

ICDPPC Global Privacy and Data Protection Awards

2018

Entry Form

Deadline 29 June 2018

To submit an entry to the ICDPPC Global Privacy and Data Protection Awards please complete and email this form to ExCoSecretariat@icdppc.org no later than 29 June 2018.

Note: ICDPPC member authorities can submit as many entries as they wish but a separate form should be used for each different entry. Please complete the entry in English.

1. Contact details for this entry:

- a. Name and email address of person completing this form:
- b. Name of Data Protection or Privacy Authority:
Office of the Privacy Commissioner New Zealand

2. Eligibility: By submitting this entry I confirm that:

- a. The Authority is a member of the International Conference of Data Protection and Privacy Commissioners.
- b. The initiative described in this entry was undertaken since the last edition.
- c. I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the ICDPPC Secretariat.

3. Please indicate which category or categories you wish to enter (delete those that do not apply; you can enter multiple categories):

Dispute resolution and enforcement

People's Choice

4. Description of the initiative

- a. Please provide a brief summary of the initiative (no more than 75 words):

Inquiry into Ministry of Social Development's Collection of Client-Level Data from NGOs

The Privacy Commissioner conducted an inquiry in the Ministry of Social Development's collection practices around client-level data from NGOs. The proposal was that funding for the NGOs was dependent upon providing the client-level data.

- b. Please provide a full description of the initiative (no more than 350 words):

The New Zealand Privacy Commissioner's Office was approached by a number of non-governmental organisations (NGOs) that were concerned about The Ministry of Social Development's (MSD) new data collection policy. The collection policy was based on a "social investment" approach.

The Privacy Commissioner decided to carry out an inquiry.

As a first step, we conducted a voluntary survey of NGOs. The feedback was overwhelming, and we received 548 responses to the survey. We also conducted smaller group discussions with stakeholders to better understand their concerns and to explore options.

The proposal itself required NGOs to provide specific client data – such as name, address, ethnicity, number of dependents, and date of birth – as a condition of receiving funding from the Ministry. NGOs across the social sector were covered, including those that deal with issues such as psychological counselling and family violence. There was no ability to 'opt-off'.

We released the inquiry report in April 2017, and it prompted an urgent debate in Parliament. There was significant media coverage – some of the coverage is listed below.

In May 2017, the Ministry announced that it would no longer be requiring non-governmental organisations to pass on individual client level data.

One of the report's main findings was that MSD had not clearly explained its purpose for requiring individual client information from NGOs. While the objectives were sound, the Ministry had not given adequate consideration to whether it could meet those objectives without collecting such granular personal information.

NGOs reported to us that MSD had not been able to say what the client level information would be used for, who it would be disclosed to, and more importantly, what kinds of potential future uses would be ruled out.

One of the report's main recommendations was for MSD to explore less privacy-invasive means of achieving the government's legitimate objectives using the social investment strategy.

- c. Please explain why you think the initiative deserves to be recognised by an award (no more than 200 words)

The initiative was a highly effective one. It involved wide consultation with stakeholders, primarily NGOs. No similar work was being carried out by any other agency. The Office saw a real need to challenge the legal and ethical basis upon which the proposal was

based, particularly given that it affected some of the most vulnerable members of our society.

The effect of the report was to raise awareness of the proposal, which was being implemented across the social sector as part of the Government's social investment focus.

The Privacy Commissioner's inquiry concluded that the ICLD policy, as implemented, was inconsistent with the principles of the Privacy Act and should therefore be amended.

The Office worked to ensure there was wide media coverage for the report, and that the central concerns raised in the report were made known publicly.

The effect of the report findings and the media coverage was to generate wider public debate and attention. Politically, the report generated a debate in Parliament and the proposal was disbanded a few weeks later.

d.

Privacy Commissioner has slammed Social Development data collection plans as too intrusive

STACEY KERR
Last updated 14:51, April 6 2017



Privacy commissioner John Edwards described the Government plans to capture the individual and personal data of vulnerable clients as "excessive and unnecessary", and it could have serious and unintended consequences.

Social Development Minister Anne Tolley has lambasted her officials and referred a near major privacy breach to her chief executive as an "employment matter".

She would not be drawn on whether she thought anyone should lose their job, after it emerged an IT system designed to hold highly sensitive personal information, allowed organisations to access the client data of other organisations.

But she said she was "furious" that the breach could have occurred, and it comes at a sensitive time as she attempts to push through a policy to force non-government organisations (NGOs) to hand over personalised data of their clients, in order to be eligible for Government funding.

- e. Please provide the most relevant link on the authority's website to the initiative (if applicable) (The website content does not need to be in English): <https://www.privacy.org.nz/news-and-publications/commissioner-inquiries/inquiry-into-msd-collection-of-client-level-data-from-ngos-report/>
- f. Please provide any other relevant links that you wish that help explain the initiative or its impact or success (e.g. links to news reports or articles):

Media reporting on ICLD Issue

1. (Pre-release of report – question time in the House – Carmel Sepuloni asking questions of Minister of Social Development <https://www.parliament.nz/en/watch-parliament/ondemand?itemId=180977>)
2. (Pre-release of report - <http://www.radionz.co.nz/news/national/328235/msd-'shut-down'-it-portal-over-privacy-near-miss>)

3. Privacy Commissioner dumps on data collection plan – RNZ (Interview with PC)
<http://www.radionz.co.nz/national/programmes/morningreport/audio/201839347/privacy-commissioner-dumps-on-data-collection-plan>
4. Data for funding 'excessive and disproportionate' – RNZ (Written article)
<http://www.radionz.co.nz/news/political/328252/data-for-funding-'excessive-and-disproportionate'>
5. Ministry of Social Development doesn't need all that data - Privacy Commissioner – Newshub
<http://www.newshub.co.nz/home/politics/2017/04/ministry-of-social-development-doesn-t-need-all-that-data-privacy-commissioner.html>
6. MSD forging ahead with private data collection – RNZ (interview with Peter Galvin)
<http://www.radionz.co.nz/national/programmes/ninetoon/audio/201839371/msd-forging-ahead-with-private-data-collection>
7. Anne Tolley responds to criticism of data collection plan – RNZ (Interview with Minister)
<http://www.radionz.co.nz/national/programmes/morningreport/audio/201839348/anne-tolley-responds-to-criticism-of-data-collection-plan>
8. Govt funding policy 'excessive', could stop people from seeking help: Privacy Commissioner – NZ Herald, Social Development Minister Anne Tolley says she is furious about a privacy breach at her ministry and has hinted jobs could be lost as a result of the blunder.
http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11832905
9. Privacy Commissioner John Edwards criticises new MSD policy – NewstalkZB
<http://www.newstalkzb.co.nz/on-air/mike-hosking-breakfast/audio/privacy-commissioner-john-edwards-criticises-new-msd-policy/> (Interview with PC)
10. Privacy Commissioner criticises MSD policy requiring disclosure of client information – TVNZ
<https://www.tvnz.co.nz/one-news/new-zealand/privacy-commissioner-criticises-msd-policy-requiring-disclosure-client-information>
11. 'Not quite road tested' – Privacy Commissioner not happy with demands from Ministry of Social Development for more information on vulnerable clients – TVNZ
<https://www.tvnz.co.nz/one-news/new-zealand/not-quite-road-tested-privacy-commissioner-happy-demands-ministry-social-development-more-information-vulnerable-clients> (Interview taken from Breakfast)
12. Privacy Commissioner has slammed Social Development data collection plans as too intrusive – Stuff
<http://www.stuff.co.nz/national/politics/91261333/privacy-commissioner-has-slammed-social-development-data-collection-plans-as-too-intrusive>
13. Big data claims starting to fray – The Government's flagship policy of using data mining to surgically direct social investment to beneficiaries through non-government organisations received two hammer blows in 24 hours - one self-inflicted and one from the Privacy Commissioner. Newsroom
<https://www.newsroom.co.nz/2017/04/05/18222/big-data-claims-starting-to-fray>

14. Com Voices press releases: <https://comvoices.org.nz/news/ngos-disappointed-ministers-response-privacy-report/>
<https://comvoices.org.nz/news/media-releases/privacy-commissioners-report-welcomed-social-service-organisations/>
15. Tolley sticks to guns as privacy commissioner criticises plan to demand NGO client data – NBR <https://www.nbr.co.nz/article/tolley-sticks-her-guns-privacy-commissioner-criticises-plan-demand-ngo-client-data-ck-p>
16. Psychological Society press release
<http://www.scoop.co.nz/stories/GE1704/S00031/attention-health-and-social-issues-reporters.htm>
17. Disappointment in the Minister's Response to Privacy Report
<http://community.scoop.co.nz/2017/04/disappointment-in-the-ministers-response-to-privacy-report/>
18. Privacy Commissioner's report welcomed by social service organisations
<http://www.voxy.co.nz/national/5/279522>
19. Minister's rejection of findings lacks "evidence base"
<http://www.scoop.co.nz/stories/PO1704/S00064/ministers-rejection-of-findings-lacks-evidence-base.htm>
20. Big Brother disregards Privacy Rights
<http://www.scoop.co.nz/stories/PO1704/S00060/big-brother-disregards-privacy-rights.htm>
21. Collecting data is coercion, says NZAC <http://www.voxy.co.nz/politics/5/279600>
22. Data-for-funding move hits Privacy roadblock – Labour
<http://foreignaffairs.co.nz/2017/04/06/data-for-funding-move-hits-privacy-roadblock/>
23. Data demands undermining social action – Waatea News
http://www.waateanews.com/waateanews/x_story_id/MTYwNjA
24. NGOs across NZ are concerned about Government's new IT platform – Maori Television
<http://www.maoritelevision.com/news/regional/ngos-across-nz-are-concerned-about-governments-new-it-platform>
25. Gordon Campbell on the MSD's privacy problems – Werewolf
<http://werewolf.co.nz/2017/04/gordon-campbell-on-the-msds-privacy-problems/>
26. <https://www.newsroom.co.nz/2017/04/06/18303/big-data-back-down-unlikely-in-wake-of-report>
27. <http://www.stuff.co.nz/dominion-post/comment/editorials/91343334/editorial-the-helping-government-doesnt-always-need-all-your-personal-details> (Weekend editorial)

28. <https://www.odt.co.nz/news/dunedin/skills-deliver-data-plan-queried> (Methodist Mission perspective)
29. http://www.waateanews.com/waateanews/x_story_id/MTYwOTY=/National/x_story/MSD-has-not-earned-data-trust Interview with Prue Kapua, Maori Women's Welfare League – Radio Waatea The MSD is demanding social service providers share client data, something that is deemed 'excessive and inconsistent with privacy principles' according to the Privacy Commissioner. Kapua says data collection has become a prerequisite for funding and comments that it is remarkable that the Privacy Commissioner was not consulted on this. She adds there are risks that people may not feel comfortable accessing services if they have to give up such private information. She asks what the information will be used for and she believes it is about 'checking up on people' and using the information against these people. She adds Maori have no reason to trust government departments demanding this information and it will be used to cut costs and access to services. She says MSD have been ambiguous about this and what the data will be used for and she hopes the Minister will take on board what the Privacy Commissioner is saying.
30. MSD privacy breach report raises more questions than answers: Anne Tolley – NZH http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11836859
31. Carmel Sepuloni: Social divestment - MSD's data grab gone wrong – Stuff <http://www.stuff.co.nz/national/politics/91403489/carmel-sepuloni-social-divestment--msds-data-grab-gone-wrong>
32. The Wire with Tess – bfm We have our weekly chat with National MP, Jami-Lee Ross talking about the data collection for the Ministry of Social Development and the Typhoid cases in NZ. <http://www.95bfm.com/bcast/the-wire-with-tess-friday-7th-april-2017>