



Privacy Commissioner
Te Mana Matapono Matatapu

Approved information sharing agreement: improving public services for vulnerable children

A report by the Privacy Commissioner to
the Minister of Social Development under
section 96P of the Privacy Act 1993.

July 2015

Executive summary

This is my report on the approved information sharing agreement (AISA) between the Ministries of Social Development, Justice, Health and Education, and the New Zealand Police approved under Part 9A of the Privacy Act.

The purpose of the AISA is to permit information sharing to improve public services for vulnerable children. In particular, the AISA enables the parties to share information to identify vulnerable children, assess their needs and inform the appropriate service response.

I am satisfied that this information sharing agreement meets the requirements set out in Part 9A of the Privacy Act, and in particular those set out in section 96N.

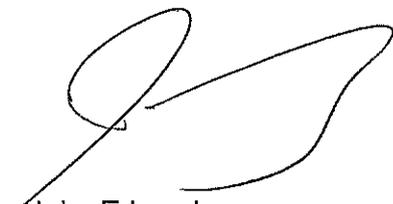
Given the extensive nature of the information to be shared I am assured by the foundation principles governing sharing under the agreement. Those principles put the safety, welfare and wellbeing of a vulnerable child and their family central to any decision to share information about them.

I am satisfied that the impact on privacy is not unreasonable given the policy objective and the agreement puts adequate privacy safeguards in place. Sharing information necessarily has an impact on the privacy of individuals but is often essential to their health, safety and wellbeing.

I am satisfied that during the consultation process my views have been acknowledged and led to the further development of this agreement.

With the support and leadership of the Ministry of Justice, challenges in defining the scope of the agreement were overcome, and the potential of the AISA mechanism to approve a multi party sharing agreement was realised.

My detailed comments on the agreement are structured under headings that reflect the specific criteria for approved information sharing agreements in section 96N of the Privacy Act.



John Edwards
Privacy Commissioner

Comments on the agreement

1. Does the information sharing agreement facilitate the provision of any public service or public services?

The information sharing agreement is intended to facilitate information sharing between agencies working collaboratively to identify vulnerable children; protect vulnerable children from harm; and promote the wellbeing of vulnerable children, their families and whanau. This purpose meets the criteria of supporting the delivery of public services.

2. Is the type and quantity of personal information to be shared under the agreement no more than is necessary to facilitate the provision of that public service or those public services?

I consider that the type and quantity of personal information to be disclosed under this agreement is necessary to achieve the policy objective of delivering support to vulnerable children. The information that may be shared is extensive but the needs of a vulnerable child and their family may be complex involving a number of sectors such as social services, health, education and justice.

Given the extensive nature of the information to be shared I am reassured by the foundation principles governing sharing under the agreement. Those principles put the safety, welfare and wellbeing of a vulnerable child and their family central to any decision to share information about them.

3. Will the agreement unreasonably impinge on the privacy of individuals and contain adequate safeguards to protect their privacy?

Impact on privacy

Sharing information necessarily has an impact on the privacy of individuals but is often essential to their health, safety and wellbeing. Some of the information shared under this agreement may be sensitive, and individuals may suffer adverse consequences as a result of the sharing. However, I am satisfied that the impact on privacy is not unreasonable given the safeguards built into the agreement.

Adequate safeguards

The AISA model means agencies can build in protections that allow the public to have confidence that the proposal is reasonable, proportionate and subject to adequate safeguards. For this agreement I note the following protections:

- the parties will use secure information technology systems, which are compliant with applicable Government security policies
- information sharing may only occur where specific criteria set out in the agreement are met

- staff and contractors who have access to information are subject to contractual obligations which prohibit unauthorised access, use and disclosure of personal information
- before taking any adverse action a series of checks will be taken to confirm the accuracy of the information.

4. Will the benefits of sharing personal information under the agreement be likely to outweigh the financial and other costs of sharing it?

I am satisfied that this agreement will result in positive benefits to vulnerable children and their families that outweigh the costs of sharing it. New Zealand has had a poor record of protecting some children from harm. The proposed AISA will set in place the legal framework to enable sharing to support children.

The outcomes for children will be supported by agencies maintaining a culture of managing information carefully and with respect. I am committed to providing my resources to assist agencies involved in the delivery of improved services to vulnerable children.

5. Are there any potential conflicts or inconsistencies between the sharing of personal information under the agreement and any other enactment, and have they been appropriately addressed?

I am not aware of any conflicting enactment that will impact on this proposal. I am satisfied that thorough and prudent legal analysis has been completed in this regard.

6. Other issues

Consultation

With the support and leadership of the Ministry of Justice, challenges in defining the scope of the agreement were overcome, and the potential of the AISA mechanism to approve a multi party sharing agreement was realised.

I am satisfied that during the consultation process my views have been acknowledged and led to the further development of this agreement.

Reporting

At this stage, I have yet to specify reporting requirements for the agreement.