



Ministry of Education / New Zealand Teachers Council Registration Match Programme

Review of statutory authorities for
information matching

Report by the Privacy Commissioner to
the Minister of Justice pursuant to section
106 of the Privacy Act 1993 in relation to a
review of the operation of the:
Ministry of Education / Teachers Council
Registration Match Programme

July 2015

1. Commissioner's Recommendation

In this report I assess the ongoing value and suitability of an information match between the Ministry of Education (the Ministry) and the New Zealand Teachers Council (the Teachers Council).

The purposes of the match are to ensure teachers are correctly registered with the Teachers Council and correctly paid by the Ministry.

Section 106 of the Privacy Act 1993 requires the Privacy Commissioner to carry out periodic reviews of the operation of each information matching provision and to consider whether:

- the authority conferred by each provision should be continued
- any amendments to the provision are necessary or desirable.

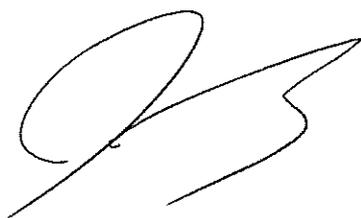
Appendix A gives further detail on the information matching provisions and section 106.

This match is an effective method for the Teachers Council to confirm the registration status of teachers who are paid through the Ministry.

The match also allows the Ministry to check that schools have entered teacher's entitlements correctly into the payroll system. However partly due to the way the match was designed to spread the manual workload involved over time, and partly because Ministry payroll staff have had to focus on Novopay issues, the match is not yet being effectively used for this purpose.

The match has been operated in a manner consistent with the information matching controls in the Privacy Act.

I recommend that this match continue and have no suggested amendments to its operation.



John Edwards
Privacy Commissioner
July 2015

2. Match assessment

The match is assessed against the criteria in section 98 of the Privacy Act 1993. In particular, I consider that:

<p><i>Financial cost/benefit and other outcomes</i></p>	<p>The match is a cost effective approach to identifying teachers whose registration status needs to be resolved.</p> <p>The Teachers Council were unable to provide cost estimates for this match. This is not uncommon where the match is built into a business process. The primary cost in such a system is in following up with those people who need to be contacted. The match results currently lead to the Teachers Council contacting almost 10% of teachers to confirm or correct their registration status.</p> <p>The Ministry estimates their current annual operating costs at \$1,500. This is primarily the cost of supplying the data to the Teachers Council.</p>
<p><i>Compliance/operational difficulties</i></p>	<p>No difficulties have been identified in complying with the Privacy Act.</p> <p>As the match was phased in during 2010/2011 the Ministry identified difficulties in defining which 'teaching' roles information should be included in the match. This was corrected through the Education Amendment Act (no 3) 2010 which extended the coverage of the match from 'regular teachers' to also cover fixed term and short-term relief teachers. The roles which are covered under the definition of 'teacher' were also clarified allowing Speech Language Therapists to be excluded from the match.</p> <p>The Ministry also has not yet been able to make full use of the match to identify payroll errors. This is partly due to the way the match was designed to spread the manual workload involved over time and partly due to the diversion of staff to deal with Novopay.</p>
<p><i>Scale of matching process</i></p>	<p>The scale of the match is appropriate. The match involves only two agencies and only information necessary to achieve the purposes of the match is transferred.</p>
<p><i>Alternative methods to achieve results</i></p>	<p>This match serves as a necessary back-stop process to ensure registrations are maintained and to correctly record that information in the payroll system.</p>

3. Compliance / operational difficulties

Novopay Impact

From 2012/2013 the match has been affected by the Ministry's difficulties with Novopay which affected the timeliness and quality of the data provided to the Teachers Council. The diversion of staff within the Ministry to Novopay issues also diverted the Ministry from following up with schools about any payroll anomalies returned from the Teachers Council.

Match Refinement

The Teacher's Council has continued to improve their matching algorithm to give more useful results. In 2013/14 the Teachers Council realised that they were sending letters to people who did not require registration. People are allowed to teach for short periods (up to 20 half-days) without registration. To avoid sending unnecessary letters an amendment to allow the match to transfer the number of half-days worked was included in the Education Amendment Act 2015.

This Amendment Act also made changes which will affect the terms used in future reporting. The Act replaced the New Zealand Teachers Council with the Education Council of Aotearoa New Zealand and distinguishes between registration (as a teacher) and practising certificates (which include the three-yearly review).

Online Data Transfer

The agencies had an approval to transfer the data online which expired in 2014. The agencies have since advised that they will not seek another approval for online transfer of data until they can give assurance that they have a secure method of online transfer. Since then the transfer has been made by encrypting the file and transferring it on a protected USB memory stick. This manual transfer does provide acceptable security although well configured online methods are preferred.

4. Match results

Registration Matching - Teachers Council	2010/11	2011/12	2012/13	2013/14
Match runs	6	9	13	24
Average number records received from the Ministry	51,768	56,510	56,625	57,103
Matched, letter sent to establish registration status	1,909	3,815	4,804	5,045
Match successfully challenged	60	49	53	67
Not matched, letter sent	570	11	315	433
Match resolved by teacher response	278	10	217	284
Remaining issues	261	117	155	447
Number of confirmed matches	986	3,147	4,232	9,594

Payroll Changes – Ministry of Education	2010/11	2011/12	2012/13	2013/14
Number of teachers written to	Nil	465	Nil	Nil
Number of salaries adjusted	Nil	44	Nil	Nil

Matches are considered 'confirmed' when the person has actually been contacted and given an opportunity to confirm the match is correct. Until 2014 the Teachers Council was only contacting people to confirm the match if there had been a question to resolve. The number of confirmed matches therefore rose only relatively slowly. The number of confirmed matches is now expected to increase more rapidly as in mid-2014 the registration renewal forms were changed to include information about the match. This gives teachers a chance to amend any information that is not correct.

Registration is for a three year period, but a shorter term (up to one year) authority to teach can be granted. Approximately 1,000 people currently have that permission. This suggests that within three years most of the matches should be 'confirmed'.

The Teachers Council thought the reduction in the number 'Not matched' in 2011/2012 might have been due an improvement in school's employment processes in reaction to the match. This may be correct, but improvements to the matching algorithm in that year subsequently increased the number of 'Not matched' identified.

The Ministry did not identify any errors in allowances in 2010/11 because few matches were reported to them by the Teachers Council as 'confirmed'. In 2011/12 the Ministry was able to use the data returned from the Teachers Council, as planned, to contact teachers and arrange for the correction of allowances. From 2012/2013 the Ministry has not been able to use the match to check for potential errors in allowances, because of the focus of resources on Novopay.

5. Match process

The match is authorised by the Education Act 1989, s.128A.

Each fortnight the Teachers Council provides a list of all registered teachers to the Ministry. The list includes: full names, date of birth, gender, address, registration number, registration expiry date, registration classification and Ministry employee number (if this has been confirmed).

The Ministry match this list to their payroll records and report back all matches and any payroll records that were not matched to a registration record. The Ministry returns to the Teachers Council: full names, date of birth, gender, address, school(s) employed at, registration number (if known), and Ministry employee number.

The Teachers Council reviews the matches and follows up where there may be an issue with registration with the teachers. The Teachers Council also follows up the payroll records that were not matched to registration records, firstly with the teacher concerned and then if necessary with the school. Where the Teacher's Council has contacted the teacher, the match is considered 'confirmed'.

Once a match has been confirmed the Ministry can check that the correct allowances are being paid for the person's registration status.

6. Appendix A

6.1 Background to Information matching

Information matching involves the comparison of one set of records with another, usually to find records in both sets that belong to the same person. Matching is commonly used to detect fraud in social assistance programmes, or to trace people who owe debts to the Crown, but can also be used ensure people get entitlements as in the case of the unenrolled voters matches.

Oversight of this activity is important to safeguard individuals and maintain transparency and trust in government. The Privacy Act regulates information matching through controls directed at:

- authorisation – ensuring that only programmes clearly justified in the public interest are approved
- operation – ensuring that programmes operate within the information matching framework
- evaluation – subjecting programmes to periodic review.

6.2 Section 106

Section 106 of the Privacy Act requires the Privacy Commissioner to undertake periodic reviews of the operation of each information matching provision and to consider whether:

- the authority conferred by each provision should be continued
- any amendments to the provision are necessary or desirable.

A periodic review is necessary to assess the ongoing value and suitability of a programme in light of experience operating the programme. A programme may lose effectiveness over time if hit rates have peaked or the wider context has changed.

To conduct these reviews I consider mainly the information matching guidelines set out in section 98 of the Privacy Act. In particular I focus on whether each provision:

- continues to achieve its objective by providing significant monetary benefits or other comparable benefits to society
- raises concern because of the scale of matching (because of the number of agencies involved, the frequency of matching, or the amount of personal information being disclosed)
- is operating within the information matching controls in the Privacy Act.