



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

26 MAY 2017

Dear

On 21 March 2017 you emailed the Ministry requesting, under the Official Information Act 1982, information regarding the Privacy Commissioner's inquiry into the Ministry's collection of Individual Client Level Data (ICLD).

As you are aware, the Ministry has introduced ICLD collection requirements into some provider's contracts to better understand who is using the programmes and services that it funds and the impact of those programmes and services.

As the Ministry continues to implement the Community Investment Strategy, it is developing the use of a social investment approach. Social investment is about improving the lives of New Zealanders by applying rigorous and evidence-based investment practices to social services. In order to apply this approach, the Ministry needs to collect ICLD to better understand the types of clients accessing services, and the types of interventions that have the highest rate of success. The Ministry will then be able to work with providers to improve the effectiveness of these programmes and services.

- *Any reports, briefings, aide memoirs, research, and advice given to the Minister from the Office of the Privacy Commissioner that are about, or include mention of, Individual Client Level Data sharing from 1st January 2016 to 21st March 2017; and*
- *Any correspondence to the Minister or ministry executives from the Office of the Privacy Commissioner that are about, or include mention of, Individual Client Level Data sharing from 1st January 2016 to 21st March 2017; and*
- *The March 2017 report by the office of the Privacy Commissioner on Individual Client Level Data sharing between contracted social services and the ministry.*

The Privacy Commissioner's draft inquiry report, sent to the Ministry for comment on 9 March 2017, is not included in this response, as this draft was superseded by the published final report *Inquiry into MSD Collection of Client-Level Data from NGOs*, dated 6 April 2017, which is publically available online at:

<https://www.privacy.org.nz/news-and-publications/reports-to-parliament-and-government/>.

The following attached correspondence from the Office of the Privacy Commissioner has been identified as in scope of your request:

Date	Title
21 December 2016	Email: <i>OIA Response</i>
17 January 2017	Letter from Assistant Privacy Commissioner, Joy Liddicoat to Chief Executive of the Ministry of Social Development, Brendan Boyle
18 January 2017	Email: <i>OPC Investigation into ICLD collection by MSD</i>
25 January 2017	Email: <i>Privacy Inquiry into MSD contractual requirements for the collection of Individualised Client Level Data</i>
4 March 2017	Email: <i>ICLD request – Provider numbers</i>
9 March 2017	Email: <i>Inquiry into MSD contractual requirements for the collection of Individual Client Level Data - Privacy Commissioner's Draft Report for MSD consideration</i>
10 March 2017	Email: <i>Client level data collection - letter from Privacy Commissioner and attached letter</i>
10 March 2017	Letter: <i>Community Investment Strategy Contracts with NGOs</i>
17 March 2017	Email: <i>Request for information about detail of delay in implementing ICLD contracts for sexual victim services</i>

You will note that some names have been withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information. In addition, part of the email *ICLD request – Provider numbers*, dated 4 March 2017, has been withheld as out of scope of your request.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



Nadine Kilmister
Director of the Office of the Chief Executive

1

9(2)(a)

From: 9(2)(a)
Sent: Thursday, 22 December 2016 5:30 p.m.
To: 9(2)(a)
Cc:
Subject: RE: OIA response

Hi 9(2)(a)

Further to my earlier email I can confirm that the proposed response below is an accurately summarises the conversations that other Community Investment and Policy staff have been involved in.

Thanks,

9(2)(a) | General Manager Advisor, Community Outcomes & Services
Community Investment | Ministry of Social Development - Te Manatu Whakahiato Ora
DDI 9(2)(a) | The Aurora Centre, 56 The Terrace | P O Box 1556 | Wellington 6140



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P Please consider the environment before printing this email

From: 9(2)(a)
Sent: Thursday, 22 December, 2016 2:49 PM
To: 9(2)(a)
Subject: RE: OIA response

Hi 9(2)(a)

I received your voicemail. I'm just waiting to run this past 9(2)(a) before I give you a formal response. He's due back from a meeting shortly so I should be able to get back to you reasonably soon.

Regards,

9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 21 December, 2016 3:12 PM
To: 9(2)(a)
Cc:
Subject: RE: OIA response

Hi 9(2)(a)

Thank you for the email. For the meetings I have attended, your summary reflects my recollection of the discussion with OPC.

As Community Investment have had other meetings with OPC, which I have not attended, I have asked 9(2)(a) review your summary as well. 9(2)(a) will get back to you tomorrow.

Many thanks for the opportunity to comment.

Kind regards, and have a great break.

9(2)(a)

9(2)(a)

Director Information Sharing
Information Privacy, Policy and Practice
Ministry of Social Development - Te Manatū Whakahiato Ora

D2 9(2)(a)

DD
MB

From: 9(2)(a)

Sent: Wednesday, 21 December 2016 2:43 p.m.

To: 9(2)(a)

Subject: OIA response

Hi, as discussed here's the proposed response to the OIA request we've received. Does this summary accurately reflect your recollection of the advice / discussions?

Thanks

9(2)(a)

Thank you for your request under the Official Information Act 1982, which I received on 14 December 2016. You requested information as follows:

"Back in October the Ministry of Social Development implemented new contract rules which required service providers such as rape crisis centres and women's refuges to supply detailed personal information on their clients. A news article on the move is here:

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11730063.

I would like to request the following information under the OIA:

- all communications and advice provided to MSD on this issue."

Section 18(c) of the Official Information Act (OIA) allows for a request to be refused if making the information available would be contrary to the provisions of a specified enactment. Here, section 116(1) of the Privacy Act applies. Section 116(1) requires my office to maintain secrecy in respect of all matters that come to our knowledge when we are carrying out our functions under the Privacy Act. I have however a discretion under section 116(2) to release information if I consider that this is necessary to give effect to the Privacy Act.

My office has been involved with discussions with MSD about this issue. I have decided to provide you with a summary of the communications and advice provided to date, but otherwise to withhold the information you request under section 18(c) of the OIA.

In summary, we have advised MSD that:

- The Privacy Act allows for data to be used in an anonymised form for analysis and research under principles 10 (f)(i) and (f)(ii).
- MSD need to provide clear information about what was being collected and why. This includes how data may be used beyond July 2017, during "phase two" of this project. It may be difficult for NGOs to comply with the principle 3 of the Privacy Act if the purpose for collection and use had not been clearly defined by MSD.
- Requiring NGOs to provide client data as a condition of receiving funding may have the negative unintended consequence of deterring people in need from approaching support services. MSD should therefore consider making it possible for clients to opt-out of having their information provided to MSD without impacting on the funding received by the NGO. It is likely that only a small number of people would chose to opt-out, but knowing how many people take this option will provide valuable information to MSD about the level of public comfort with this policy.
- It is important to have good trust relationships and transparency between NGOs and MSD and there may be unintended consequences arising from funding being dependent on providing all client data.



- We have recommended that MSD conduct an independent privacy impact assessment to assess the risks in this policy.

My advice on this matter is ongoing. I am keeping a close watch on this issue and liaising with both MSD and concerned NGOs, and I may make a public statement in due course.

You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

9(2)(a) [redacted] Team Manager, Policy and Technology
Office of the Privacy Commissioner Te Mana Matapono Matatapu
PO Box 10094 | Wellington 6143 | New Zealand
Level 8 | 109-111 Featherston St | Wellington 6011
DDI **9(2)(a)** [redacted] | www.privacy.org.nz

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RELEASED UNDER THE
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Privacy Commissioner
Te Mana Matapono Matatapu

Chief Executive's Office

17 JAN 2017

Received

13 January 2017

Office of the Privacy Commissioner
PO Box 10094, The Terrace, Wellington 6143
Level 8, 109-111 Featherston St
Wellington, New Zealand
P +64 4 474 7590 F +64 4 474 7595
E enquiries@privacy.org.nz
0800 803 909 Enquiries
privacy.org.nz

Mr Brendan Boyle
Chief Executive
Ministry of Social Development
P O Box 1556
WELLINGTON 6140

Dear Mr Boyle

Privacy Commissioner Inquiry into Ministry of Social Development (the Ministry) contractual requirements for the collection of individualised client level data (Our ref: P/1274)

1. I am writing to formally notify you that the Privacy Commissioner, Mr John Edwards, intends to conduct an inquiry under section 13(m) of the Privacy Act 1993 into the collection of Individualised Client Level Data (ICLD) by non-government organisation (NGOs) service providers as a contractual requirement for Ministry funding.

Background

2. I understand that in 2016, as part of the Community Investment Strategy, the Ministry began implementing changes to contracts with NGOs to require NGOs to provide ICLD to the Ministry as a condition of their funding. Previously NGOs were required to provide information on the services they had delivered, such as the number of clients served, but not ICLD.
3. Late last year media reporting picked up on the changes to the Ministry's funding contracts. In October the Office of the Privacy Commissioner received enquiries from NGO representatives, a Member of Parliament and members of the public expressing concern that the collection of ICLD would turn clients away from necessary help and breach the Privacy Act 1993.
4. In addition to those approaches, members of our staff heard from concerned NGO representatives at the 4th Annual Data Hui held at Parliament Buildings on 22 November 2016. Following the Data Hui, NGO representatives shared with us the ComVoices paper, a report which detailed their concerns with the ICLD policy and which has been shared with the Ministry. We have attached that report to this letter for your reference.

P/1274/A480810

5. When Ministry staff first discussed the intention to begin collecting ICLD with our staff in June 2016 we understood that the use of the data would be limited to analysis and evaluation and aggregated summary reporting and research, including through the Integrated Data Infrastructure. However, due to the public interest and concerns about the policy, we met with the Ministry again on 29 November to discuss the policy further.
6. In that meeting Ministry staff told us that ICLD could be used in an identifiable way for non-statistical use in "phase two" of the proposal. My staff expressed their concerns about the privacy risks involved in an unclear purpose for the use of the collected information. They also conveyed the view of this Office that clients should be given the choice of opting out or providing anonymised information to the Ministry, without jeopardising the provider's funding or viability.
7. We also attended an NGO engagement workshop hosted by the Ministry in Wellington on 13 December 2016. At this workshop it became clear that NGOs' concerns about the privacy and other risks associated with this policy had not been adequately addressed. As a result the Commissioner has decided to conduct an inquiry into this policy, which we intend to complete by March 2017.

Purpose of Inquiry

8. The purpose of this inquiry is to investigate whether funding contracts that require service providers to pass ICLD to the Ministry infringe individual privacy.
9. The inquiry will also seek to identify whether the contractual provisions comply with the information privacy principles, in particular principle 3, which governs the steps the collecting agency takes to ensure that the individual concerned is aware of various matters including the purpose of collection, and principle 4 which requires that personal information not be collected by means that are unfair or unreasonably intrusive.

Next Steps

10. To assist the Commissioner in his investigation, it would be helpful if you could release any advice you have given to your Minister on this policy. In particular, we would ask that you clarify the specific uses of ICLD in 'phase two' of the data collection. I would appreciate it if you could provide this information by 1 February.
11. The Commissioner will also be seeking submissions from the representatives of affected NGOs.
12. At the conclusion of the inquiry, the Privacy Commissioner will report to the Ministers of Social Development and Justice, and, if appropriate, the Prime Minister, on his findings (pursuant to sections 13(l) and 13(p) of the Privacy Act 1993). The findings

will also be shared with the Ministry, NGOs and the wider public through publication on our website.

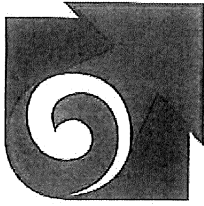
13. This inquiry will be managed by 9(2)(a) Team Manager Policy and Technology.
She can be contacted at 9(2)(a)
14. If you would like to meet with the Commissioner to discuss this issue in person, please feel free to contact 9(2)(a) to arrange a meeting.

Yours sincerely



Joy Liddicoat
Assistant Commissioner (Policy and Operations)

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NEW ZEALAND FEDERATION OF
FAMILY BUDGETING SERVICES (INC.)
TE RŌPŪ PENAPENA PŪTEA
WHĀNAU O AOTEAROA

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PO Box 694
Timaru
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9(2)(a)

Team Manager Policy and Technology
Office of the Privacy Commissioner
PO Box 10094
The Terrace
Wellington 6143

23rd December 2016

Dear 9(2)(a)

Many thanks for taking the time to write outlining where we are with the MSD's ICLD collection.

We are particularly interested in points 6 and 9 concerning PP3. There is no consequence for the individual if the information is not provided but a severe one for us; no funding for working with that client. We regard this as insidious and it is one of the reasons we have asked MSD to provide a clear explanation of how the data will be used and appropriate framing of the request to clients. They have refused to do this saying that this is our responsibility. This means that over 150 providers will be framing their own consent wording/process. I have already seen two that are well shy of satisfactory. We also find it astonishing that they have stated that written consent for disclosure is not required. Surely this is putting the provider/collector in a potentially vulnerable position.

We appreciate greatly the fact that this whole matter is being watched over by the Commissioner. Right from the outset we have felt uneasy about the entire process and it is increasingly clear that we are far from on our own. Developments in 2017 are eagerly awaited.

Thank you again and best wishes for a happy, healthy, safe and satisfying New Year.

Yours sincerely,

9(2)(a)

9(2)(a)

Coordinator

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THE NEW ZEALAND FEDERATION OF FAMILY BUDGETING SERVICES (INC.)

3

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Wednesday, 18 January 2017 3:01 p.m.
To: 9(2)(a)
Cc: 9(2)(a)
Subject: OPC Investigation into ICLD collection by MSD
Attachments: 2017-01-10 FINAL Letter from Joy to MSD CEO re NGO ICLD collection (A480810).pdf

Dear 9(2)(a)

Happy New Year to you all.

We wanted to keep you all up to date with the fact that the Privacy Commissioner has decided to conduct an inquiry under section 13(m) of the Privacy Act 1993 into the Ministry of Social Development's collection of Individualised Client Level Data (ICLD) by NGO service providers as a contractual requirement for funding. Assistant Commissioner Joy Liddicoat sent a letter to your CEO last week outlining the purpose of the investigation and how it will be carried out. I've attached that letter here for you in case you've not seen it already.

The Commissioner's decision to investigate this policy has been influenced by the concerns of NGOs and members of the public that have approached us for comment or assistance.

The purpose of this inquiry is to investigate whether funding contracts that require service providers to pass ICLD to MSD are likely to infringe individual privacy. It will also seek to identify whether the contractual provisions comply with the information privacy principles, in particular principle 3, which governs the steps the collecting agency takes to ensure that the individual concerned is aware of various matters including the purpose of collection, and principle 4 which requires that personal information not be collected by means that are unfair or unreasonably intrusive.

We will also be actively seeking the views of NGOs on how the collection of ICLD will impact them, their operations and their clients. At the conclusion of the investigation we intend to report our findings publicly and report to Ministers Tolley and Adams.

We're aiming to conclude the investigation by the end of March 2017. Please feel free to get in touch with one of us if you'd like to discuss this or have questions. We're currently working out of Radio New Zealand House and we still don't have serviced landlines, so email or mobile are the best options for contacting us.

9(2)(a) we wondered whether you would please be willing to provide us with the email addresses of the NGOs that attended the workshop you organised for the 13 December so that we can inform them of our investigation as we don't have business cards for everyone who attended. Alternatively it would be helpful if you could please pass on my email to the attendees and let them contact me directly.



Ngā mihi,

9(2)(a) Senior Policy Adviser, Policy and Operations

Office of the Privacy Commissioner Te Mana Matapono Matatapu
PO Box 10094 | Wellington 6143 | New Zealand
Level 8 | 109-111 Featherston St | Wellington 6011
P 9(2)(a) | www.privacy.org.nz

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9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Wednesday, 25 January 2017 10:34 p.m.
To: Community_Investment_Issues (MSD); 9(2)(a)
Subject: Fwd: Privacy Inquiry into MSD contractual requirements for the collection of Individualised Client Level Data

Hi guys, see below.

Sent from my iPhone

Begin forwarded message:

From: Joy Liddicoat <Joy.Liddicoat@privacy.org.nz>
Date: 25 January 2017 at 4:53:52 PM NZDT
To: Maree Roberts <Maree.Roberts032@msd.govt.nz>, 9(2)(a)
Cc: 9(2)(a)
Subject: RE: Privacy Inquiry into MSD contractual requirements for the collection of Individualised Client Level Data

Dear Maree

Thank you for taking the time to meet with us and discuss our inquiry into ICLD this morning. And thank you also for passing on 9(2)(a) contact details. As we discussed we will contact 9(2)(a) (cc'ing you in) with any further information requests as required.

I thought it might be helpful to clarify in writing that the purpose of the inquiry is outlined in paragraphs 8 and 9 of my letter to Mr Boyle. The Commissioner is inquiring into whether funding contracts that require service providers to pass ICLD to the Ministry infringe individual privacy. This is why we are interested in seeing copies of funding contracts to assist us in making our assessment. We are also looking at the policy decisions that were made and on which the funding contracts are based as this will help inform our view about whether the funding contracts comply with the Privacy Act. This is why we are interested in seeing records of internal policy development process and advice given and received by MSD on this issue, including from the Ministry of Justice.

I hope this is useful information for you. Please do not hesitate to contact me or my staff if you have any questions for us.



Warm regards,

Joy Liddicoat

Joy Liddicoat LLM (Distinction) | Assistant Commissioner, Policy and Operations
Office of the Privacy Commissioner Te Mana Matapono Matatapu
PO Box 10094 | Wellington 6143 | New Zealand
Level 8 | 109-111 Featherston St | Wellington 6011
P: 9(2)(a) | <http://www.privacy.org.nz>

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From: Maree Roberts [mailto:Maree.Roberts032@msd.govt.nz]

Sent: Wednesday, 25 January 2017 10:03 a.m.

To: Joy Liddicoat; 9(2)(a)

Cc: 9(2)(a)

Subject: Privacy Inquiry into MSD contractual requirements for the collection of Individualised Client Level Data

Good morning,

Thank you for the meeting this morning on the above. As discussed, if you can send all requests to 9(2)(a) (copied in) and cc me that would be most appreciated. 9(2)(a) contact details are as follows:

9(2)(a)

Business Services Team Manager

Community Investment

DDI: 9(2)(a)

Regards

Maree

Maree Roberts | Associate Deputy Chief Executive | Community Investment |
Ministry of Social Development | PO Box 1556 | Wellington | 9(2)(a)

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Out of Scope

Begin forwarded message:

From: 9(2)(a)
Date: 3 March 2017 at 2:03:43 PM NZDT
To: 9(2)(a)
Cc: 9(2)(a)
Subject: RE: ICLD request - Provider numbers


Hi 9(2)(a)

Hope all is well with you. As you may be aware the Commissioner has asked us to look into the collection of ICLD - we were wondering whether MSD has finalised any privacy impact assessments on this issue?

Cheers,

9(2)(a)
Senior Policy Advisor (Health)

Office of the Privacy Commissioner Te Mana Matapono Matatapu
PO Box 10094, The Terrace, Wellington 6143
Level 8, 109 Featherston Street, Wellington, New Zealand
T 9(2)(a) 201
M
E 9(2)(a)
<http://www.privacy.org.nz>

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From: 9(2)(a)
Sent: Thursday, 15 December 2016 12:57 p.m.
To: 9(2)(a)

Cc: 9(2)(a)
Subject: ICLD request - Provider numbers

Hi 9(2)(a),

When we met the other week 9(2)(a) asked for the number of providers across all programmes and services who currently have phase one ICLD reporting requirements in their 2016/17 contracts.

We have pulled a report which I transferred to the table below.

Out of Scope

Apologies for the delay in getting this information through to you, I have been tied up this week with pre and post workshop arrangements. Feel free to pass this information on to 9(2)(a). Unfortunately I don't have access to their contact details as I'm in Auckland today.

If you have any questions regarding this please feel free to let me know.

Regards,

9(2)(a) | General Manager Advisor, Community Outcomes & Services
Community Investment | Ministry of Social Development - Te Manatu Whakahiato Ora
DDI 9(2)(a) | The Aurora Centre, 56 The Terrace | P O Box 1556 | Wellington 6140



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9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Thursday, 9 March 2017 8:44 p.m.
To: Maree Roberts; 9(2)(a) Murray Edridge
Cc: 9(2)(a) Community Investment Issues (MSD); 9(2)(a)
Subject: Fwd: Inquiry into MSD contractual requirements for the collection of Individual Client Level Data - Privacy Commissioner's Draft Report for MSD consideration
Attachments: 2017-03-09 FINAL VERSION OF ICLD REPORT SENT TO MSD (A490320) (Autosaved....pdf; ATT00001.htm)

Hi all,

the OPC's has provided us with the attached draft report for our comment...

Cheers

9(2)(a)

Sent from my iPhone

Begin forwarded message:

From: 9(2)(a)
To: 9(2)(a)
Cc: 9(2)(a)
9(2)(a)
Subject: Inquiry into MSD contractual requirements for the collection of Individual Client Level Data - Privacy Commissioner's Draft Report for MSD consideration

Dear 9(2)(a),

Please find attached the Privacy Commissioner's draft inquiry report into the collection of ICLD.

We would like to give MSD the opportunity to comment on this report before we publish it, which we intend to do by the end of March.

We would request that MSD **provide all comments to us by 5pm Thursday 23 March** to enable us sufficient time to finalise our report.

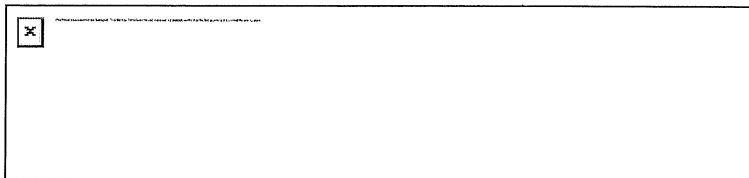
In particular there are several paragraphs where we have made statements based on our understanding of the documents you sent over, typically phrased "we understand that..." (see paragraphs 30, 124, 125, 134, 140 and 141) – we would be grateful if you could please clarify if we have misunderstood any of the information referred to in those paragraphs in particular.



Ngā mihi,

9(2)(a)

9(2)(a) Senior Policy Adviser, Policy and Operations

Office of the Privacy Commissioner Te Mana Matapono Matatapu
PO Box 10094 | Wellington 6143 | New Zealand
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From: 9(2)(a)
Sent: Thursday, 9 February 2017 11:36 a.m.
To: 9(2)(a)
Cc: Community_Investment_Issues (MSD); 9(2)(a)
Subject: Privacy Inquiry into MSD contractual requirements for the collection of Individual Client Level Data

Hello 9(2)(a)

Please find attached a letter from Maree Roberts, Associate Deputy Chief Executive, Community Investment and copies of the documents mentioned in her letter which are provided to support the Privacy Commissioner's inquiry into the contractual requirement for N O service providers to collect Individual Client Level Data.

If you would prefer to receive hard copies of the documents, please let me know. I am happy to arrange to have them posted to you.

Kind regards

9(2)(a)

9(2)(a) | Senior Advisor Ministerial Services | Community Investment | Ministry of Social Development - Te Manatu Whakahiato Ora | Level 15 | 56 the Terrace | P O Box 1556 | Wellington 6140 | New Zealand

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7

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Friday, 10 March 2017 11:14 a.m.
To: Maree Roberts
Cc: 9(2)(a)
Subject: FW: Client level data collection - letter from Privacy Commissioner
Attachments: 170310_102901_192168027035.pdf

Importance: High

FYI – just received this.

Will be in touch with next steps

From: 9(2)(a)
Sent: Friday, 10 March 2017 10:57 a.m.
To: Hon Anne Tolley
Cc: 9(2)(a)
Subject: Client level data collection - letter from Privacy Commissioner
Importance: High

Dear Minister Tolley

Please find attached a letter from Privacy Commissioner John Edwards in relation to the collection of client level data by MSD.

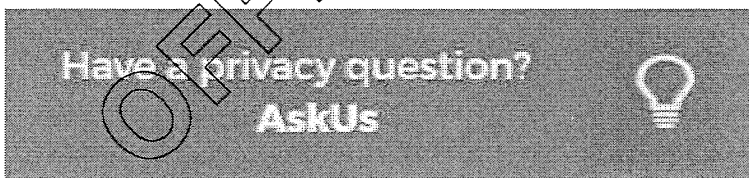
Yours sincerely



9(2)(a)

Public Affairs Manager

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10 March 2017

Hon Anne Tolley
Minister of Social Development
Parliament Buildings
WELLINGTON

Dear Minister

Community Investment Strategy Contracts with NGOs

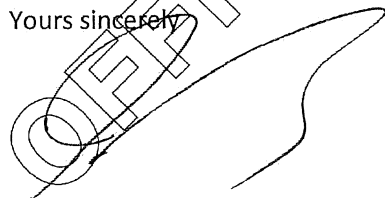
As you will be aware, I have undertaken an inquiry into the Ministry's contracts with NGOs that requires them to collect and provide to the Ministry individual client level data for all service users. I have forwarded a draft of my report to the Ministry for its comments.

My provisional conclusion is that applying the policy without exceptions constitutes an infringement of privacy. I have concluded, based on advice from many NGOs, that the requirement to provide client level data in relation to sensitive services is likely to deter some individuals from seeking support or assistance. This cannot be the Government's intention.

I was particularly struck by the inconsistency of the contracts with very recent manifestations of government policy, including those in support of vulnerable children. If the policy proceeds NGOs providing support services to women fleeing violence with their children will be permitted to decline to share information in appropriate circumstances under the proposed MVCOT and Family Violence statutory information sharing regimes, but will nonetheless be required to share that information as part of their funding arrangements. I am very concerned at the potential consequences for vulnerable individuals of such a requirement.

I would be happy to brief you in person on my findings and recommendations, and to work with you and the Ministry to find a way of realising the Government's legitimate objectives without the unintended consequences my inquiry finds are likely to follow if the policy is implemented as currently planned.

Yours sincerely



John Edwards
Privacy Commissioner

cc: Hon Amy Adams
Minister of Justice

9

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Friday, 17 March 2017 12:08 p.m.
To: 9(2)(a)
Cc:
Subject: Request for information about detail of delay in implementing ICLD contracts for sexual victim services

Dear 9(2)(a),

I left a message on your phone just now. The Commissioner is very interested in media reports saying sexual victim-focused NGOs will enjoy a delay in the implementation of contracts requiring ICLD.

I couldn't see any information on MSD's website or the Beehive website explaining the detail of this delay.



Would you please be able to provide me with the Minister's statement, or detail on the timing and terms of this delay and how it will be implemented please?

9(2)(a) I'm including you in case this belongs in your patch rather than in 9(2)(a).

Thanks and warm regards,

9(2)(a) Senior Policy Adviser, Policy and Operations
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