, or	Assisting a government agency to carry out its functions related to, or	Agreement between private sector organisation and MBIE to support

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	related to, or involving, national security	punishment of offences	involving, the protection of border security	services to clients
Example beneficiary	DPMC	Police	Customs	Banks
Examples of existing sharing instruments (generally)	None	Multi-agency AISA for the purpose of reducing Gang-related harm	Access to Passenger Name Record data (memorandum of understanding)	None
Example benefit of sharing for the function/purpose	Would facilitate sharing where it could be helpful in developing a holistic information picture of a foreign national or nationals in New Zealand	Would enable Police to check firearms licence applicants' international travel movements to help assess whether an applicant is a national security risk or has been charged or convicted of an offence overseas	Would enhance Customs' ability to manage risk at the border (in conjunction with the removal of 'persons of interest' – discussed below)	Would help validate the authenticity of visa documents being used by non-citizens who seek to open bank accounts (minimise potential for fraud in service delivery / facilitate access for migrants to banking services)

- b. **expanding the groups of individuals about which information can be shared**, for example:
- i. limiting references to 'persons of interest' which constrain sharing (sections 303A and 303B) could be removed,
 - ii. the details regarding the specific groups about which information can be shared could be determined at the time an information sharing agreement is drafted, given the intended recipient of the information will be best placed to identify who is of interest,
- c. **including a 'transparency provision'** in the Immigration Act to enhance trust and confidence in the information sharing framework and ensure the public are well-positioned to understand how information held by MBIE will be handled. This could be achieved by:
- i. including a provision akin to the existing [section 25](#) of the Immigration Act, and
 - ii. creating an associated series of webpages on the MBIE website containing relevant privacy statements,¹⁹
- d. **making explicit that INZ can issue, receive, and contribute to other agencies' digital credentials**, including those related to identity and immigration status.

¹⁹ Note that privacy statements often go further than what is specified under IPP 3 of the Privacy Act.

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How do the options compare to the status quo/counterfactual?

Criteria	Option One – Status Quo	Option Two – Broaden the disclosure and direct access provisions <i>Minus (-) = worse than status quo</i> <i>Zero (0) = similar to status quo</i> <i>Plus (+) = better than status quo</i> <i>Double plus (++) = much better than status quo</i>
<u>Better facilitates the sharing of information between MBIE, other government agencies, the courts and the private sector</u>	0	+
<u>Is administratively workable and efficient</u>	0	++
<u>Does not enable information sharing powers that go beyond reasonable expectations and adversely affect the public</u>	0	+
<u>Supports wider and related government objectives and helps prevent information-related harms</u>	0	+
<u>Provides enough flexibility to enable the framework to survive future changes in demand for information and in how it is supplied</u>	0	+
Overall assessment	0	Improves on status quo

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

48. **Option two (i.e. legislative reform)** represents a clear improvement on the status quo, as shown in the above analysis, and is MBIE's preferred option.
49. Fundamentally, broadening the disclosure provisions in the manner described under option two will modernise the Immigration Act's sharing framework, resolve its existing limitations, and improve MBIE's ability to contribute to managing risks to New Zealand where it is able to do so as the authoritative source of immigration information in New Zealand. To ensure the new framework does not permit sharing beyond reasonable expectations, it will build on the existing framework's safeguards as described below.

Better facilitating the sharing of information

50. As previously identified, the status quo for information sharing is a mixture of approaches including facilitating sharing through the provisions of the Immigration Act or through mechanisms under the Privacy Act, such as via AISAs or the 'maintenance of the law' exception. By broadening the information sharing provisions, MBIE and wider government will benefit from a framework that is considerably wider in scope and allows for a reduced dependence on the Privacy Act to facilitate disclosure.
51. While MBIE acknowledges that broadening the sharing framework may give rise to concerns about potential risks to personal information, we note that this is a further justification for disclosure needing to be set out in the Immigration Act and being clearly subjected to appropriate accountabilities or safeguards (these are set out in the consultation section below).

Information sharing with the private sector

52. As noted above, section 304 of the Immigration Act already facilitates disclosure by MBIE to an employer to enable them to verify that a person is entitled to work for them. Under option two, the scope of private sector actors that sharing could occur with will be expanded. The purposes justifying the disclosure of, or access to, information, would need to be agreed between the parties to the sharing at the point of drafting an information sharing agreement.
53. Broadening sharing powers in this way will help minimise the potential for information-related harms to occur by empowering private sector organisations to combat activities which undermine compliance and law enforcement activities conducted by government departments (and create risk to New Zealand) in relation to the delivery of these services by the private sector. For example, banks could use this enhanced access to immigration information to validate the authenticity of visa documents being used by non-citizens to attempt to open bank accounts and establish a legitimate profile in New Zealand.

Option two will also help MBIE improve trust in the way non-NZ citizens' information is handled

54. Changes in technology and government priorities around information means that MBIE must change its legislative status quo so that it can continue to build trust in the way information is handled, while also maximising the value of the information that it holds.
55. By including a 'transparency provision' (akin to [section 25](#)) in the Immigration Act as part of its broadening of the information sharing provisions, those whose information is held by MBIE will be better positioned to understand how any information about them

will be handled. As the authoritative source of identity for non-New Zealand citizens, maintaining and enhancing the trust and confidence of non-New Zealand citizens in this regard is critical so that travellers and migrants are not discouraged from providing complete and accurate information to MBIE in the future.

Administrative workability and efficiency

Information sharing agreements vs AISAs

56. While AISAs are widely regarded as valuable mechanisms to facilitate information sharing (as shown by the consultation section below), bespoke information sharing provisions under a modernised framework are preferable to AISAs, especially given their relative inefficiency and high administrative burden, as demonstrated at paragraph 30.

Replacing the 'specified agencies' list

57. Under option two, MBIE will also remove the references to 'specified agencies' in the existing information sharing framework and instead focus on 'functions'. This will remove a substantial barrier to the efficiency of information sharing, as these lists currently limit sharing to those agencies listed in sections 302 to 303B. If retained, MBIE would need to continue to rely on a mix of agreements made under the Immigration Act and ad hoc agreements relying on exceptions to non-disclosure contained in the Privacy Act.

58. The removal of these lists is also consistent with the criteria that the option should provide flexibility to enable the framework to survive future changes, given agencies' names and functions can change over time, necessitating ongoing updates to the Immigration Act that could be avoided. This change would also bring the provisions in line with those in the Customs and Excise Act 2018, which are not limited to any particular agency.

Minor and technical changes

59. Option two would also permit opportunities to address minor and technical changes needed for certain parts of the sharing framework. For example, clarity is required regarding the scope of "publicly funded services" under section 301. The lack of clarity as to whether this includes "benefits" has caused challenges in respect of sharing information to confirm eligibility for superannuation. Without reform, the current wording in s301 may require MBIE to use an AISA to facilitate sharing for "benefits" and result in separate sharing agreements being made under different sharing frameworks.

Does not enable information sharing powers to go beyond reasonable expectations and adversely affect the public

60. Relative to the status quo, there is a possibility that by broadening the information sharing provisions that stakeholders (including the public) regard the expansion of those powers as going beyond reasonable expectations of how far sharing should extend.

61. While, under option two, individuals' information provided to INZ would likely be shared more broadly than the Immigration Act currently allows for, this will often be to their benefit insofar as that sharing can assist other agencies in more efficiently being able to exercise their responsibilities and deliver public services. Both citizens and non-citizens will be beneficiaries of this. For example:

- a. Government agencies will be better enabled to support non-citizens' access to public services. For example, broader sharing powers could assist in validating the authenticity of INZ visa documents being used by non-citizens to open bank accounts, register with agencies, and establish a legitimate profile in New Zealand.
 - b. Permitting broader grounds for direct access to personal information between agencies and expanding the groups of persons who can be subject to disclosure beyond 'persons of interest' could enable multi-agency initiatives to proactively develop intelligence and identify bad actors targeting New Zealand as well as 'unknown unknowns', without needing to wait until criminal offending occurs.
62. To address the risk of personal information being mishandled under option two, MBIE is proposing to retain and enhance privacy protections. For example, existing requirements to consult with the Privacy Commissioner before entering into/varying agreements made under the Immigration Act under sections 301 to 303C and 305 would be retained, and a new provision to improve public trust in how MBIE handles information will be introduced (i.e. the 'transparency provision' referred to above). A series of other privacy safeguards are proposed for implementation under the section titled '*What is the level of stakeholder support for the recommended option?*' below. These include, for example, introducing a standardised process for making information disclosure agreements, with strict requirements regarding the security of the information (for example), and that these are made publicly available.
63. More broadly, MBIE considers that option two enables the ease of sharing within itself and between government agencies that the public would expect of it in 2025, particularly given the significant advances in technology facilitating information sharing since 2006.

Supports wider government objectives and helps prevent information-related harms

Supporting the government's direction towards digitisation and digital verification

64. Relative to the status quo, a core benefit of option two is that it will help support wider government outcomes. For example, MBIE being able to issue digital credentials is in line with the government's overall direction towards digitisation and digital verification, and in particular initiatives to remove barriers to the update of the Digital Identity Services Trust Framework. If option two is not facilitated, concerns about where digital credentials are permitted under the Immigration Act will remain.
65. As part of option two, MBIE will make explicit that INZ can issue, receive, and contribute to other agencies' digital credentials, including those related to identity and immigration status. INZ's stakeholders, including public and private sector organisations, as well as non-NZ citizens, stand to benefit from the issuance (and INZ's consumption of) digital credentials.

Enhancing MBIE's capacity to provide authoritative information can mitigate the potential for information harms to occur in other regulatory systems and the private sector

66. As the authoritative source of identity information for non-NZ citizens, MBIE ought to be able to access information held by other agencies of that nature so that it can become a 'one-stop-shop' for agencies seeking access that information to help them exercise their responsibilities, minimise risks of non-compliance and to law enforcement, and better contribute to government objectives generally.

67. For example, improved access to information held by other agencies would put MBIE in a better position to assist agencies across government (and in some cases the private sector) in verifying a non-NZ citizen's eligibility for services and minimise opportunities for bad actors to exploit their processes.

Supporting initiatives to address transnational organised crime

68. In its March 2025 report, the Ministerial Advisory Group on TSOC, established to provide independent expert advice on tackling organised crime within New Zealand, noted that in order to make meaningful progress in countering the threat posed by organised crime, one of the challenges that must be addressed is improving information sharing and that in this regard "a significant transformation is necessary – where vital intelligence on organised crime is proactively exchanged between government agencies – and key partners in the private sector, such as banks, ports, and airports."²⁰
69. One of the TSOC initiative's draft objectives is to strengthen intelligence, capability and partnerships through "improv[ing] intelligence-sharing, cross-agency collaboration, and evidence-based decision-making to enhance prevention and enforcement." Option two, in better facilitating efficient sharing of information between MBIE, government agencies and the private sector, will better position MBIE to contribute towards this objective, as well as the work of this initiative generally.

What is the level of stakeholder support for the recommended option?

70. The Minister agreed to MBIE informing key external stakeholders of the proposal in advance of Cabinet decision-making. The stakeholders who provided feedback to the proposal outlined in this RIS included: Corrections, DPMC, HNZ, IRD, MSD, MoE, MFAT, MoJ, Police, the Ombudsman, OPC, LDAC, and the New Zealand Law Society.
71. The following stakeholders were consulted but provided no feedback: DIA, MfR, Customs, and the NZSIS.
72. Of the stakeholders consulted who provided feedback, the majority were supportive of the proposal, while several provided neutral feedback. OPC voiced opposition to the proposal for legislative reform insofar as it is of the view that the use of existing sharing mechanisms (notably AISAs) provide a better vehicle for identifying and managing privacy impacts. It also expressed concerns about "potentially significant privacy impacts" of sharing sensitive information with a larger group of agencies and for broader purposes.

The majority of stakeholders supported broadening the information sharing provisions

73. Of those who supported the proposals, the theme of feedback was that it was a "sensible and useful modernisation of the [Immigration] Act", with many citing examples of instances where a broader information sharing framework could facilitate better access to information held by INZ (and MBIE more broadly) to assist them in fulfilling their functions. For example:
- a. Corrections asked that MBIE consider adding "transnational organised crime" and "violent extremism" to the expanded groups about which information can be shared.
 - b. DPMC noted MBIE could widen the purposes justifying disclosure of, or access to, information to include "agencies' regulatory and national security

²⁰ Ministerial Advisory Group on Transnational, Serious and Organised Crime, March 2025 report (TSOC-MAG 25/01).

responsibilities” to facilitate sharing where it could be helpful in “developing the information picture”.

- c. HNZ noted that as public health services are subject to eligibility rules that depend, in part, on immigration status, they could benefit from being included in a revised specified agencies list.
- d. IRD noted that adding them to the specified agencies list would allow for disclosure that may not be captured by an AISA.
- e. MSD noted that the proposal could increase their ability to validate the identity and application information of clients against immigration and travel records held by INZ/MBIE.
- f. MoE noted that the ability to have improved data sharing processes with INZ would have a significant positive impact on multiple elements of education data, such as identity verification, eligibility for education and non-enrolment.
- g. MoJ noted that facilitating information sharing that assists with combatting organised crime will contribute to a draft TSOC strategy objective to “improve intelligence sharing, cross agency collaboration, and evidence-based decision making to enhance prevention and enforcement.” This is referenced from paragraph 68 above.
- h. Police noted that access to immigration information for a wider range of purposes than those currently in place could enable them to:
 - i. identify deceased people who are not NZ citizens, including to assist with coronial processes,
 - ii. check recruit applicants’ international travel movements to assess whether an applicant is a national security risk,
 - iii. check firearms licence applicants’ international travel movements to assess whether an applicant is a national security risk or has been charged or convicted of an offence overseas, and
 - iv. verify whether an alcohol licence applicant is legally entitled to live and work in NZ for the period of the licence.

Several stakeholders questioned why legislative reform was required, and stressed the need for privacy protections under any new sharing framework

- 74. Several stakeholders (MSD, IRD, OPC) questioned why legislative reform was required, given AISAs could achieve the same information sharing outcomes without the need for legislative change, and emphasised that any revised information sharing framework should include adequate privacy protections (MoJ, MSD, OPC, the Ombudsman and the New Zealand Law Society).
- 75. MBIE has addressed the rationale behind its preference for legislative reform over the status quo in the problem definition section above. During consultation, LDAC stated that while their guidelines “state that new legislation should only provide for personal information sharing where sharing cannot be done using one of the mechanisms in the Privacy Act... LDAC accepts that legislation may be preferable in this circumstance.”
- 76. In respect of privacy protections, MBIE will consider the implementation of the following privacy safeguards, among others, as part of any updated information sharing framework:

- a. A standardised process for making information disclosure agreements and that these agreements be published (with any appropriate redactions under the Official Information Act 1982).
 - b. The Privacy Commissioner will continue to be consulted before agreements are made or amended.
 - c. Agreements must specify:
 - i. the class or type of information that is being disclosed,
 - ii. the purpose to which the information will be put,
 - iii. requirements regarding the security of the information (including storage and disposal),
 - iv. who can access the information,
 - v. how (or whether) information can be further disclosed by the recipient, and if so, relevant conditions, and
 - vi. a review requirement, the details of which are decided by the parties to the agreement but will include aspects such as how often arrangements would be reviewed, how disclosure breaches will be dealt with, and whether the results of reviews or breaches would be published.
 - d. Direct access will continue to be subject to controls and specific accountabilities given the risk to personal information inherent in that form of disclosure, such as:
 - i. any disclosure agreement that includes direct access include procedures to record what information has been accessed and by whom and specify sanctions for misuse.
 - e. Where information is disclosed for a purpose listed in the framework, it must be accompanied by appropriate protections, including that it be kept, used and further disclosed by the receiving agency in accordance with the Privacy Act or other applicable law.
77. The Office of the Ombudsman and the Office of the Privacy Commissioner shared concerns about MBIE being able to share information it holds about an individual's character to other agencies, on the basis that:
- a. MBIE must consider the accuracy of character information it holds about an individual and have safeguards in place for sharing this. This will be important where the information is untested, has not been referred to the individual for comment, and/or may otherwise lead to prejudicial decisions being made by another government agency.
 - b. Before sharing character information, or any other prejudicial information, MBIE should consider whether the individual should be consulted and, where proposals include automated decision making, a human check should also be required when conducting a case-by-case assessment.
78. MBIE acknowledges that it has accuracy obligations in regard to character information under the Privacy Act (which will remain under option two) and that the sharing of this information is already permitted under the Immigration Act (sections 302 and 303). MBIE clarified this position with OPC during consultation on the proposals on 5 May. The Office of the Ombudsman did not raise this as a specific concern during the consultation session on 6 May.

Upcoming consultation with stakeholders

79. Wider consultation with the public will be included in the normal select committee process, and engagement on an Exposure Draft of the Bill with key stakeholders will occur later in the policy process and ahead of Cabinet Legislative Committee decisions.

Is the Minister’s preferred option in the Cabinet paper the same as the agency’s preferred option in the RIS?

80. Yes.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
MBIE	One-off costs of making changes to procedures (e.g. drafting standard operating procedures for the new framework)	Low	High
	Ongoing costs of creating and administering information disclosure agreements	Low	High
Wider government	Costs of developing information disclosure agreements	Low	High
Additional benefits of the preferred option compared to taking no action			
MBIE	More efficient use of administrative resources (reduced need to use AISAs, as sharing agreements can be made under the new framework)	High	High
	Maintain public trust and confidence that information is being used and managed within appropriate boundaries and protections	High	High

Affected groups	Comment	Impact	Evidence Certainty
Wider government	More efficient means to access/use MBIE's information for a range of government purposes (sharing can be quickly and easily facilitated via sharing agreements under the new framework)	High	High
	Improved outcomes in law enforcement and regulatory oversight ²¹	High	High
Non-NZ citizens	Greater certainty and transparency in how information is being managed by MBIE and disclosed to government and the private sector	High	High
Private sector	More efficient means to access/use information held by MBIE to mitigate risk of information-related harms (e.g. fraud)	High	High

81. A limitation of this analysis is that the costs and benefits can only be analysed qualitatively due to an absence of hard data.
82. While a new sharing framework would widen the potential opportunities for information disclosure, the outcomes will depend on when agencies choose to make use of those opportunities.
83. The proposed updates to the information sharing framework are not assessed as having any additional compliance costs on non-NZ citizens, i.e. they would not be required to supply additional or new information to MBIE and may need to provide *less* information to MBIE and other government departments as a result of greater information sharing. However, it may require minor changes to MBIE's procedures and will require agencies who wish to use MBIE's information on an ongoing basis to incur costs to establish information disclosure agreements with MBIE.

²¹ Improved information sharing to a wider range of government agencies under the new framework for a wider range of purposes will help agencies to better perform their regulatory functions.

Section 3: Delivering an option

How will the proposal be implemented?

84. Option two will be implemented through an amendment to the Immigration Act, i.e. the Immigration (Enhanced Risk Management) Amendment Bill. Confidential advice to Government
85. MBIE is developing an implementation plan for all proposals in the Bill. For the proposals in this RIS, the following implementation steps have been identified (these have been informed by external and internal consultation):
- a. Develop new information sharing agreements. This will require input from across MBIE (e.g. operations, privacy, policy, legal staff) in order to prioritise within available resources and then engagement with respective agencies, and consultation with OPC. This may include reviewing pre-existing sharing arrangements to ensure consistency with the new legislative framework.
 - b. Develop (or review) standard operating procedures for staff (for example, where compliance staff can request information about an employer from another agency). Various parts of MBIE will assist with their creation, e.g. operations, privacy, policy, and legal staff.
 - c. Deliver any required training to MBIE staff.
 - d. Develop a communications plan to ensure that the public is aware of the enhanced transparency obligations (i.e. identifying relevant website updates and communications to key stakeholders).
 - e. As part of the Our Future Services programme (designed to make sure INZ is set up to deliver a cost-effective immigration system that is productive, effective at managing immigration risk, and provides a more seamless experience for both customers and staff), develop and promote digital credentials into its design.
 - f. Design the monitoring and reporting framework.
86. Implementation planning will continue in parallel with the development of the Bill. The Immigration System Governance Group (Deputy Chief Executives of all parts of MBIE that have an immigration function) have been informed of the early implementation planning.

How will the proposal be monitored, evaluated, and reviewed?

87. Under the proposed legislative framework, information sharing agreements will be required to establish an in-built review process at point of creation, to ensure they are reviewed at appropriate intervals, are operating as intended, and are delivering the desired outcomes for all parties involved. The parties to the sharing agreements will determine the appropriate frequency of these reviews and any indicators of success.
88. There are also overlapping requirements for oversight, including the information sharing standard issued by the Government Chief Digital Officer (which must be implemented by all public service agencies from 1 July 2025). This sets out a [standard for providing non-government third parties with access to, or collection of, government-held personal information](#) and has been designed to protect personal information in that context.
89. Cabinet has agreed to a programme of regular and targeted reviews of the Immigration Act, to contribute to government's priority of a strong performing regulatory system and

up-to-date legislation [ECO-24-MIN-0255]. MBIE anticipates that work on a further Amendment Bill will commence in 2027. This means there will be vehicles going forward to address any future issues that may be identified as a result of these changes to the information sharing framework.