

DRAFT FOR CONSULTATION

Tax Administration (Regular Collection of Bulk Data) Regulations 2021

Governor-General

Order in Council

At Wellington this day of 2021

Present:
in Council

These regulations are made under section 17L(2) of the Tax Administration Act 1994—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Revenue made in accordance with section 17L(3) of that Act.

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Schedule 1
Transitional, savings, and related provisions

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Regulations**1 Title**

These regulations are the Tax Administration (Regular Collection of Bulk Data) Regulations 2021.

2 Commencement

These regulations come into force on [*date*].

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Tax Administration Act 1994

merchant means a person engaged in a business activity

payment means an electronic payment

payment service provider—

- (a) means a business that participates in a payment system by facilitating payments:
- (b) includes an acquirer (for example, the merchant's bank):
- (c) includes an entity that provides any of the following services:
 - (i) switch services:
 - (ii) settlement services:
 - (iii) online payment gateways:
 - (iv) alternative payment methods; but
- (d) excludes the following, except to the extent that the business also provides a service referred to in paragraph (b) or (c):
 - (i) an issuer (for example, the customer's bank that issues a payment card):
 - (ii) a business that provides payment service hardware.

4 Commissioner may collect bulk information from payment service providers

- (1) The Commissioner may collect from a payment service provider, in the form of datasets, the information referred to in regulation 5 on a continuing and regular basis.

- (2) Nothing in these regulations authorises the Commissioner to collect identifying information about an individual unless the information is of a kind that is specified in regulation 5.

5 Type of information that may be collected

- (1) The information that may be collected from a payment service provider is information, about a merchant on behalf of whom the payment service provider processes payments, of all or any of the following types:
- (a) the name of the merchant, including legal and trading names:
 - (b) contact information for the merchant, including physical and postal addresses and telephone numbers:
 - (c) the name of any individual who acts as a contact person for the merchant in relation to the payment service provider:
 - (d) contact information for an individual referred to in paragraph (c), including registered business addresses and business telephone numbers:
 - (e) the unique identifier for the merchant in the payment service provider's system:
 - (f) other identity information for the merchant, including the merchant's IRD number, GST number, New Zealand Business Number, Companies Office number, and date of birth (if the merchant is an individual):
 - (g) bank account numbers used by the merchant:
 - (h) information about payments processed on behalf of the merchant:
 - (i) any other information that is incidental to the information specified in paragraphs (a) to (h).
- (2) The information referred to in subclause (1)(h) must only show, for each month in the relevant quarter—
- (a) the total value of all payments processed; and
 - (b) the total value of all payments processed in each transaction category, including the following categories:
 - (i) debits:
 - (ii) credits:
 - (iii) cash outs:
 - (iv) reversals:
 - (v) refunds; and
 - (c) the total number of all payments processed:
 - (d) the total number of all payments processed in each transaction category, including the categories in paragraph (b).
- (3) However, a payment service provider need not provide any information about a merchant if the payment service provider reasonably expects that—

- (a) the total value of payments that they will process on behalf of the merchant in the relevant financial year will exceed \$30 million; or
- (b) the information they are required to provide under this regulation will show that the total value of payments processed relating to the merchant in the relevant financial year has exceeded \$30 million.

6 Frequency of reporting

A payment service provider must provide the information to the Commissioner no later than 20 working days after the end of each quarter.

7 Form of information

A payment service provider must provide the information in the form of a structured formatted electronic file that has been agreed to between the Commissioner and the payment service provider.

8 Reporting method that must be used

A payment service provider must provide the information using a secure electronic method that has been agreed to between the Commissioner and the payment service provider.

9 Exemptions from the requirement to provide information

The Commissioner may grant an exemption to a payment service provider (**E**) from the requirement to provide information about a merchant if, in the opinion of the Commissioner,—

- (a) another payment service provider (**Z**) processes payments for the merchant; and
- (b) Z holds the same, or more, information than E about the merchant, of the types of information referred to in regulation 5; and
- (c) collecting information about the merchant from both E and Z would be more than is necessary for a purpose relating to—
 - (i) the administration or enforcement of any of the Inland Revenue Acts;
 - (ii) the administration or enforcement of any matter arising from or connected with a function lawfully conferred on the Commissioner.

10 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Schedule 1
Transitional, savings, and related provisions

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Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

To come.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the Inland Revenue Department.