

# Confidentiality of levy information and documents

**Note:** Section 97(2) and (3) of the Fire and Emergency New Zealand Act 2017 ('the Act') applies to information and documents given to Fire and Emergency New Zealand ('Fire and Emergency') in respect of the levy and to information derived from that information and documents.

Section 98 empowers Fire and Emergency to impose conditions on a person to whom any information or document is disclosed under section 97 in relation to the publication, disclosure or use of the information or documents (see Schedule 1, clause 32 of the Act).

## Introduction

### When to use

Use this policy to determine:

- which information or documents you can disclose or publish when a request for levy information is received by Fire and Emergency (see process: [Respond to request for information](#)).
- what conditions (if any) to impose before disclosure of that information or documents.

This policy doesn't apply to an enquiry from any person or authorised agent about their own levy information or documents. See 'Definitions' for definitions of [authorised agent](#) and [Confirmation of authorised agent status](#).

## About this policy

### Purpose

The aim of this policy is to ensure that the confidentiality of levy information including personal information is maintained as set out in the Act.

### Who it applies to

- DCE Finance and Business Operations
- Finance Director
- Levy Manager
- Senior Levy Analyst
- Levy Analysts
- Levy Administrators
- Levy Auditors
- Anyone else who has access to levy information or documents held by Fire and Emergency.

## Confidentiality

### Types of information to be held as confidential

The Act requires Fire and Emergency not to publish or disclose levy information and documents provided to Fire and Emergency under the levy provisions of the Act, including:

- returns
- records
- information obtained through levy audit

- additional information
- information derived from information or documents received by Fire and Emergency.

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.

### Exceptions to confidentiality

There are exceptions to the requirement on Fire and Emergency not to publish or disclose any levy information or documents. These exceptions are set out in [section 97\(2\) of the Act](#) and explained in the [table below](#).

### Disclosure of information

Fire and Emergency must not publish or disclose any levy information or document, as described in 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 publicly available	Information that is not publicly 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 any financial year
The publication or disclosure of the information or document is needed for the purpose of any function, duty or power of ours under the Act or any other enactment.	<a href="#">97(2)(c)</a>	Engaging with an external solicitor to perform work on our behalf Providing some information to our monitoring Department	Sending information to a third party where is not for a statutory purpose or function
<b>Note:</b> This information or document must not be disclosed if 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 2020</a> .	<a href="#">97(3)</a>	Any information provided must be 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 to 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

### Description of conditions

If we publish or disclose (or direct an authorised person to publish or disclose) information documents, we can impose conditions before that publication or disclosure as permitted by [section 97 of the Act](#).

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 or documents are provided, about the publication, disclosure or use of any information or document released under section 97(2)(c), (d) or (e).	<ul style="list-style-type: none"> <li>• <a href="#">98(1)</a></li> <li>• <a href="#">98(3)(a)(b) and (c)</a></li> </ul>	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 personal information

## Definitions

### Authorised agent

An authorised agent is a person who has the authority to request levy information or documents on behalf of another person or organisation, e.g. a broker may be an authorised agent of a policy holder.

### Confirmation of authorised agent status

If you are unsure if someone is an authorised agent in respect of the information requested, you must ask for evidence of that authority.

You must be satisfied that they have the consent from the person or entity to whom the information and documents relate for the information requested.

That person or entity must give their consent to Fire and Emergency to disclose the information requested to the person requesting it. It is insufficient to rely alone on a person claiming to be the authorised agent.

## Related information

### Legislation

We must comply with legislation, including the following:

- Fire and Emergency New Zealand Act 2017, especially
  - [section 97](#)
  - [section 98](#)
  - [clause 32 of Schedule 1](#)
- [Privacy Act 2020](#)
- [Official Information Act 1982](#)