

Confidentiality of levy information and documents

Note: Sections 97 and 98 of the Fire and Emergency New Zealand Act 2017 (the Act) govern the confidentiality, use and disclosure of information and documents provided to Fire and Emergency New Zealand for levy purposes.

These provisions apply to:

- information and documents provided in relation to the levy
- information derived from that information or those documents.

Section 97 restricts disclosure of levy information except in specified circumstances, and section 98 enables Fire and Emergency to impose conditions on any disclosure of that information.

From **1 July 2026**, all levy information is governed by **Part 3 of the Act**.

Introduction

When to use

Use this policy to determine:

- what levy information or documents may be disclosed or published when a request for information is received
- what conditions (if any) should be imposed before disclosure of that information or those documents.

This policy **does not** govern the circumstances in which a person may access their own levy information, or an authorised agent may access information on behalf of that person. However, the requirements in this policy relating to verification of authorised agent authority continue to apply.

Requests involving levy information received under the Official Information Act 1982 will be assessed in accordance with the Official Information Act 1982 and the confidentiality requirements in section 97 of the Fire and Emergency New Zealand Act 2017.

This policy applies to levy information and documents relating to contracts of insurance entered into from 1 July 2026.

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About this policy

Purpose

The purpose of this policy is to ensure that the confidentiality of levy information, including personal information, is maintained in accordance with the Act.

Who it applies to

This policy applies to all Fire and Emergency personnel or other persons who have access to levy information or documents held by Fire and Emergency.

Confidentiality

Types of information to be held as confidential

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

- levy returns
- levy records
- information obtained through levy audits
- additional information provided in relation to levy obligations
- information derived from any levy information or documents.

All levy information and documents held by Fire and Emergency are subject to the confidentiality requirements in section 97 of the Act, regardless of when they were received.

Exceptions to confidentiality

Section 97(2) of the Act provides limited exceptions where disclosure may occur. Fire and Emergency may publish or disclose levy information only in the circumstances outlined below.

Disclosure of information

Fire and Emergency must not publish or disclose levy information or documents unless permitted by the Act.

Summary of provisions	Section of the Act	Example of what you can disclose	Example of what you cannot disclose
Information is publicly available	97(2)(a)	Information already in the public domain	Confidential levy returns or records
Information is statistical or summary in nature.	97(2)(b)	Aggregated totals across multiple entities	Information relating to an identifiable individual or entity
Disclosure is necessary to perform a statutory function, duty or power	97(2)(c)	Providing information to an external adviser acting on behalf of Fire and Emergency Providing information to another agency for statutory purposes Providing relevant information to a court or other party to litigation	Providing information where there is no statutory purpose
Disclosure is to a person with a proper interest	97(2)(d)	Providing information to a broker with valid written authority	Providing information without evidence of authority
Disclosure is made with consent of the person concerned	97(2)(e)	Releasing information with written consent from the relevant person	Releasing information without consent

Person concerned For the purposes of section 97(2)(e), the 'person concerned' is the individual or entity to whom the levy information relates. This may include a levy payer, policyholder, property owner, company, trust or other organisation, depending on the nature of the information. Before relying on consent as a basis for disclosure, Fire and Emergency must be satisfied that the consent has been provided by, or on behalf of, the person to whom the information relates.

Important: Information may be disclosed under section 97(2)(a) only where the specific information to be disclosed is already publicly available. The existence of other publicly available information about an individual or entity does not authorise disclosure of confidential levy information.

Where disclosure is made under section 97(2)(c), Fire and Emergency must ensure that appropriate safeguards are in place, particularly to protect personal information under the Privacy Act 2020.

Publication and conditions of disclosure

Approval of disclosures Decisions to disclose levy information under section 97 of the Fire and Emergency New Zealand Act 2017 must be made by authorised Fire and Emergency personnel in accordance with Fire and Emergency's delegations and internal procedures.

Imposing conditions Under section 98 of the Act, Fire and Emergency may impose conditions on any person to whom levy information or documents are disclosed.

Summary of provision	Section of the Act	Example of types of imposed conditions
Conditions may be imposed on disclosure, publication or use	98(1) 98(3)	Confidentiality requirements, restrictions on further disclosure, limits on use and restrictions on storage and access
Privacy considerations must be addressed in considering what conditions to impose	98(2)	Redaction of personal information

Conditions may include, but are not limited to:

- requirements to maintain confidentiality of information provided
- restrictions on storage, handling or accessibility
- requirements for secure transmission or storage
- requirements for return, destruction or non-copying of information.

Fire and Emergency must consider whether conditions are necessary to protect the privacy of any individual before releasing information.

Section 98(4) provides that it is an offence to refuse or fail without reasonable excuse to comply with any conditions.

Recording disclosure decisions Fire and Emergency will maintain appropriate records of decisions to disclose levy information or documents in accordance with its records management requirements.

Definitions

Authorised agent

An authorised agent is a person who has authority to request levy information or documents on behalf of another person or organisation (for example, an insurance broker or lawyer acting for a policyholder).

Confirmation of authorised agent status

Where there is uncertainty about whether a person is an authorised agent:

- evidence of authority must be requested; and
- Fire and Emergency must be satisfied that valid consent has been provided by the person or organisation to whom the information relates.

Statements alone are not sufficient evidence of authority.

Related information

Legislation

Fire and Emergency New Zealand Act 2017, particularly [section 97](#) and [section 98](#)

[Privacy Act 2020](#)

[Official Information Act 1982](#)