



Inland Revenue
Te Tari Taake

Policy and Regulatory Stewardship
Kaupapa me te Tiaki i ngā Ture
55 Featherston Street
PO Box 2198
Wellington 6140
New Zealand

T. 04-890 1500

16 July 2021

The Ministry of Social Development (MSD) and Inland Revenue are interested in your views on a proposal to amend an existing information sharing agreement. The objective of the amendment would be to provide better policy advice to improve services.

In 2017, MSD entered into an information sharing agreement with Inland Revenue for the purpose of, amongst other things, assessing eligibility for and entitlement to benefits and subsidies. Inland Revenue and MSD share information because they have joint policy responsibility for the administration of some social policy products (such as Working for Families tax credits).

However, it has been determined that the desired information sharing between Inland Revenue and MSD for costing and modelling purposes is not a permitted disclosure under sections 18D to 18J of the Tax Administration Act 1994 and nor could the information be provided under Inland Revenue and MSD's Approved Information Sharing Agreement (AISA).

We are therefore considering an amendment to the AISA to allow information to be shared for costing and modelling purposes by both agencies which will assist with policy development and providing better advice to the Government. No additional information would be shared, rather the information already shared under the existing AISA could be used for a different purpose and the normal privacy and security safeguards would continue to apply.

Any policy costing information disclosed to Ministers to assist them with decision making will be aggregate information that does not identify any individual. For example, information on impacts would only be presented as numbers of people within income bands or with a particular family composition. Once the Government has made decisions on the policy, any information (including individual information) will be destroyed in line with best practices.

We are interested in your views on such an amendment. To assist with your consideration a draft of the possible amendment to the AISA is attached.

Submissions on any aspect of the proposal should be made by email to policy.webmaster@ird.govt.nz by 13 August 2021 with "AISA amendment" in the subject line.

Submissions may be the subject of a request under the Official Information Act 1982, which may result in their publication. The withholding of responses on the grounds of privacy, or for any other reason, will be determined in accordance with that Act. If you

consider that any part of your submission should properly be withheld under the Act please clearly indicate this.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Carolyn Elliott', with a stylized flourish at the end.

Carolyn Elliott
Policy Lead
Inland Revenue

INLAND REVENUE

AND

MINISTRY OF SOCIAL DEVELOPMENT

**AMENDMENT RELATING TO THE APPROVED INFORMATION
SHARING AGREEMENT BETWEEN INLAND REVENUE AND
THE MINISTRY OF SOCIAL DEVELOPMENT
UNDER SECTION 18E(2) OF THE
TAX ADMINISTRATION ACT 1994 AND PART 7 OF THE
PRIVACY ACT 2020**



AMENDMENT dated

2021

PARTIES

Inland Revenue (IR) (acting through the Commissioner of Inland Revenue)

Ministry of Social Development (MSD) (acting through the Chief Executive)

BACKGROUND

- I. Inland Revenue and MSD are parties to an Approved Information Sharing Agreement (the Agreement) under section 18E(2) of the Tax Administration Act 1994 (TAA) and Part 7 of the Privacy Act 2020 which enables the Parties to share Information for the purpose of:
 - (a) Assessing eligibility for, and entitlement to, Benefits and Subsidies (in relation to applicants for, or current or past recipients of, Benefits or Subsidies);
 - (b) Assessing and enforcing any obligations related to Benefits and Subsidies, including recovering any associated debt (in relation to applicants for, or current or past recipients of, Benefits or Subsidies);
 - (c) Assessing and enforcing current or past Tax Obligations, including recovering any associated debt; and
 - (d) registering new customers or updating customer Contact Information and Identifying Information (including in relation to taxpayers and applicants for, or current or past recipients of, Benefits or Subsidies).

- II. In accordance with clause 13 of the Agreement, the Parties wish to vary the Agreement to enable the Parties to share Information for the purpose of undertaking costings and modelling of policy proposals.

COVENANTS

1. DEFINITIONS AND INTERPRETATION

- 1.1 Definitions:** In this Amendment, including the Background, terms defined in the Agreement have the same meaning where used in this Amendment and the following terms have the following meanings unless the context requires otherwise:

Agreement means the Approved Information Sharing Agreement between the Parties that is made under section 18E(2) of the TAA and Part 7 of the Privacy Act 2020 (previously section 81A of the TAA and Part 9A of the Privacy Act 1993) and is approved by the Order in Council, and includes the Schedules and any amendment made by the Parties.

TAA means the Tax Administration Act 1994;

Amendment means this Amendment, including any Annexure to it; and

Effective Date means the date this Amendment is signed by both Parties.

1.2 Interpretation: In this Amendment:

- (a) headings are for convenience only and have no legal effect;
- (b) reference to the singular includes the plural and vice versa; and
- (c) reference to any document includes any amendment, supplementation or replacement of it made from time to time.
- (d) unless the context requires otherwise, references to clauses and Annexures are to clauses and Annexures to this Amendment;
- (e) unless the context requires otherwise, references to any statute include any amendment to, or replacement of, that statute and any subordinate legislation made under it.

2. AMENDMENT

2.1 Amendment of terms: The Parties agree to amend the Agreement as set out in the Annexure with effect on and from the Effective Date.

2.2 Terms remain in effect: Except as expressly varied in this Amendment, the terms contained in the Agreement continue and remain in full force and effect.

3. COUNTERPARTS

3.1 Counterparts: This Amendment may be signed in any number of counterparts all of which, when taken together, will constitute one and the same amendment. A Party may enter into this Amendment by signing any counterpart.

EXECUTED:

The Commissioner of Inland Revenue, or her authorised delegate Signature:
Name:
Position:
Date:

Witnessed by:
Name:
Date:

The Chief Executive of the Ministry of
Social Development, or his
authorised delegate

Signature:

Name:

Position:

Date:

Witnessed by:

Name:

Date:

ANNEXURE

The Agreement is amended as set out below. In the event of any inconsistency or contradiction between the Agreement and the terms set out in this Annexure, the terms set out in this Annexure apply.

1. CLAUSE 2 OF THE MAIN BODY OF THE AGREEMENT

A new sub-clause (e) is added to clause 2 of the main body of the Agreement in the following terms:

- (e) undertaking the costings and modelling of policy proposals.