



Criminal Records Checks: What Employers Need to Know

Navigate hiring compliance with confidence



Who Holds Criminal Records?



Ministry of Justice

Holds all criminal and traffic conviction information for individuals.



Individual Access

People can request their own records directly from the Ministry.



Third Party Release

Written permission required before employers can access records.



Clean Slate Protection

Eligibility Criteria

- Seven years conviction-free
- Less serious offences only
- Meet specific requirements

Legal Rights

Individuals may legally state they have no criminal record under protection.

📄 Limited exceptions apply to clean slate protection in certain circumstances.



Employer Obligations

1

Written Consent

Must obtain individual's written permission before requesting records.

2

Respect Clean Slate

Cannot require disclosure of concealed convictions under legislation.

3

Legal Compliance

Requesting protected information is a criminal offence with penalties.

Requesting Conviction Records

01

Individual Request

Person applies directly to Ministry of Justice Privacy Unit for own records.

02

Official Forms

Use designated forms for personal or third-party conviction history requests.

03

Voluntary Disclosure

Individual may choose to share conviction document with prospective employers.

New Zealand doesn't issue police certificates or clearances—only conviction records.



International Considerations



Domestic Protection

Clean slate legislation applies within New Zealand only.



Border Limitations

Protection stops at border for overseas employment or residence.



Full Disclosure

Complete conviction history likely required for international applications.

Best Practice for Employers

Consider whether conviction questions truly serve your hiring needs, especially given clean slate protections.

Role-Specific

Only ask about convictions when genuinely relevant to position responsibilities.

Fair Assessment

Balance past history with rehabilitation and current candidate suitability.

Need expert HR guidance? Contact [**HR Unlocked**](#) for compliance support.