

Proactive Release

Authorised by the Minister for Social Development

26 August 2019

**Oral Item: Data Protection and Use Policy
High-Level Content**



HON CARMEL SEPULONI, MINISTER FOR SOCIAL DEVELOPMENT

Oral Item: Data Protection and Use Policy High-Level Content

August, 2019

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This publication pack provides the Cabinet decision confirming the progress, future direction and resourcing of Place-based Initiatives.

The pack comprises the following documents:

- A3 overview of the Data Protection and Use Policy
- Longform DPUP Principles
- Cabinet Social Wellbeing Committee: Minute of Decision 26 June – Oral item: Data Protection and Use Policy High-Level Content [SWC-MIN-0075].

It has been necessary to withhold certain information in accordance with the following provisions of the Official Information Act 1982. Where information is withheld, the relevant sections of the Act are indicated in the body of the document. Where information has been withheld in accordance with section 9(2) of the Act, no public interest has been identified that would outweigh the reasons for withholding it.

Page 4 - 12 Longform DPUP Principles under active consideration 9(2)(f)(iv)

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Data Protection and Use Policy (the Policy) - Builds trust and confidence in government's use of data across the social sector

The SIA is developing the Policy in consultation with people who use social services, Māori, iwi, Pacific peoples, disabled people, service providers and government agencies.

What we did

Between May and September in 2018, we ran an engagement process to find out what people think is needed to safely collect and use data and information in the social sector. We talked with people who use social services, Māori and iwi groups, Pacific peoples, disabled people, service providers, government agencies, district health boards, local government, philanthropists and academics.



We held **83** hui | With **1047** participants | In **27** locations

What we heard

Across the entire engagement, we consistently heard five themes:

- Establish a different kind of relationship across the sector.
- Enable locally-led solutions to deliver services that work.
- Develop funding and contracting models that promote innovative practice.
- Build the skills, experience and capacity of the workforce.
- Ensure sharing data, information and insights is a two-way street for all those involved.

Within all five themes, the criticality of clear principles and guidelines to ensure the safe and respectful use of people's data and personal information was highlighted as a necessary foundation to help build trust and confidence between service users and service providers, and between service providers and government agencies.

Collaborative high-level design process for the Data Protection and Use Policy

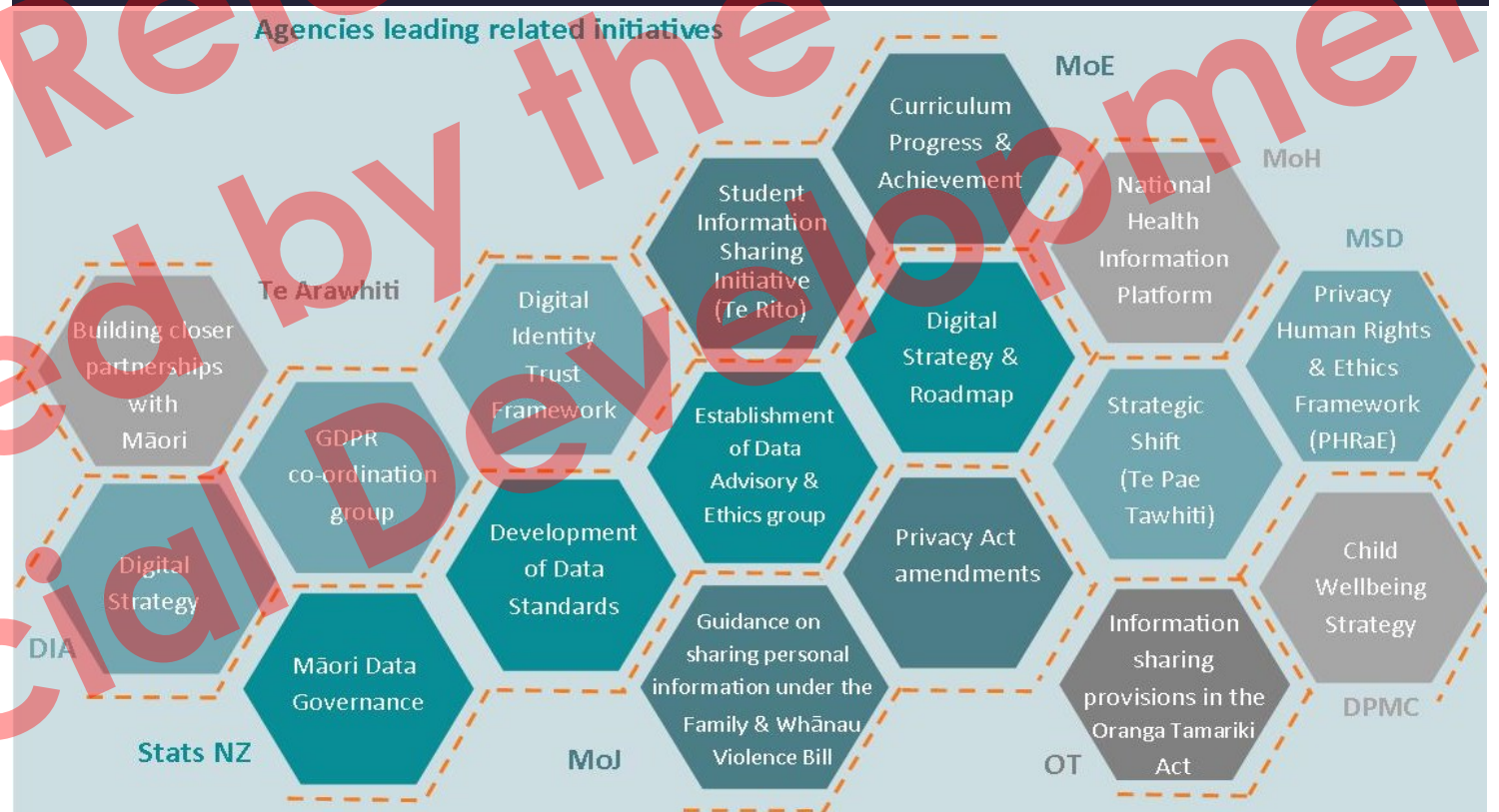
- 10%** We formed a 'design group' made up of 10% of hui participants. Following the engagement process, we have worked with a design group, made of a sub-set of hui participants, who work across a range of roles and services in the social sector.
- 2 months** We held workshops with the design group. The design group helped us prioritise themes, and design what a useful Policy would consist of, how it would look, what it would achieve, and some initial content.
- We developed a draft Policy. We have been testing and refining the results in order to produce a draft that is ready for review and Cabinet consideration.

Policy scope includes: Health, Education, Welfare, Child Wellbeing, Justice, Housing

The solution: A policy to support the safe and respectful use of data and information



The data system: What the Policy supports



Policy development: Timeline

May 2019				Nov 2019
Phase one	Phase two	Phase three	Phase four	
<ul style="list-style-type: none"> Engagement - Investing for social wellbeing and Data Protection and Use Policy 	<ul style="list-style-type: none"> Work across the sector to agree the Policy purpose and structure Draft the Principles and Guidelines Integrate the Policy with related sector initiatives 	<ul style="list-style-type: none"> Ministerial and executive engagement Finalise the Policy with agencies and NGOs Evaluate implementation options 	<ul style="list-style-type: none"> Develop final Policy, including implementation considerations Lodge Cabinet paper for approval 	

Policy principles: Articulate values and behaviours that underpin data protection and use across the social sector

He tāngata – Focus on improving New Zealanders’ lives – individuals, children and young people, families, whānau, iwi, aiga and communities.

Strive to create positive outcomes from any collection, sharing or use of data and information. There should be clear, tangible link to the benefits for New Zealanders. The benefit might be for individuals, families or whānau, community or iwi or a public good.

Use appropriate checks and balances to make sure any collection, sharing and use is for a reasonable and well-defined purpose. Some types of data are more suitable for particular purposes. Sometimes careful oversight is critical to ensure intentions are well-defined and reasonable.

Rangatiratanga – Empower people’s choices and enable access to, and use of, their data and information.

Stand by peoples choices wherever possible, and help them to understand what happens with their data and why. Even though there will be circumstances where choice or informing people aren’t appropriate, or there is no specific legal requirement, openness and transparency are important for preserving trust and recognising people’s mana.

Give people easy access to and oversight of their information wherever possible. Help people to check, add and correct their information in practical ways. Help people access their information so that they can share it with others and avoid retelling their story.

Manaakitanga— Respect and uphold the mana and dignity of the people, whanau, communities or groups who share their data and information.

Recognise and incorporate other cultures, worldviews, perspectives and needs. Different groups and people value qualitative and quantitative information about themselves differently. Both types of information are equally important to create valuable insights.

Include and involve service users however possible. Find out what they think when developing and testing new ideas.

Incorporate the needs and priorities of people with a special interest in what is done with their data and information. For Māori this means upholding their rights as Treaty partners and focusing on the collective outcomes. For service delivery organisations this means engaging people with the relevant experience and cultural competence.

Mahitahitanga – Work as equals to create and share valuable knowledge.

Work with others across the sector to create and share value together. Create feedback loops with those who contribute data and information, tell them the outcomes and share the value.

Share relevant information between professionals so people get the support they want and need, within what the law permits. Make sure there is a two-way street of sharing (de-identified) data, analysis, results and research to grow knowledge and capacity, and to improve services. Advocate for, and support “by/for” research, like Kaupapa Māori, so communities can better understand the goals, priorities and needs of their people.

Kaitiakitanga – Act as a steward in a way that is understood and trusted by New Zealanders.

Recognise you are a kaitiaki, rather than an owner of data and information. Work in the service of New Zealanders, ensuring that their data is valued and respected, and its integrity is protected.

Be open and transparent, and explain things in an accessible way. Building trust relies on open and diverse conversations about how personal data and information may be used. It supports people’s needs and interest to understand, and have a voice in what happens.

Policy guidelines: Describe expectations and good practice, encompassing key topics and processes identified as important by the sector

Purpose matters: Only what you need, and explaining why you need it.

- Identifies simple steps to define the intended purpose, how the data and the methods achieve that purpose, and how to apply context of the service and the people who use it.
- Recognises that some uses of data can be viewed as particularly sensitive. Provides practical checks and balances that help build and maintain trust and confidence.

Choice and transparency: Being clear about what’s happening with people’s data and information, and enabling them to make real choices.

- Describes the range and nature of current practices typically referred to as “consent”, or “informed consent”.
- Sets out obligations for openness and transparency, to ensure that service users are given fair and reasonable opportunities to understand and seek clarification.
- Emphasises the value of empowering people by enabling real practical choices, steps to achieve this, and being clear about the situations where choice may not happen.

Access and oversight: Making it easier for people to access their data and information.

- Outlines what service users can expect to be told, have access to, and choices over.
- Encourages agencies and providers to be proactive and inclusive of service users.

Sharing the value of data and information: Sharing what you know and working together for better insights.

- Focuses on information sharing for reasons other than frontline service delivery.
- Sets expectations that people will work in partnership to plan what data and information should be used and how it should be used.
- Sets expectations to share de-identified datasets with organisations / groups who have a legitimate interest in using it safely and respectfully for their communities.

Safe and respectful use: Working safely by using good practice and tools.

- Answers common questions about data and information management.
- Sets expectations about what safe and respectful looks like.

SUPPORTING TOOLKIT - Potential toolkit components

<p>Template - Good practice example</p> <p>Decision tree (decision making tool)</p> <p>Fact sheet for service users</p>	<p>Brochures for service users and providers</p> <p>Checklists for frontline workers</p>	<p>Example of client portals</p>	<p>Case study (Two-way street)</p> <p>Template - Good practice example</p> <p>Navigation tool</p>	<p>‘How to’ learning support</p> <p>Good practice FAQ</p> <p>Data tools</p>
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Data Protection & Use Policy Principles

April 2019 - version 0.3(Draft)

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Questions?

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Cabinet Social Wellbeing Committee

Minute of Decision

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Portfolio **Social Development**

On 26 June 2019, the Cabinet Social Wellbeing Committee (SWC):

1 **noted** that in April 2018, SWC:

- 1.1 agreed to a public engagement process to test and refine the principles of the government's improving social wellbeing approach, and gather feedback to inform the Data Protection and Use Policy (the Policy);
- 1.2 invited the Minister for Social Development to report to SWC with a draft Policy for the social sector;

[SWC-18-MIN-0038]

2 **noted** the advice of the Minister for Social Development, and the slides attached under SWC-19-SUB-0075, on the results of an engagement process on the Policy, the five draft Policy Principles, and the timeline for development of the final Policy.

Gerrard Carter
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Rt Hon Winston Peters
Hon Phil Twyford
Hon Chris Hipkins
Hon Andrew Little
Hon Dr David Clark
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Tracey Martin (Chair)
Hon Peeni Henare
Jan Logie, MP

Officials present from:

Office of the Prime Minister
Office of the Chair
Office of the Deputy Chair
Officials Committee for SWC

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