Cabinet Economic Growth and Infrastructure Committee

Minute of Decision

Regulations and Other Issues to Support the Electronic Identity Verification Bill

Portfolio: Internal Affairs

On 14 November 2012, the Cabinet Economic Growth and Infrastructure Committee:

Background

1 noted that the Electronic Identity Verification Bill (the Bill):
   1.1 governs the identity verification service (the Service) enabling individuals to prove their identity online;
   1.2 was reported back by the Government Administration Committee on 19 June 2012, had its second reading on 29 August 2012, and has a category 2 priority (to be passed in 2012) on the 2012 Legislation Programme;

Participating agencies

2 noted that the Bill requires regulations to declare agencies as participating agencies to use the Service;

3 agreed that all public sector agencies (including local government and council-controlled organisations) and registered banks be listed as classes of participating agencies;

4 agreed that the policy framework based on necessity, trust, alternative service accessibility, and usability (as expanded in Appendix A to the paper under EGI (12) 238) be used for determining whether private sector agencies should be declared as participating agencies to use the Service;

Fees and charges

5 noted that the Service’s success will rely on the Service achieving full cost recovery over time;

6 noted that the Bill enables fees and charges to be set either by regulation or by agreements with participating agencies, and allows for fees to be set for individuals;
agreed that, at this stage, charges for participating agencies be set by agreements and not by regulations, and that there be no fees prescribed for individuals, as regulated fees may discourage uptake during the start-up phase of the Service;

Duration of credentials

noted that the Bill requires regulations to specify the length of time for which an electronic identity credential (the electronic record an individual uses to prove his or her identity) is valid;

agreed that electronic identity credentials be valid for five years, with renewed credentials valid from the expiry of the previous credential for up to three months' additional validity;

Retention of information

noted that the Bill allows regulations to specify the period for which the Department of Internal Affairs may retain information after an electronic identity credential is cancelled, is revoked, or expires;

agreed that information relating to:

11.1 a credential cancelled on application by the individual to whom it relates be retained for 11 years;

11.2 expired credentials be retained for 11 years;

11.3 a credential cancelled due to the death of the individual to whom it relates be retained for 11 years;

11.4 a credential relating to the original identity of a person in the witness protection programme that is cancelled when a new credential is issued in the person's new identity be retained for 11 years;

11.5 a credential that was issued to an undercover Police or New Zealand Security Intelligence Service employee and is no longer needed be retained for one month;

11.6 a credential revoked by either the Chief Executive of the Department of Internal Affairs or a court (on the basis of false or fraudulent representation, or error) not be subject to a regulated retention period;

noted that the Bill requires the Minister of Internal Affairs to consult with the Privacy Commissioner before recommending to the Governor-General the making of the regulation referred to in paragraph 11 above, and that the Office of the Privacy Commissioner has been consulted on the paper under EGI (12) 238 and will be consulted during the drafting of the regulations;

Identity information checks

noted that the Bill will enable the Department of Internal Affairs to check whether an individual's identity information is consistent with information held by agencies specified in regulations;
agreed that Hospitality New Zealand (18+ Card), the New Zealand Police (firearm licence), and the New Zealand Transport Agency (driver licence) be declared as agencies with which such identity information checks can take place;

Commencement date

agreed in principle, subject to the Bill’s passage through the House, that the Bill’s commencement date be 1 March 2013, and that this be confirmed by the Cabinet Legislation Committee;

Drafting instructions

invited the Minister of Internal Affairs to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;

Consequential amendment to the Identity Verification Code of Practice

authorised the Ministers of Finance, Commerce and Internal Affairs, in consultation with the Minister of Justice, to issue a public consultation document and make necessary changes to the Identity Verification Code of Practice 2011 (issued under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009) to reflect the Service being made available to private sector agencies, and to make other minor technical amendments to ensure the Code of Practice operates as intended;

Publicity

agreed that the Minister of Internal Affairs announce the decisions on participating agencies, including the policy framework, and on the agreement for Ministers to undertake the required consultation process and make necessary changes to the Identity Verification Code of Practice;

noted that the paper under EGI (12) 238 will be proactively released, subject to consideration of any deletions that would be justified if the information had been requested under the Official Information Act 1982.

Reference: EGI (12) 238

Distribution: (see over)