

PRIVACY IMPACT ASSESSMENT REPORT – DISABILITY SUPPORT SERVICES BILL

Privacy Impact Assessment Report

March 2026

NOTE:

This template is provided as an example of the key types of information that can be considered during the PIA process. Adjust it as necessary to fit your organisation's needs.

Privacy Impact Assessment Report – Contents

1. Project summary: Describe the project and its context.....	3
2. Scope of the PIA.....	3
3. Personal information.....	4
4. Privacy assessment.....	4
5. Risk assessment	8
6. Recommendations to minimise impact on privacy	9
7. Action plan.....	9

1. Project summary

This project is to enact legislation that:

- strengthen the Ministry of Social Development (MSD) disability support services (DSS) by establishing a foundational legislative framework through the a DSS Bill
- respond to the recent Supreme Court judgment on paid family carers which created an employment relationship between them and MSD.

An initial Privacy Impact Assessment was undertaken during the development of the policy process. However, the speed of the process meant it was not written up. Therefore, this PIA provides the formal write up of that analysis to show that privacy matters were considered. A Legislative Design Advisory Committee privacy assessment was also undertaken.

 [Legislation-Guidelines-Checklist-DSS Bill.docx](#)

Cabinet manual 8.89 notes that:

The Office of the Privacy Commissioner should be consulted about all legislative proposals that have implications for personal information or for individual privacy more broadly. The Privacy Commissioner can also report directly to the Minister of Justice or the Prime Minister about legislation or other developments affecting individual privacy.

In addition, the Cabinet paper template for introducing a Bill requires

10.5 the principles and guidelines set out in the [Privacy Act 2020](#) (if the bill raises privacy issues, indicate whether the [Privacy Commissioner](#) agrees that it complies with all relevant principles);

As noted in the Legislation Design Advisory Committee assessment, the DSS Bill provides for no bespoke privacy provisions or information sharing. The Privacy Act would be relied upon.

In the case of the DSS Bill, there are no specific legislative proposals that provide for bespoke privacy provisions. The intention of the DSS Bill is to rely on the Privacy Act 2020.

Health Information Privacy Code 2020

2. Scope of the PIA

2.1 Scope

This PIA covers the DSS Bill. It does not cover DSS existing operational practice.

The matters that may have privacy impacts are:

- the making of ministerial programmes may require the collection and sharing of information. None of this could be inconsistent with the Privacy Act 2020. In addition, most ministerial programmes would go to Cabinet, this would be an additional check on consistency with privacy principles and Privacy Act.

2.2 The process

The PIA looked at the draft policy proposals to see if they included any bespoke information collection or privacy mechanisms.

Principal Policy Advisor, s 9(2)(a) was involved. The outcome was noted to Legal in a comment on a draft paper where Legal asked if a PIA had been undertaken.

This work is confidential, no one outside of the organisation was consulted on privacy matters. There was no need because there were no provisions that sought bespoke privacy matters.

2.3 Explain the scope and process

The scope is the DSS Bill because this assessment must be undertaken as part of the Cabinet Legislation paper to introduce the DSS Bill.

The process that was followed was to check that the Act lawfully allows for the collection of information – which it does.

3. Personal information

Personal information is collected for the purposes of determining if a person is eligible for and can be allocated disability support services. DSS already collects personal information for administering DSS. Therefore, the Bill does not change this but rather, the collection of information would occur under a ministerial programme or direction which has the added benefits of being created under a primary statute, consistent decision-making, most would go to Cabinet which means they would be subject to appropriate checks and balances. Ministerial programmes are also secondary legislation for the purpose of the Legislation Act 2019 which provides for requirements such as publication, must be presented to Parliament and can be disallowed.

No information flows have been provided as the DSS Bill does not provide for this.

4. Privacy assessment

#	Description of the privacy principle <i>(These can be deleted from your final report if they're not relevant to your project – but you should at least consider each principle)</i>	Summary of personal information involved, use and process to manage	Assessment of compliance	Link to risk assessment (if required)
1	Principle 1 - Purpose of the collection of personal information Only collect personal information if you really need it	<i>Personal information will be collected for the purposes of administering disability support services. This may include determining eligibility for assessment or allocation of services.</i> <i>Information is already lawfully collected by DSS consistent with the Privacy Act and its principles.</i>	<i>Complies – personal information is only collected for what is needed.</i>	
2	Principle 2 – Source of personal information Get it directly from the people concerned wherever possible	<i>MSD does not collect information directly from people but has administering agents, such as NASC assessors who collect information on its behalf. There are contractual arrangements with NASC providers and other assessors.</i> <i>The Privacy Act recognises it is not always possible for collecting information directly. Link</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	
3	Principle 3 – Collection of information from subject Tell them what information you are collecting, what you're going to do with it, whether it's voluntary, and the consequences if they don't provide it.	<i>Provides who collect information on behalf provide persons with information on the purpose of collection. E.g to determine allocation or allocation of DSS.</i> <i>Operational matters such as privacy warnings are outside of the scope of the Bill.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	

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4	Principle 4 – Manner of collection of personal information Be fair and not overly intrusive in how you collect the information Take particular care if collecting information from children or young people	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	
5	Principle 5 – Storage and security of personal information Take care of it once you've got it and protect it against loss, unauthorised access, use, modification or disclosure and other misuse.	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	
6	Principle 6 – Access to personal information People can see their personal information if they want to	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	
7	Principle 7 – Correction of personal information They can correct it if it's wrong, or have a statement of correction attached	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	

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8	Principle 8 – Accuracy etc. of personal information to be checked before use Make sure personal information is correct, relevant and up to date before you use it	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	
9	Principle 9 – Not to keep personal information for longer than necessary Get rid of it once you're done with it	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	
10	Principle 10 – Limits on use of personal information Use it for the purpose you collected it for, unless one of the exceptions applies	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	
11	Principle 11 – Limits on disclosure of personal information Only disclose it if you've got a good reason, unless one of the exceptions applies	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	
12	Principle 12 – Disclosing information outside New Zealand Only share information with an agency outside New Zealand if the information will be protected	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	

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13	Principle 13 – Unique identifiers Only assign unique identifiers where permitted	<i>This relates to operational practice not the DSS Bill, which contains no bespoke provisions.</i>	<i>Complies – the Bill provides no bespoke provisions relating to information collection.</i>	
	Other privacy interests	<i>As per section 22(1) of the Privacy Act 2020, personal information is collected by MSD for the lawful purpose of the function of administering the DSS system. The collection of the information is necessary for that purpose.</i> <i>Personal information may be collected by contracted providers who support MSD in administering the system. Therefore, compliance with the Information principle 2 is not consider “reasonably practicable in the circumstances of the particular case”.</i>	<i>The DSS bill provides no bespoke provisions that would alter or affect the use of the Privacy Act 2020 for DSS.</i>	

Summary / Conclusions

The DSS Bill contains no bespoke privacy provisions. MSD and supporting agencies functions to administer services relies on the Privacy Act 2020.

5. Risk assessment

The risk assessment process is not considered appropriate for this PIA.

6. Recommendations to minimise impact on privacy

Summarise the recommendations to minimise the impact on privacy based on your risk assessment

No recommendation are necessary to minimise the impact on privacy based on this risk assessment.

7. Action plan

No action plan is considered necessary.