



File Ref: SDE 32

**WORKFORCE (IMMIGRATION NEW ZEALAND)
INTERNAL ADMINISTRATION CIRCULAR NO: 10/07**

To:	All Workforce (Immigration) Managers	Date: 23 July 2010
	All Workforce (Immigration) Staff All MFAT Posts	

TIMEFRAMES FOR PRIVACY ACT REQUESTS

Please read this information and ensure all staff members who may be affected are aware of what is required of them.

Purpose

1. The purpose of this circular is to remind staff of the timeframes for Privacy Act requests. Please consult the Department's Privacy Act Policy and IAC No. 08/15 when determining and processing all requests.

Issue

2. There has been a recent increase in the number of complaints to the Privacy Commissioner concerning the processing of requests, particularly the length of time taken for urgent requests.

Timeframes for Privacy Act Requests

3. Under section 40 of the Privacy Act 1993 (the Act), **20 working days** is the maximum timeframe for every request. However, the Act requirement is for a decision to be made and notice of that decision given, or posted, to the individual as soon as is reasonably practicable. This means that if a decision on the request can be made sooner than 20 working days, then it must be.
4. Under section 41 of the Act, an extension on the 20 working day time limit can be sought. When applying for an extension, please make sure that you do so before the 20 working days is up and, if possible, within 3 working days of receiving the request.

Urgent Privacy Act Requests

5. The Act requires an individual to provide reasons why their request is urgent. Where this happens, staff are reminded to consider those reasons on a case by case basis.
6. There are no hard and fast rules that determine whether a request is urgent or not. However, factors that might support an urgent request could include an individual who has been served a removal order, or is being detained pending removal, or who has court proceedings. The fact that an individual is unlawfully in New Zealand is not a reason on its own for urgency.
7. If an officer considers the reasons for urgency are justified, then they should take steps to facilitate the provision of the information to the individual as soon as is reasonably practicable given the urgency of the situation. In some cases, this may mean contacting the individual (or their agent) by telephone or e-mail to find out if there is any particular information they require urgently.
8. There may be situations where the urgency of the request can be met by the provision of certain information electronically. This might, for example, apply to information that can be readily retrieved within the office to which the request has been directed.
9. If this IAC is inconsistent with any previous IAC, information or instruction, these instructions prevail.

Margaret Cantlon

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