



ANALYSIS

Title	49b. Registrar-General may authorise access to information
1. Short Title and commencement	49c. Limitations on access
2. New sections inserted	49d. Health or demographic research or collection of statistics
49A. Disclosure of information to Department of Social Welfare	

1991, No. 129

An Act to amend the Marriage Act 1955

[18 December 1991]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Marriage Amendment Act 1991, and shall be read together with and deemed part of the Marriage Act 1955.

(2) This Act shall come into force on the day after the date on which it receives the Royal assent.

2. New sections inserted—The Marriage Act 1955 is hereby amended by inserting, after section 49, the following sections:

“49A. Disclosure of information to Department of Social Welfare—(1) In this section, unless the context otherwise requires, the term ‘benefit’ has the same meaning as in section 3 (1) of the Social Security Act 1964; and includes—

“(a) A lump sum payable under section 61DB or section 61DC or section 61DD of that Act:

“(b) Any special assistance granted out of the Crown Bank Account from money appropriated by Parliament under section 124 (1) (d) or (da) of that Act.

“(2) The purpose of this section is to facilitate the disclosure of information by the Registrar-General to the Department of Social Welfare for the purposes of verifying—

“(a) The entitlement or eligibility of any person to or for any benefit; or

“(b) The amount of any benefit to which any person is or was entitled or for which any person is or was eligible.

“(3) For the purpose of this section, the Director-General of Social Welfare may from time to time, in accordance with arrangements made from time to time between the Director-General and the Registrar-General, request the Registrar-General to supply, in respect of any person who is receiving or has received any benefit, or who is an applicant for any benefit, any information held by the Registrar-General for the purposes of this Act, whether the information requested relates directly to that person or relates to any other person.

“(4) Every request made under subsection (3) of this section shall be in writing.

“(5) On receiving a request made under subsection (3) of this section in respect of any person, the Registrar-General may cause a search to be made of any index or register kept by him or her, and supply to any officer or employee or agent of the Department of Social Welfare authorised in that behalf by the Director-General of Social Welfare the information requested (if any).

“(6) Information may be supplied by the Registrar-General under subsection (5) of this section by—

“(a) Supplying a certified copy of a document in the custody of the Registrar-General:

“(b) Verifying an item in a marriage entry.

“49B. **Registrar-General may authorise access to information**—Subject to section 49c of this Act, the Registrar-General may—

“(a) On any terms and conditions the Registrar-General thinks fit, authorise the chief executive of any Government agency to have access to information recorded under this Act or a former Act and stored on a computer under the Registrar-General’s control:

“(b) Withdraw any authority under paragraph (a) of this section.

“49c. **Limitations on access**—The Registrar-General shall not give authority under section 49B of this Act unless satisfied that the terms and conditions on which it is given, and the physical and electronic means by which access will be gained under it, are such that the Government agency concerned—

- “(a) Has no ability to add information to, delete information from, or modify, information recorded under this Act or a former Act; and
- “(b) Has no access to any such information except by reference to a named person to whom the information relates; and
- “(c) Has (in relation to any named person) access only to information that would appear on a marriage certificate for the person, sought by a stranger without the person’s consent.

“49D. **Health or demographic research or collection of statistics**—If satisfied, in respect of access not complying with paragraph (b) of section 49c of this Act (but complying with the rest of that section), that—

- “(a) The information to which access is required will be used only for genuine health or demographic research or the collection of statistics; and
- “(b) Information relating to particular individuals is not sought and will not be retained; and
- “(c) It is in the public interest that the access should be given,—

the Registrar-General may, in the Registrar-General’s absolute discretion, give an authority under section 41B of this Act enabling that access.”

This Act is administered in the Department of Justice.
