Access to the registers:

- births
- deaths
- marriages
- civil unions
- name changes

Have your say!
Foreword

In 2009 changes were made to the way people can access birth, death, marriage, civil union, and name change (BDM) information held by the Department of Internal Affairs (the Department).

The purpose of this Discussion Paper is to get feedback on the changes that were made to BDM access provisions, to see if these provisions are effective and adequate or if they need to be changed.

The Births, Deaths, Marriages, and Relationships Registration Act 1995 (the Act) includes the current access provisions. Section 78J of the Act requires the Minister of Internal Affairs (the Minister) to conduct a review of the ‘access provisions’ five years after implementation. A summary of these access provisions are set out in Appendix 1. The Department is leading this review on behalf of the Minister.

This review will:

• only consider the access provisions of the Act, not a review of the entire Act;
• not look at information sharing and / or data matching between government agencies; and
• not include consideration of access to “protected” data (for example pre-adoption records).

The review will have a number of stages. This Discussion Paper is the first opportunity to have your say. Should this public consultation process identify a need for substantive changes the Department will develop proposals for further consideration. These will be publicly released as a Proposals Paper in the middle of 2015. You will have another opportunity to comment on these proposals before the Department presents its recommendations to the Minister.

It is the Department’s intention to allow the public a wide opportunity and scope to contribute to the review of these access provisions. Submissions are encouraged and all will be considered as part of the review process.
Ways to make a submission

The Department welcomes and invites any person or group within New Zealand or overseas to make a submission on the access provisions of the Act.

No particular form is needed to make a submission but you can use this document to write your answers.

You do not have to answer all the questions in this document. If you would like to comment on other things about how Births, Deaths, and Marriages (BDM) processes work, please include this feedback on the Other Issues page.

Submissions can be made on-line at www.dia.govt.nz/bdmreview

Alternatively, submissions can be emailed to bdmreview@dia.govt.nz

Postal address
Births, Deaths, Marriages, and Relationships Registration Act 1995 Review
Department of Internal Affairs
PO Box 805
Wellington 6140

The final date for lodging submissions is 25 February 2015.
What will happen to your submission

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>21 January 2015</td>
<td>Discussion Paper released and call for submissions</td>
</tr>
<tr>
<td>25 February 2015</td>
<td>Deadline for submissions</td>
</tr>
<tr>
<td>March - April 2015</td>
<td>Consideration and development of possible proposals for changes to the access provisions in the Births, Deaths, Marriages, and Relationships Registration Act 1995</td>
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<tr>
<td>May 2015</td>
<td>Proposal Paper released and call for submissions (if required)</td>
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<tr>
<td>June 2015</td>
<td>Submissions close on Proposal Paper</td>
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<tr>
<td>31 August 2015</td>
<td>Final report to Minister of Internal Affairs</td>
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The Department will publish all the submissions it receives and provide a summary of them on its website [www.dia.govt.nz](http://www.dia.govt.nz). This will include your name or the name of your group but not your contact details.

Submissions may be subject to a request to the Department under the Official Information Act 1982. Personal details can be withheld under this Act, including names and addresses. If you or your group do not want any information contained in the submission to be released, you need to make this clear in the submission and explain why. For example, you might want some information to remain confidential because it is commercially sensitive or personal. The Department will take this into account when responding to such requests.

The Privacy Act 1993 governs how the Department collects, holds, uses and discloses personal information about submitters and their applications. Submitters have the right to access and correct personal information.

When the review is completed, all documents (including submissions) will be kept by the Department. An electronic archive of this material will be available on the Department's main website ([www.dia.govt.nz](http://www.dia.govt.nz)) for a period after the end of the review.

You can find out more about the work of the Department and the process to access BDM information on the Department's website.
Background of the Review

The Department is responsible for holding and maintaining the BDM registers under the Act. This Act governs access to information held on the BDM registers.

Prior to 2009, the Act allowed for largely open access to BDM information with few measures in place to control access. For instance anyone could generally apply for anyone else's birth, death, marriage, or civil union certificate by supplying a name, date and place of the event of that record.

The Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (Amendment Act) put in place the current access provisions to better regulate access to registered information about births, deaths, marriages, civil unions and other relationships. While open access was mainly retained through the Amendment Act, measures were put in place to help increase an individual's awareness and control over how his or her personal information is disclosed while balancing the public's need to access this information. The access provisions were also put in place to improve the ability of the Registrar-General to collect and verify information and to modernise the law to take into account relevant technological and social developments.

One of the provisions put in place by the Amendment Act requires the Minister to conduct a review of the BDM access provisions (sections 74 to 75G, and 78H) after they have been in place for five years (section 78J).

This review provides an opportunity to test whether the changes made to BDM access provisions are effective and adequate, while considering how to balance the need for regulated controls to ensure people's personal information is protected from inappropriate use and the public's interests in accessing BDM information.

Outline of the Discussion Paper

Initially this Discussion Paper asks four general background questions about the way you access BDM information. The paper then defines each of the access provisions for BDM information, describes how these provisions work, identifies the current data on the use of these provisions, and asks for your feedback on the operation of these provisions. These access provisions include:

- general access to BDM information;
- historical and non-historical BDM information;
- BDM source documents;
- an access register;
- non-disclosure directions;
- research purposes (statistics, health, historical, demographic); and
- disclosure of death information to NGOs and private sector agencies.

There is also an opportunity for you to raise any other issues you consider relevant to the review of the access provisions in the Act.
General background questions about your access to BDM information

We are interested in finding out the various ways that people access BDM information and the uses of this information (please note these questions are optional).

1. What BDM information have you accessed over the last 5 years? (you can select more than one)
   - birth certificates
   - marriage certificates
   - name change certificates
   - birth print-outs
   - marriage print-outs
   - name change print-outs
   - death certificates
   - civil union certificates
   - death print-outs
   - civil union print-outs
   - other: Please state

2. Over the last 5 years, how have you requested access to BDM information? (you can select more than one)
   - online (i.e. used the Department's or another organisation's historical records website)
   - online (i.e. used a verified RealMe account to access the BDM non-historical website)
   - phone
   - post
   - face to face
   - email

3. For what purposes have you accessed BDM information? (you can select more than one)
   - got my own certificate or printout
     - in support of proving my entitlement for a service or product
     - other: Please state
   - got a certificate or print-out of a family member
     - in support of proving my or a family member’s entitlement for a service or product
     - other: Please state
   - got a certificate or print-out of an unrelated person (refer note 1)
     - for genealogy research
     - other: Please state
   - got another product: Please state product and purpose

Note 1: An unrelated person is anyone who is not related by blood or marriage. For the purposes of this document people who are related from a previous generation to the subject of the record, are considered as family members, not an unrelated person.
4. **In what role(s) do you use BDM information?**

- [ ] private sector organisation
- [ ] public sector organisation
- [ ] genealogist / family historian
- [ ] journalist
- [ ] funeral director
- [ ] lawyer
General access to BDM information

CURRENT MODEL

Currently anyone can request access to their own or anyone else's BDM information but the request must be in respect of a named person. This is because a request must sufficiently distinguish one person's record from another person's record. For instance a request for a copy of birth certificate must specify the family name and first name of the subject of the record, and their place and date of birth.

Evidence of identity is required for all access requests for non-historical BDM information (refer note 2). This can be achieved by applicants presenting government-issued photo identification such as a passport or driver licence; through applicants using the verified RealMe account (refer note 3), or by applicants answering a number of questions correctly about the information the Department holds about the applicant. Evidence of identity details are checked against BDM records where possible, and may be checked against other government agency records.

People can request access to BDM information in various ways, for instance: online; by completing and posting a form; or by telephone. Historical BDM information (other than name change information, and civil union information (refer note 4)) is searchable online at www.bdmhistoricalrecords.dia.govt.nz/home and does not require a verified RealMe account. This website provides high level BDM information and allows people to order and pay for BDM certificates or printouts.

Information about how BDM information has been accessed is presented in Appendix 2.

KEY QUESTIONS ON SPECIFIC ISSUES ABOUT ACCESSING BDM RECORDS

5. Does the current rule that requires specifying a ‘named person’ prevent you from getting the information you want? If it does, please explain how?

Note 2: Each type of BDM record is defined as either 'historical' or 'non-historical'. Non-historical BDM information are those more recent records of events that occurred more recently than the time limits for the historical records (see the Glossary for time limits that define historical BDM records).

Note 3: A RealMe verified account allows people to quickly and easily prove their identity online to a range of government agencies.

Note 4: As civil unions were not implemented until 2005, information about those records will not be available as historical records until at least 2085. Similarly name change certificates which relate to people who were born overseas that changed their name in New Zealand have only been available since January 2009. The name change records will only become available when the individual is at least 100 years old.
6. Do you have suggestions for a different way of getting BDM information other than specifying a ‘named person’?

7. Do you consider the evidence of identity check, especially in conjunction with the access register (see the access register page), is an effective way of deterring people from accessing BDM information for criminal or other inappropriate purposes?

8. If not, do you have any suggestions for a more effective process?

9. How could we make it easier for you to access and/or search for BDM information while trying to ensure that people don’t misuse this information and protecting a person’s privacy interests?
Historical and non-historical information

CURRENT MODEL

Many people wish to access a wide range of BDM information from different time periods including most recent records to historical records. Each type of BDM record is defined as either 'historical' or 'non-historical'. Historical records include:

- births that occurred at least 100 years ago
- stillbirths that occurred at least 50 years ago
- a marriage or a civil union that occurred at least 80 years ago
- a name change for someone whose birth is registered overseas, and who was born at least 100 years ago; and
- deaths that occurred at least 50 years ago, or where the deceased's date of birth was at least 80 years ago. That is, if a person dies at 30 years this record will not be available for 50 years; if a person dies at 79 years, the record will be available in one year.

You can search for historical birth, death and marriage records and order associated certificates and print outs on the Department’s website at www.bdmhistoricalrecords.dia.govt.nz/home. You can also apply for historical certificates or printouts by phone, email, post, fax, or in person at one of the Department's offices.

Non-historical records relate to events that occurred more recently than those historical time periods. Non-historical birth, death, marriage, civil union, name change certificates and print outs can be ordered on the Department’s website. To order a non-historical certificate or print-out online you need to have RealMe verified account which enables you to prove who you are online. However, you cannot search non-historic records through the Department's website. You are also able to make your search request by phone, post or in person at one of the Department's offices.

Since 2008, the majority of births, deaths and marriages certificates requested after registration have been requests for non-historical BDM information.

All civil union certificate and name change requests are non-historical because civil union status has only been legal in New Zealand since 2005 and name change certificates have only been available since 25 January 2009.

KEY QUESTIONS ON HISTORICAL AND NON-HISTORICAL INFORMATION

10. In your view, are the time limits used in the current model to define historic information right? If not, what time limits would you suggest and why?
11. Can you access the historical and non-historical information you want?

12. If not, what historical and non-historical information would you like to access?
Source documents

CURRENT MODEL

A source document is any information recorded under the Act other than that which appears on the registered record of the event. For example a source document could be a birth, death or marriage registration form or a letter from an individual requesting that a record be amended. The definition also covers prior version(s) of a record including the paper-based register books that were kept prior to 1998, and from which the information has now been digitised.

An individual (or his or her personal representative) can access source documents related to their own BDM information.

A third party can access a source document only if she or he satisfies the Registrar-General that access is required to ensure the information on the relevant BDM register is correct, or if access is required for a purpose consistent with the Act’s purposes, and a certificate or print-out would be insufficient to meet that purpose. For example, a law enforcement agency may need to check who signed the birth or marriage registration form. This information does not appear on a certificate or print-out.

Since 2009, the number of requests for source documents has decreased. For instance the number of requests for source documents in 2009 were 845 and in 2013 the number of requests were 658 (a decrease of 22 per cent). The name change form was the most requested source document since 2008 as this is the main form of evidence for persons whose births are not registered in New Zealand and who changed their name prior to 2009. Most source documents have been requested by postal mail.

KEY QUESTIONS ON SOURCE DOCUMENTS

13. Have you accessed your own or another person’s source documents?

14. Why did you need the source document instead of a certificate or print-out?
15. Do you think the current rules concerning access to source documents are appropriate? If not, can you suggest other rules that will safeguard source documents?
Access Register

CURRENT MODEL

The Department holds an access register which allows people to find out the name of the person who accessed their records (for example by way of a certificate, print-out, or copy of source documents) on or after 25 January 2009.

The access register generally contains the following information on every request for birth, marriage, civil union and name change information:

- the full name of the applicant at the time of the request;
- the date the applicant made the request; and
- whether or not the request was granted.

Public sector agencies can request a copy of all entries in relation to any person for maintenance of the law purposes (for example for investigating and prosecuting offences).

The register does not include access requests made by a public sector agency for law enforcement purposes, or where the access is authorised by other legislation.

The access register does not record details about people who have accessed death records.

Only 45 access requests have occurred since 25 January 2009. Of these access requests 70 per cent were from individuals and 30 per cent were from other people or public sector agencies finding out who has accessed other people's birth and marriage information. All but one access register request was made by postal mail.

Currently there is no fee charged to a person who requests information from the access register. The Act provides that a charge may be set.

KEY QUESTIONS ON ACCESS REGISTER

16. Do you think the access register is an effective deterrent to potential misuse of births, marriages, civil unions and names changes information for unlawful purposes?
17. If you found out that someone accessed your birth, marriage, civil union or name changes information and misused this information, what would you do about this?
Non-disclosure directions

CURRENT MODEL

A non-disclosure direction restricts an individual’s BDM records from inappropriate access by third parties. An individual (or her or his personal representative) can request a non-disclosure direction by making an application to the Registrar-General.

The grounds on which a non-disclosure direction may be placed on a person’s records are if the Registrar-General is satisfied that the person reasonably believes that disclosure of the registered information would risk the personal safety of that person or his or her family. The non-disclosure direction expires after 5 years unless it is reinstated or withdrawn.

However, people may still request access to records that are protected by non-disclosure directions if the information is for certain authorised purposes (including: use in court proceedings; administration of an estate or trust; law enforcement; and where access is authorised by other legislation).

In addition, where information has become publicly available about a person whose records are protected by a non-disclosure direction (for example their age has been published in a magazine), any other person may ask for that published information to be checked against their BDM records.

If a non-disclosure direction is in place on a person's records, generally only the person who is the subject of the information (or a parent if the person is under 18), or any other person authorised by the subject of the information may request a certificate or print-out of the record. If any other person attempts to access registered information when a non-disclosure direction is in place he or she will be advised that the information exists but that the information cannot be provided.

There have been a total of 103 non-disclosure direction applications since 2009. Of these, 38 non-disclosure direction applications were approved. As at October 2014, all of these approved applications remain on a non-disclosure direction.

KEY QUESTIONS ON NON-DISCLOSURE DIRECTIONS

18. Do you think that a non-disclosure direction is an effective way of protecting individuals’ BDM records from inappropriate access by third parties? If not, why not?
19. Do you consider the grounds (for example disclosure of the registered information risking personal safety of that person or his or her family members) on which a non-disclosure direction can be obtained are adequate? Are these grounds too narrow or too broad?

20. What other grounds could be considered for non-disclosure directions?

21. Do you think there are other ways to have your records protected in this way?

22. Should non-disclosure requests be time limited, and if so is the current 5 year duration appropriate?
Research purposes (statistics, health, historical, demographic)

CURRENT MODEL

Government agencies and third parties can make tailored search requests for approved research purposes. For health research purposes the request may include identifying information about living individuals. However requests for statistical, historical and demographic research purposes must exclude identifying information about individuals who are alive or may still be alive (because they were born less than 120 years ago) (refer note 5).

If the request covers information that will identify living individuals the Privacy Commissioner (refer note 6) must be consulted before steps are taken to act on the request.

Four organisations have requested births and deaths information for research purposes since 2009. Two of these organisations requested births and deaths information for health purposes and the other two organisations requested births and deaths information for demographic purposes.

KEY QUESTIONS ON RESEARCH PURPOSES

23. Do you think there is a case to expand the current research purposes rule to other types of research purposes? If so, what other research purposes could be authorised and why?

24. Do you agree with the current distinction between health and other research search requests that includes or excludes identifying information? Why?

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Note 5: In addition, researchers can obtain access to anonymised data and statistics provided by Statistics New Zealand on the following website: www.stats.govt.nz.

Note 6: The Privacy Commissioner’s role is to protect personal information of New Zealanders in accordance with the Privacy Act 1993.

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25. What safeguards should be put in place to ensure an individual’s privacy interests are protected?

26. Do you consider the 120 year threshold for access is an appropriate length of time?
Disclosure of death information to NGOs and private sector agencies

CURRENT MODEL

NGOs and private sector agencies can enter into agreements with the Registrar-General to disclose death information to enable those agencies to update their databases by removing or suppressing names (for example to purge a mailing list).

Authorised agencies receiving death information can pass it to other agencies, subject to the terms of the agreement, and for a purpose consistent with the agreement. However the information cannot be made available for public search (on the internet or otherwise), and it cannot be changed or manipulated.

All agreements under this section must be approved by the Privacy Commissioner.

Only two organisations have requested and obtained death information (refer note 7).

KEY QUESTIONS ON DISCLOSURE OF DEATH INFORMATION

27. Do you think there is a case to expand the current disclosure of death information rule to other types of BDM information?

28. If so, what other information could be provided to NGOs and private sector agencies and why?

Note 7: In addition, since 2013 the Department has administered a “Confirmation Service”, governed by the Identity Information Confirmation Act 2012. This service confirms if a person’s identity information provided to approved organisations is consistent with data the Department holds on its birth, passport, and citizenship databases, and checks whether a death record exists for that person. The consent of the individual is required before organisations can perform any checks. To date, a limited number of organisations have been approved to use the Confirmation Service.
29. What would be appropriate safeguards to ensure an individual’s privacy interests are protected?
Other issues

The purpose of the review is to conduct a review on the access provisions of the Births, Deaths, Marriages, and Relationships Registration Act 1995 (the Act). However, if you want to raise any other issues on the Act or BDM processes please use the space below.
Contact details

Please enter your details below. The Department will use them to contact people who are interested in providing feedback on the proposals paper, and for administrative purposes related to the review.

Name of individual or group making this submission

[ ] I do not want the Department to send me a copy of the proposals paper

[ ] I would like the Department to send me a copy of the proposals paper, by email, when it is released - please complete the details below:

Contact name (for group)

Position/Title

Email address

Organisation

Phone (day)

Phone (alternative)

Region

Country

Click here to submit by Email to bdmreview@dia.govt.nz
Appendix 1 – Current Access Provisions

The access provisions in the Births, Deaths, Marriages, and Relationships Registration Act 1995 include sections 74 to 75G, 78F, and 78H. Section 78J of the Act requires the Minister of Internal Affairs to review the access provisions five years after implementation. These sections are summarised below:

- Sections 74 to 75G govern access to information on births, deaths, marriages, civil unions, and name changes
- Section 78F authorises disclosure of death information to appropriate NGOs, private sector agencies, or individuals
- Section 78H governs access (including internet access) to 'historical information'. Historical information is defined in relation to the type of BDM information, and its age (for example live births that occurred over 100 years ago, or marriages over 80 years ago).

Appendix 2 – Information about how BDM information has been accessed

Certificates

Since the Act was amended by the changes introduced in 2008, the number of birth, death, marriage and civil union certificates issued, have continued to rise. For instance in 2009 there were 230,483 certificates issued (refer note 8). In 2012, however, 271,838 birth, death, marriage and civil union certificates were issued, an increase of 15 per cent.

Name change certificates have only been available since the start of 2009. Requests for name change certificates have been steadily increasing each year since 2010 (from 2100 name certificates requested in 2010 to 2463 name change certificates ordered in 2013 - an increase of 15 per cent).

How people are requesting BDM certificates?

There are a number of ways people request BDM certificates, such as by postal mail, call centre, over the counter and online. People tend to use different ways to order each type of certificate.

Certificates ordered at the time of registration

- Birth certificates ordered at the time of registration have, up until the present, generally all been requested by postal mail because of the requirement for the paper-based notification of birth registration form to be signed by both parents.

- From 2009 most death certificates have been requested online at the time of registration by funeral directors. As at October 2014, over 90 per cent of all deaths are now notified online.

- Most name change certificates ordered at the time of registering a name change are requested by postal mail because the statutory declaration in the name change form must be signed by the person who is changing their name and statutory declarations cannot be sent electronically.

- The majority of marriage and civil union certificates are ordered after the marriage and civil union registration. Recent changes have included a Certificate Order Form which is on the reverse of the Copies of Particulars document and is signed during the marriage or civil union ceremony. This change may increase the number of certificates produced at the same time as registration.

Certificates ordered after registration

- Most birth, death, marriage and civil union certificates requested after registration were ordered by postal mail from 2008 until 2010. From 2011, most certificates were ordered through the Department’s call centre. The increase in certificates requested through the call centre is because in 2010 changes were introduced that enable evidence of identity to be established over the phone.

Note 10: The number of certificates issued, are based on the calendar year not the financial year.
**Who is requesting BDM certificates?**

There are a wide range of people who request BDM certificates. To understand who is accessing each type of BDM certificate, this Discussion Paper uses the following categories:

- **individual** - the person who *is* the named individual on the BDM record
- **third party/ies** - the person or organisation who is *not* the named individual on the BDM record (who may include parents and/or guardians of a child named on a birth certificate or family members of a deceased person, as well as unrelated individuals).

**Certificates ordered at the time of registration**

- All birth certificates requested at the time of registration are ordered by third parties, usually one of the parents of the child.
- As you would expect all death certificates issued at the time of registration were requested by a third party. Generally these third parties are funeral directors (on behalf of family members) that are responsible for collecting all of the information required and forwarding it to the Department's offices for registration.
- Most name change certificates, at the time of registration, were ordered by a third party. Possible explanations are that the third party may be the parent of a child who has ordered a name change or the person’s new name is different from the name used to order the certificate.

**Certificates ordered after registration**

- Birth certificates requested after registration were mainly requested by third parties. As noted the third party is usually a parent requesting their child’s birth certificate.
- Most death certificates issued after registration were requested by third parties, usually the funeral home.
- Marriage, civil union and name change certificates issued after registration are generally requested by the named individual on the BDM record rather than third parties.

**Print-outs**

A print-out is a copy of the information from the registration and typically cannot be used for `official purposes` whereas a certificate is an official document that certifies it contains BDM registered information.

Since 2008 the numbers of print-orders have fluctuated. For instance the numbers of print-outs ordered in 2008 were 22,033 and in 2009 the number of print outs doubled to 44,555. In 2013, the number of print-outs ordered were 30,080.

Most print-outs were ordered online by third parties. Death record print-outs were the most requested print-out by third parties and birth record print-outs were the most requested print-out by individuals.
### Glossary

| Act | Birth, Deaths, Marriages, and Relationships Registration Act 1995 |
| Amendment Act | Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 |
| BDM records | Births, deaths, marriages, civil unions, and name changes |
| Department | Department of Internal Affairs |
| Historical and non-historical | Each type of BDM record is defined as either 'historical' or 'non-historical'. Historical records include:  
• births that occurred at least 100 years ago  
• stillbirths that occurred at least 50 years ago  
• a marriage or a civil union that occurred at least 80 years ago  
• a name change for someone whose birth is registered overseas, and who was born at least 100 years ago; and  
• deaths that occurred at least 50 years ago, or where the deceased's date of birth was at least 80 years ago. That is, if a person dies at 30 years this record will not be available for 50 years; if a person dies at 79 years, the record will be available in one year.  
Non historical records are those more recent records that are after the dates stated for the historical records. |
| Minister | Minister of Internal Affairs |
| Name change information and certificates | Name change certificates relate to people who have been born overseas and have changed their name in New Zealand. These name change certificates have only been available since January 2009 |
| NGO | Non-government organisation |
| RealMe | RealMe is a secure online identity verification service for government which can be used by people ordering non-historical BDM information online |
| Registrar-General | The Registrar-General is responsible under the Act for the day to day operation of registering and monitoring access to BDM information |
| Third party/ies | Person or organisation who is not the named individual on the BDM record (who may include parents of a child named on a birth certificate or family members of a deceased person, as well as unrelated individuals) |