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**New Zealand
and
United States of America**

Agreement between the Government of New Zealand and the Government of the United States of America on enhancing cooperation in preventing and combating crime. Washington, 20 March 2013

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**Nouvelle-Zélande
et
États-Unis d'Amérique**

Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement des États-Unis d'Amérique relatif au renforcement de la coopération en matière de prévention et de lutte contre la criminalité. Washington, 20 mars 2013

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Agreement

between

the Government of New Zealand

and

the Government of the United States of America

on Enhancing Cooperation in

Preventing and Combating Crime

The Government of the United States of America and the Government of New Zealand (hereinafter "the Parties"),

Prompted by the desire to cooperate as partners to prevent and combat crime, particularly terrorism, more effectively,

Recognizing that information sharing is an essential component in the fight against crime, particularly terrorism,

Recognizing the importance of preventing and combating crime, particularly terrorism, while respecting fundamental rights and freedoms, notably privacy, and

Seeking to enhance and encourage cooperation between the Parties in the spirit of partnership,

Have agreed as follows:

Article 1

Definitions

For the purposes of this Agreement,

1. "Criminal justice purpose" shall mean the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation activities of accused persons or criminal offenders, as well as criminal identification activities.
2. "DNA profile" shall mean a letter or numerical code representing a number of identifying features of the non-coding part of an analyzed human DNA sample, i.e. of the specific chemical form at the various DNA loci.
3. "Personal data" shall mean any information relating to an identified or identifiable natural person (the "data subject").
4. "Processing of personal data" shall mean any operation or set of operations which is performed upon personal data, whether or not by automated means, such as collection, recording, organization, storage, adaptation or alteration, sorting, retrieval, consultation, use, disclosure by supply, dissemination or otherwise making available, combination or alignment, blocking, or deletion through erasure or destruction of personal data.

5. "Reference data" shall mean a DNA profile and the related reference number ("DNA reference data") or fingerprinting data and the related reference number ("fingerprinting reference data"). Reference data must not contain any data from which the data subject can be directly identified. Reference data not traceable to any individual must be recognizable as such.
6. "Specified Automated Fingerprint Identification System" shall mean a Party's system specified in an implementing arrangement.

Article 2

Purpose and Scope of this Agreement

1. The purpose of this Agreement is to enhance the cooperation between the United States and New Zealand in preventing and combating crime.
2. The querying powers provided for under this Agreement shall be used only for prevention, detection and investigation of crime where there is a potential nexus between the data sought and the requested Party.
3. The scope of this Agreement shall encompass crimes constituting an offense punishable under the domestic law of the Parties by a maximum deprivation of liberty of more than one year or a more serious penalty. To ensure compliance with their national laws, each Party may notify the other Party of particular crimes within its jurisdiction for which the notifying Party shall not be obligated to supply personal data pursuant to Articles 6 and 9 of the Agreement.

Article 3

Fingerprinting data

For the purpose of implementing this Agreement, the Parties shall ensure the availability of fingerprinting reference data from the file for the Specified Automated Fingerprint Identification System.

Article 4

Automated querying of fingerprint data

1. For the purposes of Article 2(2), each Party shall allow the other Party's national contact points, as referred to in Article 7, access to the reference data in the Specified Automated Fingerprint Identification System, which it has established for that purpose, with the power to conduct automated queries by comparing fingerprinting data. Queries may be conducted only in individual cases and in compliance with the querying Party's national law.
2. Comparison of fingerprinting data with reference data held by the Party in charge of the file shall be carried out by the querying national contact points by means of the automated supply of the reference data required for a clear match.
3. When needed, further analysis for the purpose of confirming a match of the fingerprinting data provided by the querying party with reference data held by the Party in charge of the file may be carried out by the requested national contact points.

Article 5

Alternative means to query using identifying data

Until both Parties have a fully operational and automated fingerprint identification system that links to individual criminal records and is prepared to provide the other Party with automated access to such a system, the Parties shall provide an alternative means to conduct a query using other identifying data to determine a clear match linking the individual to additional data. Query powers shall be exercised in the same manner as provided in Article 4 to allow for the supply of additional data as provided for in Article 6.