



# Te Kawa Mataaho

## Public Service Commission

18 February 2025

Andrew Kibblewhite  
Secretary for Justice and Chief Executive  
Ministry of Justice

By email: [andrew.kibblewhite@justice.govt.nz](mailto:andrew.kibblewhite@justice.govt.nz)

Tēnā koe Andrew

### **Inquiry into the protection of personal information**

In June 2024, following a direction from the Prime Minister and the Minister for the Public Service, Acting Public Service Commissioner Heather Baggott appointed Pania Gray and Michael Heron KC to conduct an Inquiry into allegations that personal information provided to government agencies as part of Census 2023, or for Covid-19 vaccination purposes, had been misused by third-party service providers during the 2023 General Election.

Under the [terms of reference](#), the inquiry was to establish the facts and provide an independent assessment of government agency activity in relation to the allegations.

The final report will be available on our website from 2pm today.

When commissioning this inquiry, there were a number of public allegations that inappropriate incentives were given to data collectors working at Manurewa Marae and/or to members of the public to encourage them to complete enrolment forms, and/or to switch from the General electoral roll to the Māori electoral roll. These matters are subject to an ongoing investigation by the New Zealand Police and were specifically set as out of the scope of the Public Service Commission's inquiry.

*An Independent Investigation and Assurance Review of Allegations of Misuse of 2023 Census Information* has also been completed by RDC Group Ltd for Statistics New Zealand. A copy of this report will be available on the Stats NZ website.

Whilst the facts of the inquiry are complex and nuanced, they give rise to a broader question that may need clarification in the Electoral Act 1993. That is the question of whether it is appropriate under New Zealand's electoral laws for any kind of incentive to be provided for the purposes of influencing an elector's roll choice, for example, encouraging an individual to change between the General Electoral Roll and the Māori Electoral Roll or vice versa.

In this case it was alleged that there were two possible incentives, offering a supermarket voucher and/or creating the impression that switching rolls was part of a compulsory data gathering exercise.

I want to be clear that I am not expressing a view of whether any incentives were offered for that purpose in this case. I am of the view that this is an area where further scrutiny of the Electoral Act 1993 might be warranted, to consider whether additional clarity may be needed.

Given the Ministry of Justice is the agency responsible for electoral law policy, I note that you intend to work with the Electoral Commission to review the inquiry and investigation reports and identify whether the facts of this case give rise to any matters that you consider warrant policy analysis and advice. I am encouraged by this and would be grateful if you could keep your Assistant Commissioner, Christina Connolly, updated as to your progress with this work.

Thank you for your consideration of this matter.

Ngā mihi nui

A handwritten signature in blue ink that reads "Brian Roche". The signature is fluid and cursive.

Sir Brian Roche KNZM

Te Tumu Whakarae mō Te Kawa Mataaho

Public Service Commissioner | Head of Service

Copy to: Hon Simon Moore KC  
Board Chair of the Electoral Commission  
By email: [Justice.Moore@courts.govt.nz](mailto:Justice.Moore@courts.govt.nz)