

Information Matching Bulletin

News from the Office of the Privacy Commissioner – April 2012

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Government responds to Law Commission review of Privacy

On 27 March 2012 the Government presented its response to the Law Commission report *Review of the Privacy Act 1993*. The report is available at:

<http://www.justice.govt.nz/publications/global-publications/g/government-response-privacy/government-response-privacy>.

The Government agrees with the Law Commission that the Privacy Act needs to be replaced with a new Act to respond to changes in technology, public expectations about security of personal information, and how businesses operate in today's environment.

The Privacy Commissioner welcomed the government's commitment to update the Privacy Act. See the Privacy Commissioner's media release at <http://privacy.org.nz/update-the-privacy-act-to-strengthen-protections-for-people-and-help-business-says-privacy-commissioner-media-release/>

The Government response outlines that it:

- has already made progress on 33 recommendations (including the introduction of the Privacy (Information Sharing) Bill
- agrees to do further work on 39 recommendations
- needs to do further work on 55 recommendations before coming to a view
- will consider 17 recommendations later as part of other work
- will not consider doing further work on two recommendations.

The Law Commission made 10 recommendations about the Information matching framework. The Government response to seven of the 10 recommendations was they are best considered after the Privacy (Information Sharing) Bill has been passed and has had time to 'bed in'. The key recommendations in this group are:

- removing the requirement to seek authorisation for online transfers
- removing the blanket exemption for Inland Revenue to information destruction rules
- increasing the notice of adverse action period to 10 days, but allowing the Privacy Commissioner to reduce the period in appropriate cases.

Two of the 10 recommendations were considered sensible but needed further analysis. They are:

- making the requirement for the Commissioner to perform a five yearly review of operating programmes a discretionary decision

- allowing the Commissioner to report separately on information matching activity rather than in the Commissioner's annual report.

The final recommendation that all information matching should operate under the information matching framework is no longer relevant as the Government responded positively to an alternative recommendation with the introduction of the Privacy (Information Sharing) Bill.

The information matching framework will remain intact in the meantime. However, the report suggests that a high degree of uptake on information sharing agreements may make the information matching provisions redundant, and if that happened, work to amend or repeal the information matching provisions will be considered.

The 'Review of the Privacy Act 1993: Review of the Law of Privacy Stage 4' report is available at http://www.lawcom.govt.nz/project/review-privacy?quicktabs_23=report#node-2123.

Privacy (Information Sharing) Bill submission

The Privacy Commissioner made a submission on the Privacy (Information Sharing) Bill to the Justice and Electoral Committee on 23 March 2012.

In her submission, the Commissioner:

- supported passage of the Bill as long as all its safeguards for privacy are kept intact
- noted that the Bill directly affects the relationship of trust between citizens and the State – so needs to be right
- expressed her view that there are risks to privacy in the information sharing environment, and the Bill aimed to create a framework in which privacy risks are identified and managed.

The report is available at: <http://privacy.org.nz/assets/Files/Reports-to-ParlGovt/Submission-on-the-Privacy-Information-Sharing-Amendment-Bill-March-2012.pdf>

The select committee's report is due on 15 June 2012. The Privacy (Information Sharing) Bill is available at <http://www.legislation.govt.nz/bill/government/2011/0318/latest/versions.aspx>.

Electronic Identity Verification Bill submission

The Privacy Commissioner made a submission on the Electronic Identity Verification Bill to the Government Administration Committee on 30 March 2012.

In her submission, the Commissioner:

- supported passage of the Bill because it puts in place a robust legal framework for the operation of the Identity Verification Service (IVS)
- made two minor recommendations to amend the Bill to further clarify its relationship to the Privacy Act
- expressed her confidence that the design of the IVS itself limits and mitigates many of the potential privacy risks.

The report is available at: <http://privacy.org.nz/assets/Files/Reports-to-ParlGovt/Submission-on-the-Electronic-Identity-Verification-Bill-March-2012.pdf>.

The select committee's report is due on 29 June 2012. The Electronic Identity Verification Bill is available at <http://www.legislation.govt.nz/bill/government/2011/0323/latest/versions.aspx>

UK data matching pilot schemes experience mixed results

Two recent reports published in the UK serve as useful background to those new to the field, or a reminder to the initiated, about the potential risks with setting up large scale data matching/information sharing processes.

In the UK, keeping the electoral registration system up to date relies on an annual household survey. For each household, one person responds on behalf of everyone in the household.

From 2014/15 the UK intends to move to an individual electoral registration system. To support the new system, the UK government is considering the use of data matching between the electoral register and several public authority databases to help the government maintain accurate and up-to-date electoral records.

An evaluation of the data matching pilots has been completed by the Electoral Commission and is available at <http://www.electoralcommission.org.uk/news-and-media/news-releases/electoral-commission-media-centre/news-releases-reviews-and-research/on-1-march-2012-we-published-a-report-evaluating-pilot-data-matching-schemes-intended-to-test-the-potential-of-improving-the-accuracy-and-completeness-of-electoral-registers-through-access-to-national-databases>.

A separate report was completed by two staff within the Cabinet Office Electoral Registration Transformation Programme. Their report is available at: <http://www.cabinetoffice.gov.uk/sites/default/files/resources/FINAL-Data-Matching-Evaluation-Report-new.pdf>.

The two reports highlight that the data matching exercise was complex (as they often can be) and mention issues with timing, data quality, data definitions, information transfer mechanisms, matching algorithms, staff skills and workload.

Privacy Forum "Think Big? Privacy in the age of big data"

Our Privacy Forum "Think Big? Privacy in the age of big data" is on 2 May at the Intercontinental, Grey Street, Wellington. We have an exciting range of speakers, both local and international. In particular we're delighted that John Borking, Malcolm Crompton, Charles Raab and Bruce Schneier have all agreed to speak at our forum as well as at the Identity Conference which is on 30 April and 1 May at Te Papa Tongarewa. For more details visit: <http://privacy.org.nz/privacy-awareness-week-29-april-5-may-201/>.

Information matching workshops

These half day workshops are designed to give some practical background knowledge about the Privacy Act along with more detailed information about preparing an Information Matching Privacy Impact Assessment. The cost is \$170 (incl GST) per person. Agency dedicated workshops are negotiated on a case by case basis.

On 16 March we ran a dedicated workshop for Inland Revenue.

Our next workshop is tentatively scheduled for 25 October 2012, but is dependent on having enough participants registered. To register your interest in attending this workshop, contact Sharon Newton on (04) 4747590 or by email to sharon.newton@privacy.org.nz.

Publications

There are a number of other publications and reports available from the Privacy Commissioner that may be of interest to those involved in information matching. These can

be found on the Privacy Commissioner's website at: <http://privacy.org.nz/data-matching-introduction/>

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