

# Confidentiality of levy information and documents

**Note** The Fire and Emergency New Zealand Act 2017 provides for a number of levy provisions under the Fire Service Act 1975 and the Fire Service Regulations 2003 to continue in force for a transitional period from 1 July 2017 until the commencement of Part 3 of the Fire and Emergency New Zealand Act 2017 (see clause 26 Schedule 1 to the Fire and Emergency New Zealand Act 2017).

## Introduction

<p><b>When to use</b></p>	<p>Use these guidelines to determine which information or documents you can discuss, release or publish when a request for levy information is received by Fire and Emergency New Zealand. See process: <i>Respond to request for information</i>.</p> <p>This policy doesn't apply to an enquiry from any person, or 'authorised agent', about their own levy information or documents.</p>
<p><b>Authorised agent definition</b></p>	<p>An authorised agent is a person who has the authority to request levy information on behalf of another person or organisation, e.g. a broker is an authorised agent of a policy holder.</p> <p><b>Note:</b> If you are unsure if someone is an authorised agent, you must ask for evidence that the relationship exists.</p>
<p><b>Purpose</b></p>	<p>The aim of this policy is to ensure that the confidentiality of levy information including details and personal information is maintained as set out in the Fire and Emergency New Zealand Act 2017 (the Act).</p>
<p><b>Who it applies to</b></p>	<p>This policy applies to:</p> <ul style="list-style-type: none"> <li>• Levy Analysts</li> <li>• Levy Officers/Administrators</li> <li>• Levy Auditors</li> <li>• Finance personnel</li> <li>• Funding &amp; Procurement Manager</li> <li>• Chief Financial Officer</li> </ul>
<p><b>Contents</b></p>	<p>This policy contains the following content:</p> <ul style="list-style-type: none"> <li>• <a href="#">Confidentiality</a></li> <li>• <a href="#">Publication</a></li> <li>• <a href="#">Related information</a></li> </ul>

## Confidentiality

### **Types of information to be held as confidential**

The Act requires Fire and Emergency New Zealand to keep confidential levy information provided to Fire and Emergency New Zealand under the levy provisions of the legislation, including the form of:

- returns
- records
- information obtained through levy audit
- additional information.

Information and documents received:

- before 1 July 2017 are subject to the secrecy provision under [Section 51B](#) of the Fire Service Act 1975.
- after 1 July 2017 are subject to the confidentiality requirements detailed within this policy.

**Release of information**

Fire and Emergency New Zealand must not publish or disclose any levy information or document, as described in the Fire and Emergency New Zealand Act 2017 (the Act), unless:

Summary of provisions	Section of the Act	Example of what you can disclose	Example of what you <b>cannot</b> disclose
The information or document is available to the public.	<a href="#">97(2)(a)</a>	Information that is publically available	Information that is not publically available
The information is in a statistical or summary form.	<a href="#">97(2)(b)</a>	Our organisation's total income for the prior financial year	Income received from a particular insurer for the prior financial year
The disclosure of the information or document is needed to assist in the completion of any function, duty or power of ours under the Act.  <b>Note:</b> This information must not be released if it is felt there are insufficient protections in place to maintain the confidentiality of the information or document, and in particular personal information under the <a href="#">Privacy Act 1993</a> .	<a href="#">97(2)(c)</a>	Prosecution or dispute under the Act Engaging with an external solicitor to perform work on our behalf Providing information to our monitoring Department	Sending information to a third party where is not for a statutory purpose or function
	<a href="#">97(3)</a>	Information provided through secure means such as an encrypted USB Information provided through registered mail	Printing a sensitive document and posting it in the mail
The disclosure of the information or document is for a person, who you are satisfied has a proper interest in receiving the information or document.	<a href="#">97(2)(d)</a>	Release of information to a broker for a client who provides a copy of written permission from the client	Release of information to a broker for a prospective client where written permission from the client is not provided
The publication or disclosure of the information or document is with the consent of the person to whom the information or document relates to.	<a href="#">97(2)(e)</a>	Client provides written permission to release copies of their returns to a prospective broker	Releasing information to an unauthorised person about whether someone pays levy

## Publication

<b>Description of Conditions</b>	If we publish or disclose information, we can impose conditions, as described in the Fire and Emergency New Zealand Act 2017 (the Act) below:		
	Summary of provision	Section of the Act	Example of types of imposed conditions
	We can impose conditions, in writing to the person to whom information is provided, about the use of any information or document released under section 97(2)(c), (d), or (e).	<a href="#">98(1)</a> <a href="#">98(3)(a), (b), and (c)</a>	May include but not limited to: <ul style="list-style-type: none"> <li>• maintenance of confidentiality of key elements of the information provided, e.g. personal information</li> <li>• the storage, use and accessibility of any information provided</li> <li>• handling of information provided, e.g. copying, return or disposal requirements.</li> </ul>
We must consider whether conditions need to be imposed to protect the privacy of any individual.	<a href="#">98(2)</a>	Redact private information	
<p><b>Note:</b> Under section 98(4) of the Act, a person who refuses or fails to comply with imposed conditions without reasonable excuse, commits an offence. For example:</p> <ul style="list-style-type: none"> <li>• person to whom information disclosed does not keep it confidential</li> <li>• person to whom information is disclosed publishes the information.</li> </ul>			

## Related information

<b>Legislation</b>	<p>We must comply with legislation, including the following:</p> <ul style="list-style-type: none"> <li>• <a href="#">Sections 97</a> and <a href="#">98</a> of the Fire and Emergency New Zealand Act 2017</li> <li>• <a href="#">Privacy Act 1993</a></li> <li>• <a href="#">Official Information Act 1982</a></li> </ul>
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**Document information**

Owner	Chief Financial Officer
Last reviewed	10 August 2018
Review period	Yearly

**Record of amendment**

Date	Brief description of amendment
1 July 2017	This policy was developed as part of the implementation of the Fire and Emergency New Zealand Act 2017.
10 August 2018	This policy was reviewed and confirmed current and correct with no changes.