

Civil Defence National Emergencies (Information Sharing) Code – Submissions

On 12 April 2012 notices appeared in daily newspapers seeking submissions on a proposal to issue the Civil Defence National Emergencies (Information Sharing) Code. The proposal, with the invitation to make submissions, was also circulated through networks of people thought likely to be interested. In particular, information was distributed through Local Government New Zealand to Council CEOs and through the Local Government New Zealand Emergency Management Distribution List.

During April, May and June 17 submissions were received. Copies are attached.

Linda Williams

From: Neil Cruickshank <[REDACTED]>
Sent: Tuesday, 22 May 2012 12:09 p.m.
To: Codes Privacy
Cc: [REDACTED]
Subject: submission: Proposed Civil Defence National Emergencies code

Proposed Civil Defence National Emergencies (Information Sharing) Code
Office of the Privacy Commissioner
PO Box 10094

I am making this submission on behalf of the Southland Civil Defence Emergency Management (CDEM) Group. I am the Group Controller for Southland as defined in the Civil Defence Emergency Management Act 2002.

The Southland CDEM Group support in principle the intention and purpose of the proposed code.

The Southland CDEM Group recommend the following changes be considered:

1. Section 3: Interpretations: **emergency declaration** be changed to read "*emergency declaration means the declaration of a state of local or national emergency under the Civil Defence Emergency Management Act 2002*".
2. That if change 1 is accepted then reference to "National" within the code be deleted.

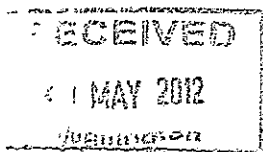
Reasons for recommendations:

- The operational dynamics of a declared emergency whether it be a National declaration or a local declaration are not dissimilar in that normal emergency provisions and practices are unable to cope and further higher level assistance is required. For this to happen effectively there needs to be a freeing of normal policy and procedures and privacy requirements is one of those areas where a "relaxing" of policy is required.
- A very high threshold is in place for the consideration of a local declaration as it is for a national declaration. All CDEM Groups in New Zealand have to outline their process for making a local declaration in a CDEM Group Plan.
- A local declaration requires coordination and two way sharing of information with a number of government agencies including MSD, Ministry of Education, Police, Fire Service, DOC, ACC, Ministry of Civil Defence and Emergency Management, IRD and a number of other agencies. This is coordinated through the Group controller who holds delegated powers under the Civil Defence Emergency Management Act.
- The number of local declared emergencies in New Zealand is small (10 between 2006-2011).
- The National Declaration in 2011 is the first in New Zealand's history therefore the threshold for the code as it is written at present is extremely high and because of this will only get used on very rare occasions.

I do not wish to make an oral submission to the commissioner.

Neil Cruickshank
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Proposed Civil Defence National Emergencies (Information Sharing) Code
Office of the Privacy Commissioner
P O Box 10094
Wellington 6143

18 May 2012

Dear Privacy Commissioner

Submission on the proposed Civil Defence National Emergencies (Information Sharing) Code

Overall we applaud the intent of this code. It will overcome existing barriers in sharing information at a time when we need to do the best we can to help people. It will give organisations assurance that they can work together in the best way possible.

Our main concern is the limiting of this code to the declaration of a state of national emergency. In Northland we have experienced a number of local emergencies. The barriers and challenges around collecting, using and disclosing personal information are the same for these local emergencies, just on a smaller scale. It would make a big difference if we could work together in providing assistance to people without being concerned about the privacy implications.

We therefore ask that you extend the definition of emergency declaration to include a declaration of a state of local emergency under the Civil Defence Emergency Management Act 2002.

There is one other area for consideration, from a welfare perspective the need to collect, use and disclose information amongst welfare agencies can extend well beyond the state of emergency into the recovery phase of an event. We acknowledge that by this time there should be opportunity to seek permission from individuals to share information. We just ponder whether this is the best use of everyone's attention and resources at a time when people are still in great need.

We thank you for the opportunity to make this submission and look forward to it's becoming a permanent guide in our planning and response in the future. Please feel free to contact me if you wish to discuss our submission further.

Yours Sincerely

Graeme MacDonald
On behalf of the Northland CDEM Group and Welfare Advisory Group

Northland Civil Defence Emergency Management Group "Resilient Communities Together"





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25 May 2012

Submission from: New Zealand Red Cross

Regarding: Proposed Civil Defence National Emergencies (Information Sharing) Code

Addressee: Office of the Privacy Commissioner
PO Box 10094
Wellington 6143

Due: 25 May 2012

New Zealand Red Cross does not require to appear before the Select Committee.

Organizational profile:

New Zealand Red Cross has been part of the fabric of New Zealand for more than 81 years, working hard to provide fast, relevant, expert and caring assistance to meet the needs of vulnerable people in times of disaster, conflict or emergencies. We are part of the world's largest humanitarian network, an independent humanitarian organisation, founded in 1863, and based on the Fundamental Principles of the International Red Cross and Red Crescent Movement: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

New Zealand Red Cross is made up of 250 staff, 15,000 volunteers, 4,000 members and about 90 branches and groups. Volunteers are at the heart of New Zealand Red Cross and our work would not be possible without them.

Our programmes in New Zealand and overseas are centered around three strategic aims; preparing for, responding to and enabling recovery from disaster or crises; enabling health and safe living; and promoting social inclusion through migrant support and educating future humanitarians. Community programmes offered by Red Cross target vulnerable people, from meals on wheels and emergency and welfare support in disaster situations to community outreach and education on international humanitarian law. We also fund a diverse range of



international programmes focused on helping communities build capacity and addresses real needs. Last year we sent 58 aid workers overseas.

Under the Guide to the National Civil Defence plan New Zealand Red Cross has a lead role in the public inquiry process where New Zealand Red Cross, at a National level, collates relevant registration information to enabling in reuniting separated families and advising on their welfare and location after disasters. This task was conducted post the Christchurch and Canterbury earthquakes and in excess of 50,000 registrations were managed on the Red Cross database. This is a task universally conducted by the Red Cross Movement.

Comments:

New Zealand Red Cross supports the proposed Civil Defence National Emergencies (Information Sharing) Code (the Code), however we wish to raise the following matters for consideration –

1. New Zealand Red Cross welcomes the opportunity to clearly establish where New Zealand Red Cross (and the wider Movement) fits into this paper. We understand that there is differentiation around which agencies are able to collect versus use versus receive personal information. New Zealand Red Cross has extensive and contextually relevant experience in registration of displaced persons following humanitarian crises, as was evident in our role in the aftermath of the Christchurch earthquakes. Previous experience suggests role clarification to be a primary matter of concern in order to gain efficiency during response. We would be interested in engaging further to better understand our expected role and provide lessons learnt where possible.
2. New Zealand Red Cross was not approached by the Government to provide feedback on the Christchurch relief response as it applies to this paper; however, reading the comments provided by organisations who did feedback suggests consensus may exist for extending the length of time in which the proposed Code applies. New Zealand Red Cross would welcome if the Code's application also extended during the recovery phase.
3. With the potential for many organisations to have access to collect and disclose personal data, it is suggested that a discussion be held around what collected information may be used for by receiving agencies, for example will there be different standards for particularly Red Cross, non-governmental organisations and government originated data.
4. New Zealand Red Cross is a key actor in disaster response domestically and we would welcome the opportunity to stay engaged on the development of this Code, including the training of its staff on its application should the Code be implemented.

Regarding the seven points requested for comment by Ministry of Social Development, New Zealand Red Cross proposes the following opinions:

1. Vetting of volunteers will help ensure data integrity which we support, however the feasibility of continuous vetting of volunteer personnel prior to an event may be an impractical task to maintain. New Zealand Red Cross often utilizes spontaneous local volunteers for support roles, such as data entry, led by trained and vetted staff and/or volunteers. If the Code proposes to have personnel vetted prior to access to data, this process may be more practically carried out through the provision of a 24 hour clearance being made available by New Zealand Police (NZP) at the time of the event.
2. New Zealand Red Cross does not support enacting the Code in times of non-national emergency...
3. The ability for certain data to receive higher levels of protection is important. The current New Zealand Red Cross registration form allows an individual to restrict the release of their information to the extent that it does not appear when running a tracing enquiry. A similar provision is recommended for the collection and access to data under this Code.
4. New Zealand Red Cross is supportive of the Code being applicable across all humanitarian crises, such as pandemic and mass fatality events.
5. Information regarding animals, including livestock, should not be included under the Code...

Contact details:

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International Operations and Emergency Manager
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Wellington
Phone: [REDACTED]
Email: [REDACTED]

Consultation: This submission has been written in consultation with the Manager International Operations and Emergencies, the Restoring Family Links and Emergency Operations Advisor, and the Policy and Advocacy Manager of New Zealand Red Cross.

** Not for public release*



MINISTRY OF SOCIAL DEVELOPMENT

Te Manatū Whakahiato Ora

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31 May 2012

[Security]

Blair Stewart

Proposed Civil Defence National Emergencies (Information Sharing) Code

Office of the Privacy Commissioner

PO Box 10094

Wellington 6143

Dear Mr Stewart

Submission on the proposed Civil Defence National Emergencies (Information Sharing) Code.

Thank you for the opportunity to provide feedback on the proposal to partially relax the normal law restricting disclosure of personal information in situations of national civil defence emergencies.

We have considered the proposal and support the intent behind introducing relaxed measures in certain circumstances.

We do however have some feedback that we would like to submit.

Supplementing the code with guidelines

We suggest that the Privacy Commissioner issue guidelines around how the code works and how agencies should deal with personal information in emergency situations. The code is good but on its own its unlikely to address the uncertainty that people face when dealing with personal information, or the differing interpretations of the Privacy Act and codes that can occur across agencies.

Supplementing the code with guidelines will give people extra confidence to share information where necessary by providing additional guidance to people engaged in civil defence emergency management on the authority for collection, use and disclosure of personal information.

Other points which could be better described as more administrative/practice issues rather than legal issues that would be within the scope of the code to deal with could be then be addressed including but not limited to advice on:

- Vetting of personnel from agencies and organisations pre-event to ensure staff and volunteers accessing such information are of a suitable character and standing (i.e. no criminal convictions for sex or violence offences etc).
- Agencies having plans in place before emergencies to ensure sensitive information is appropriately dealt with eg: vulnerable groups including children, those with domestic violence protection orders etc to ensure they have sufficient protection during an emergency.
- Reinforcing the position about disclosure about animals (pets and disability assistance dogs). While information about animals is not personal information covered by the Privacy Act or codes, when it is linked to the owners information it can become personal information.
- Recommending that emergency management information systems (such as EMIS) and security data is reviewed or considered by Government Communications Security Bureau (GCSB) to ensure that they meet government security compliance requirements.

One advantage of what is proposed is to enable the new code to be factored into the emergency planning of government agencies. Any decision to partially relax the normal law restricting disclosure of personal information should also result in agencies with a lead responsibility in emergencies being directed to update material they have to guide emergency management responses such as the National Civil Defence Emergency Management Plan and Guide and Directors Guidelines to reflect practice expectations.

Limiting the relaxation to national civil defence emergencies

The code is limited to “Civil Defence”. Not all emergencies are led by civil defence and consideration should be applicable across all hazards, such as allowed under pandemic, terrorism (mass fatality) events, transportation disasters etc.

The code should be able to be triggered under other legislation beyond the Civil Defence Emergency Management Act 2002. There are clear criteria for declarations of emergencies and the code could align to, for example, National Crisis Management Centre modes of activation eg level 3 “Assist” where the National Crisis Management Centre is fully operational and all supporting agencies are activated.

The benefits of introducing a code for an event that to date constitutes less than 1% of declared emergencies in New Zealand are not likely to be realised.

Summary

We applaud the intent and agree having a code in place before an event will assist individuals, community and the government in time of emergency.

Thank you for the opportunity to provide feedback on what is being proposed and we would be happy to expand or provide a more detailed explanation of our comments.

Yours sincerely

**Steve Glassey
General Manager
Emergency Management**

On behalf of Janet Grossman Deputy Chief Executive, Work & Income



Ministry of Civil Defence & Emergency Management

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25 May 2012

Office of the Privacy Commissioner

To whom it may concern

Dear Sir/Madam

Submission on proposed *Civil Defence National Emergencies (Information Sharing) Code [2012]*

Thank you for the opportunity to comment on the proposed Civil Defence National Emergencies (Information Sharing) Code (hereafter the proposed code).

As Director of CDEM and National Controller, I am fully supportive of the purpose and principles underpinning New Zealand's current privacy legislation and codes.

Within the CDEM framework of operations my Ministry and I fully appreciate the need for, and encourage all agencies involved, to follow sound 'business-as-usual' practices to manage personal information. With this aim in mind we would expect agencies to develop and have in place in-house procedures that are fully cognisant and compliant with their privacy obligations in fulfilling their responsibilities to prepare for and respond to civil defence emergencies.

We also recognise that an emergency situation does not in itself necessarily create a need for special arrangements. The intent of Civil Defence Emergency Management Act 2002 (hereafter the CDEM Act), and plans and procedures developed under it, are to work within 'everyday' law and practices as far as practicable. On this basis a declaration by the Minister of Civil Defence of a State of National Emergency or mayor or regional council chairperson of a State of Local Emergency are for exceptional circumstances only, and is not undertaken lightly.

To understand are those circumstances relating to an emergency whereby relaxing normal law governing personal information is desirable to assist response and, in balance, improve outcomes for the persons concerned.

Background on states of emergency under the CDEM Act

The primary aim of having a state of emergency in force is to better enable the coordination of the use of resources, including information, to improve the effectiveness of all agencies' responses to the event. A second aim could be that it provides the National or Local Controller (and those acting under their authority) with an ability to carry out certain actions or directions to assist managing a response that may require curtailing or restricting a civil liberty or right ordinarily allowed for or protected under other law. Such directions or actions are given protection from liability as long as they do not constitute an act of bad faith or gross negligence.

The purpose of outlining the above is to make clear two points. First, other than who declares the state of emergency at either the national or local level, the responsibilities and powers of a National or a Local Controller are the same under the CDEM Act. Second, a state of emergency provides for far broader responsibilities and powers for directing a response than are ever likely to be exercised in any one event. As such, it is expected that both the reason

for declaring a state of emergency and the actions taken thereafter are based only on the specific needs of that event, and that otherwise all normal procedures and rights that exist under any law will remain in place and be followed as much as possible.

As a core principle, and in reality, most emergencies are managed without any need for declaring a state of emergency. If an extraordinary level of management is needed then more likely a state of local emergency is declared. Only in exceptional cases, when the scale of the event requires high levels of coordination from across the nation and internationally, or where the local response is overwhelmed, is it likely that a national state of emergency is declared. The Christchurch earthquake of 22 February 2011 was such an event. To date it is the only occasion under the CDEM Act, and none occurred under the prior Civil Defence Act in place from 1983

There are two other aspects to declaring a state of emergency that are relevant, being that it covers:

- the smallest area necessary (from a single ward for a local emergency and a district for a national emergency), and
- the shortest time possible (for a maximum of seven days without formal extension)

in order to achieve its purpose and to otherwise allow normal law to prevail.

Submission on proposed code

The proposed code, based on the Christchurch earthquake experience, confirms that there are occasions when the primary aim of protecting lives, assisting injured and addressing the welfare of those affected by an emergency may be better assisted by relaxing privacy obligations. This relaxation is to enable agencies to collect, use or disclose personal information in ways that would not ordinarily be acceptable as part of their business as usual practices.

We acknowledge that the temporary code used in Christchurch, based on an Australian model, worked well. We support having a clearer and prior established arrangement allowing for similar needs in the future.

However it is not clear to us that the reasons for requiring a relaxing of normal privacy law necessarily related to that event being a state of national emergency. We consider other possible situations exist whereby the permitted purposes identified in the proposed code could come into play, namely:

- A state of local emergency having the same concerns, though not otherwise requiring stepping up to a state of national emergency
- Other national level emergencies, for example a pandemic emergency, for which a CDEM response may only be a part, and for which a national state of emergency is not declared
- A local emergency, not requiring a state of emergency to manage, though still involving significant loss of life, injury or welfare issues, and that requires agencies to collect, use and disclose personal information in ways (of scale, urgency, formats, protocols) that are outside of everyday practices. The Pike River mine disaster or a major transport incident are possible examples.

In each of these cases, agencies are left with concerns as to whether they are doing the right thing by:

- Keeping to standard procedures and thereby possibly constraining their or other agencies' responses to the event
- Taking it upon themselves or, if possible taking direction from the lead agency or Controller, to relax their normal procedures for personal information on the basis that they are doing so in good faith to further the interests of the emergency response and the individuals concerned.

My staff have suggested to me anecdotal evidence for all three situations above that may relate to one or other of these concerns. However, we have not had time to seek further advice from the CDEM sector to determine:

- The full extent or nature of such situations or concerns
- Whether they relate to a constraint of privacy law and codes per se or, more simply, these occasions indicate:
 - a lack of understanding about privacy requirements during emergencies generally, and/or
 - inadequate SOPs (standard operating procedures) to give proper effect to them during emergency situations.

We do note that the Australian Privacy Act 1988, on which the wording of the proposed code is based, does not preclude any of the above situations. Instead, the trigger for activating their code relates solely to the need to relax privacy considerations to assist with any official response, and that this decision is independent of all other aspects of the emergency or response management.

In conclusion, while we can support the proposed code in relation to a state of national emergency we are concerned that there has been insufficient consideration as to whether the same concerns may extend to other types and different scales of emergencies. We recommend that this research is undertaken and are willing to support the Commissioner in doing so.

Until this research is done, we are unable to determine whether or not the proposed code is a good approach to apply to these other situations, or whether other solutions are required.

Linking the proposed code to a state of national emergency

There is a potential issue in terms of the proposed code being triggered by a state of national emergency under the CDEM Act. An initial declaration is made for a period up to one week, and it may only be extended for successive periods of a week. The aim is to keep the total period as short as possible based upon those aspects of response that necessitates it. This requirement recognises that a state of emergency may pose an overly heavy-handed approach and/or send the wrong messages to the public about the level of impacts and their management. In the Christchurch earthquake the state of national emergency was terminated on 30 April 2011. However we understand that your temporary emergency information sharing code was in place till 30 June 2011. It is not clear to us whether the code proved useful for welfare, DVI or other matters that extended after 30 April. On this point I do not consider that I would recommend to the Minister extending a state of national emergency solely to enable

more relaxed sharing of personal information between agencies, due to its wider implications for the public.

The CDEM Act interprets recovery activities to include without limitation such matters as *assessment of needs and coordination of resources to a community affected by an emergency*. These matters could include aspects that are covered under clauses 4(2)(b),(d) & (e) of the proposed code. We also promote as best practice that recovery begins on day one of an emergency, alongside response, and that it will extend after response (and particularly after a state of emergency has concluded). Addressing recovery needs, especially early in an event, may therefore also require personal information sharing under extraordinary circumstances.

The issue that the above points raise is whether linking a relaxing of personal information sharing codes to a state of national emergency will address the full period over which such a need may exist. We note that the Australian model enables any period to be stated, and up to a year by default. While not proposing this model provides the answer, we do recommend that further consideration is needed as to whether using a state of emergency in establishing the duration of the code is too limiting and, if so, that other options be further explored.

Minor points on wording in the proposed code:

We have three points about wording within the proposed code.

Replace the term 'emergency declaration' with 'state of national emergency': We do not support interpreting and using the term 'emergency declaration' within the code for the following reasons.

Declaring an emergency is merely the formal step that sets in place a state of emergency. It is the *state of emergency that is in force or exists*, not the declaration. After the emergency is declared, all further understanding for those involved in the response and our public information about the event centres around it being a 'state of emergency'. For this reason, CDEM legislation refers to the 'commencement, expiration, termination and extension' of the state of emergency, and not of the original declaration. As an initial declaration lasts only till the seventh day, an event like Christchurch involved multiple extensions so that reference to the initial declaration became of lesser importance in speaking of the event's management.

Furthermore, there is no single interpretation of emergency declaration within the CDEM Act, with a declaration required to set in place either a state of *national or local* emergency. As such, your referencing an *emergency declaration* could be misconstrued as applying in the context of a state of local emergency if the code is not read fully and carefully.

Explicit versus implicit understanding of the jurisdictional area in which the proposed code will apply. As mentioned previously an important consideration in declaring a state of national emergency is that it covers the smallest geographical area necessary at or above a single district or area (as defined in the CDEM Act). However the proposed code is attaching a provision that implicitly applies to information collected, used and disclosed anywhere in the country (and possibly within overseas offices of New Zealand agencies). As this is in direct conflict with the intent of the CDEM Act, it may merit explicit acknowledgement within the code that its provisions apply generally and are not restricted to the area for which the state of national emergency exists to avoid any potential for misunderstanding.

Response versus recovery activities: As previously mentioned recovery activities are closely linked to response in both time and type, and cover aspects relating to personal information. Making this clear within the code may be useful. An option for doing so, and possibly addressing the jurisdiction point above, is by redrafting the proposed clause 4(1) thus:

*4(1) A **permitted** purpose is a purpose that directly relates to the government or local government management of response to, and recovery from, an emergency in respect of which a state of national emergency exists, and such permitted purpose may occur throughout New Zealand territories.*

Adding the word *management* here also makes clearer that it is the official management of the event, and that this includes actions undertaken by private agencies and NGOs in support of national or local government led management, recognising that the public sector does not undertake all response and recovery on its own.

Again I thank you for the opportunity to comment, and I trust that this submission is useful to you. If you have further queries about the points raised, please contact:

Dr Richard Smith
Acting Manager, CDEM Specialist Services

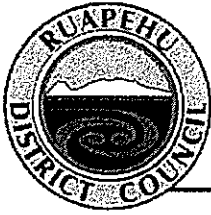
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Kind regards

John Hamilton
Director of CDEM



RUAPEHU DISTRICT COUNCIL

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Our Ref: 542921
File: C30-0001

25 May 2012

Proposed Civil Defence National Emergencies (Information Sharing) Code
Office of the Privacy Commissioner
PO Box 10094
WELLINGTON 6143

code@privacy.org.nz

Dear Sir/Madam

SUPPORT FOR SHARING OF INFORMATION DURING EMERGENCIES

Thank you for the opportunity of making this submission in support of the introduction of an information sharing code during Civil Defence emergencies.

Ruapehu District Council is a member of the Manawatu-Wanganui Civil Defence Emergency Management Group. The CDEM Group's Coordinating Executive Group discussed the proposed code at a recent meeting and agreed on the following submission.

The Manawatu-Wanganui CDEM Group and Horizons Regional Council supports the introduction of a code that allows for the sharing of private information between agencies that enhances the agencies' ability to respond to the emergency.

The Manawatu-Wanganui CDEM Group and Horizons Regional Council would however strongly encourage the adoption of the code for any emergency declared under the Civil Defence Emergency Management Act 2002. This then includes any local emergency declared under the Act.

The recommendations endorsed by the Coordinating Executive Group were:

- i. supports the introduction of the code
- ii. recommends the inclusion of local emergencies in the definition of emergency declaration
- iii. recommends that the code be called the Civil Defence Emergencies (Information Sharing) Code.

Ruapehu District Council endorse and support the recommendations of the Coordinating Executive Group.

Yours sincerely,

Margaret Hawthorne
GROUP MANAGER ENVIRONMENTAL SERVICES

mah: tlg

The Ruapehu District ... where adventure begins!



Linda Williams

From: Andrew Boyle [REDACTED]
Sent: Thursday, 24 May 2012 10:32 a.m.
To: Codes Privacy
Subject: Submission on Civil Defence Information Sharing Code

Office of the Privacy Commissioner
PO Box 10094
WELLINGTON 6143

Dear Ms Shroff

SUBMISSION ON THE PROPOSED CIVIL DEFENCE NATIONAL EMERGENCIES (INFORMATION SHARING) CODE

SUPPORT FOR SHARING OF INFORMATION DURING EMERGENCIES

The Palmerston North City Council is a member of the Manawatu-Wanganui Civil Defence Emergency Management Group. The CDEM Group's Coordinating Executive Group discussed the proposed code at a recent meeting and agreed to support the introduction of a code that allows for the sharing of private information between agencies to enhance their ability to respond to the emergency.

The Palmerston North City Council supports this submission. -

The Palmerston North City Council also strongly endorses the Group's submission that the code allow for the sharing of private information in any emergency declared under the Civil Defence Emergency Management Act 2002. This includes any local emergency declared under the Act.

In summary the Palmerston North City Council:

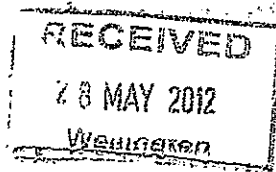
- i. supports the introduction of the code
- ii. recommends the inclusion of local emergencies in the definition of emergency declaration
- iii. recommends that the code be called the Civil Defence Emergencies (Information Sharing) Code.

Thank you for the opportunity to make these comments

Yours sincerely

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24 May 2012



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Proposed Civil Defence National Emergencies
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code@privacy.org.nz

Dear Ms Shroff

SUPPORT FOR SHARING OF INFORMATION DURING EMERGENCIES

Horizons Regional Council is a member of the Manawatu-Wanganui Civil Defence Emergency Management Group. The CDEM Group's Coordinating Executive Group discussed the proposed code at a recent meeting and agreed on the following submission.

The Manawatu-Wanganui CDEM Group and Horizons Regional Council supports the introduction of a code that allows for the sharing of private information between agencies that enhances the agencies ability to respond to the emergency.

The Manawatu-Wanganui CDEM Group and Horizons Regional Council would however strongly encourage the adoption of the code for any emergency declared under the Civil Defence Emergency Management Act 2002. This then includes any local emergency declared under the Act.

The recommendations endorsed by the Coordinating Executive Group were:

- i. supports the introduction of the code
- ii. recommends the inclusion of local emergencies in the definition of emergency declaration
- iii. recommends that the code be called the Civil Defence Emergencies (Information Sharing) Code.

Kairanga

Marton

Palmerston North

Tairāhapa

Tairāpunga

Wanganui

Woodville

Yours sincerely

Géid Shirley
CHAIR, COORDINATING EXECUTIVE GROUP
MANAWATU-WANGANUI CDEM GROUP

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Proposed Civil Defence National Emergencies (Information Sharing) Code
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**National Emergency (Information Sharing) Code:
Child Advocacy**

SUPPORT

I support the proposed changes but ask for further consideration to be given.

COMMENTARY

The background information has been reviewed and the following issues are raised:

- a) the code should comply with the Convention on the Rights of the Child
- b) noted in clause 4 (3) the age specified is 18 years, indicating that under age 18 no person is capable of giving information. Is this valid?
- c) noted in Katherine Gibson's legal review on page 9 she gives an example of students. There are a number of situations where childrens wellbeing may be risk and it is not clear who has the mandate to act in an emergency as set out in clause 4 (3):
 - i) those in mental health care or hospitals
 - ii) in Prison, or under CYF or Police care
 - iii) street kids
 - iv) international students
 - v) undocumented children
- d) the Green Paper for Vulnerable Children raised issues on information sharing and mandatory reporting. Sue Mackwell of Ministry of Social Development and Barbara Lambourn of UNICEF NZ would be well briefed on the submission findings.
- e) the Children's Commissioner should be consulted and agree the final Code...

RECOMMENDATION

The Children's Commissioner to be consulted and agree the code

AUTHORS NOTE

I am a layman interested in UNCROC and have been involved in child advocacy on a voluntary basis for 8 years.

Peter Shuttleworth

17 May 2012

email: [REDACTED]

REFERENCES

Submission Invitation

<http://privacy.org.nz/codes-consultation/>

Katherine Gibson legal review

<http://privacy.org.nz/assets/Files/Codes-of-Practice-materials/Katherine-Gibson-paper-on-Earthquake-code-10-05-11.pdf>

Linda Williams

From: Clinton Rains <[REDACTED]>
Sent: Friday, 25 May 2012 2:18 p.m.
To: Codes Privacy
Subject: Proposed Civil Defence National Emergencies Code

I am not sure if the proposal distinguishes between NZ and non-NZ agencies but I do believe any information being shared under these proposed changes, should not be shared with any overseas agencies, as we lose control how it is used and where it can end up. No matter what foreign agencies say they will do, individuals lose any NZ legal protection that would otherwise exist for NZ agencies.

I thought that this should be considered in light of these proposals.

Regards...
Clinton Rains



25 May 2012

Proposed Civil Defence National Emergencies (Information Sharing) Code
Office of the Privacy Commissioner
PO Box 10094
Wellington 6143

Dear Madam/Sir

SUBMISSION TO THE PROPOSED CIVIL DEFENCE NATIONAL EMERGENCIES (INFORMATION SHARING) CODE

The Hawke's Bay Civil Defence Emergency Management Group is a statutory body established under the Civil Defence Emergency Management Act 2002 to provide for civil defence in the Hawke's Bay regional area. The Group is made up of the Wairoa District Council, Napier City Council, Hastings District Council, Central Hawke's Bay District Council and the Hawke's Bay Regional Council.

The Hawke's Bay Civil Defence Emergency Management Group wishes to make the following submission to the proposed Civil Defence National Emergencies (Information Sharing) Code.

General. The Code proposes to provide for central and local government agencies to collect and exchange personal information for the purposes of responding to a national state of emergency. In principle the Group agrees with this goal as this codifies actual best practice during a response to an emergency. However the Group has concerns regarding the narrow focus of this code on a national state of emergency.

Related to this issue is the fact that as a local government agency, the Group is bound by the Local Government Official Information and Meetings Act 1987. A request under this Act could be made for information gathered during an emergency that may be personal in nature. Clarification under the proposed Code that any such information is only to be used in response to an emergency, will allow the Group to justify refusing such a request to protect the privacy of individuals under section 7(2)(a) of that Act.

Definition of an Emergency. Clause 3 of the proposed Code contains a definition of an *Emergency Declaration* which states that this means the declaration of a state of national emergency under the *Civil Defence Emergency Management Act 2002*.

Our submission is that this definition should apply to national and local states of emergency and not just to a national state of emergency. The fact that these provisions only apply to declared emergencies is also problematic.

We would therefore recommend that this Code should apply to the central or local government response to an *Emergency* as defined under Clause 3, not just an *Emergency Declaration*. Therefore we would submit that the definition of an *Emergency Declaration* should be deleted and Clause 4(1) amended to read:

A permitted purpose is a purpose that directly relates to the government or local government response to an emergency. As stated in the Code, the definition of an emergency is the same as contained in the Civil Defence Emergency Management Act 2002.

Clause 5(1) would also need be amended to replace the reference to an *emergency declaration* with reference to an *emergency (or permitted purpose)*.

If the above recommendations are not acceptable then at the very least the provisions of this Code should apply to all declared state of emergencies (national and local). The definition of *emergency declaration* in Clause 3 would therefore need to be amended to include local emergencies.

The reasons for these recommendations are as follows:

- The vast majority of declared emergencies are local and in fact the Christchurch Earthquake declaration has been the only national declaration.
- Most emergencies are not declared under the Act as a declaration generally occurs only when the event is beyond the capacity of the local council and statutory powers of coordination across a number of agencies are required.
- Whether an emergency is declared or not, or national or local, is irrelevant to the requirement to respond in a way that preserves life and property. The collection and use of personal information to meet this aim should be a permitted.
- The same rationale should be applied to gaining access to personal information held by other agencies.

Thank you for the opportunity to make a submission on this proposal. The Hawke's Bay Civil Defence Emergency Management Group does not wish to be heard in support of its submission, however should you wish to discuss this submission further please do not hesitate to contact Ian Macdonald at the contact details listed below.

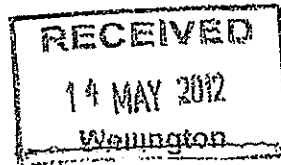
Yours sincerely

**IAN MACDONALD
GROUP MANAGER
HAWKE'S BAY CIVIL DEFENCE
EMERGENCY MANAGEMENT**

Phone: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]

CHS 15 004

8 May 2012



Proposed Civil Defence National Emergencies (Information Sharing) Code
Office of the Privacy Commissioner
PO Box 10094
WELLINGTON 6143
Code @privacy.org.nz

Dear Sir/Madam

Submission to the Proposed Civil Defence National Emergencies (Information Sharing) Code

Thank you for the opportunity to comment on this proposed code.

The submission is made on behalf of the Gisborne District Council acting in its capacity as the Gisborne Civil Defence Emergency Management (CDEM) Group. The comments below have been made by staff, and have been endorsed by the Council's Corporate Management Team. No political endorsement from Council is required as this is regarded to be an operational matter that can be addressed at Council staff level.

We are fully supportive of this initiative as the current arrangements create an atmosphere of uncertainty amongst the various partners managing the needs of the evacuees.

National State of Emergency

We submit that to limit the proposed code to national states of emergency only is not in the best interest of the emergency management sector. The issues from the Christchurch event that led to this proposal occur in local states of emergency just as readily as they can under a national declaration.

National declarations are extremely rare with Christchurch being the first example since the conception of Civil Defence in New Zealand, which occurred in the early 1950's.

Local states of emergency, which can involve just one CDEM Group having all the issues that led to this proposal, but also multiple Groups all declared at the same time across large parts of New Zealand. Recent examples of this include Cyclone Bola with five Groups involved and the 2004 flooding events with Manawatu, parts of Wellington and Waikato, and Bay of Plenty all involved in declarations and managing large numbers of evacuees.

The need to share information, whether in a national or local event, does not change and also the scale or numbers of evacuees in a local event is not necessarily smaller. There are no differences in the management of evacuees or their needs in either state of emergency.

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We submit that the proposed code should relate to both states of emergency as defined in the Civil Defence Emergency Management Act 2002.

Sharing of Information for Abuse of Support

The proposed code and other legislation do not provide clarity around the issue of abuse of support. As general examples:

- When one agency becomes aware of an evacuee attempting to obtain support from another during the event, but that individual has already received an appropriate level of help from others. It is unclear if this information can be shared.
- During the event and subsequently it becomes apparent that an evacuee, as a part of their normal daily routine, is defrauding a government welfare agency - can that information be shared with the agency concerned if discovered by another or used in a future investigation? Again there is no clarity around this issue.

We are primarily concerned that both issues are not specifically defined in any legislation and the code could take this opportunity to clarify for the future and make it clear whether they are or are not permissible.

Further Consideration

After the 2004 events, cabinet removed the requirement that financial reimbursement for expenditure related to evacuees incurred by local authorities was only available when that local authority 'declared'. Our understanding is that this was primarily to reduce the number of declarations, i.e., declaration just for financial reasons.

It is quite possible that if this code is adopted, local authorities may use it as a measure when deciding whether to declare or not, in the same way the financial provisions were used. It is possible to have a significant emergency not declared, in the current environment, where a local authority is actively participating in the management of and looking after evacuees' needs with other agencies. This creates a need to share information in any of the scenarios outlined in this submission as well as those identified in the proposed code.

We are not submitting, at this point in time, that the proposed code apply in non-declared emergencies but wish to bring it to the attention of the review panel as a potential future issue.

Summary

We ask that the code apply to all declared states of emergency not just the national context, and further that attempts to 'double dip' or cases of fraud are discovered during emergencies and are recognised in the proposed code.

Yours sincerely

Hans van Kregten
Group Manager Environment and Policy

Dunedin Community Law Centre
52 Filleul Street
DUNEDIN
Telephone: [REDACTED]

21 May 2012

Civil Defence National Emergencies (Information Sharing) Code [2012]

The Dunedin Community Law Centre (DCLC) is a volunteer organisation that has been in operation for 32 years as a free legal advice, education, law reform and information service.

Our aims are:

- To provide and promote community based services that address the unmet legal needs of all cultures in the community.
- To provide and promote legal training and education for university students.
- To promote the dissemination of legal knowledge throughout the community.
- To promote legal services and law reform; which will increase access to justice and reflect the Treaty of Waitangi.

The DCLC welcomes the opportunity to comment on the Civil Defence National Emergencies (Information Sharing) Code [2012]. We support this code coming into force in the event of the declaration of a state of national emergency, such as that which occurred in the February 2011 Christchurch earthquake.

Shortly after the Christchurch earthquake struck, social services in the Dunedin community set up an information hub for people coming into the city from Canterbury. The Dunedin Community Law Centre was involved in this initiative offering free legal advice on a range of issues. Through this venture we had firsthand experience of the importance of coordinated information sharing during a state of national emergency, in order to reduce anxiety and stress.

In particular we would like to draw attention to (2) (b)

- (2) Without limiting subclause (1), any of the following is a permitted purpose in relation to an emergency:*
- (a) identifying individuals who:*
- (i) are or may be injured, missing or dead as a result of the emergency;*
 - (ii) are or may be otherwise involved in the emergency;*
- (b) assisting individuals involved in the emergency to obtain services such as repatriation services, medical or other treatment, health services, financial and other humanitarian assistance;¹*

¹ Privacy Commissioner, Civil Defence National Emergencies (Information Sharing) Code [2012], 2.

We all become vulnerable in the event of national emergencies; but for those members of the community who are already vulnerable, i.e.: children who are unable to locate parents, the elderly and people living with a disability, people living alone, those on a low income, people living with mental health or addiction issues, or women and men living temporarily in refuges and shelters we hope this code will assist with providing a speedy and unified multi-agency response.

There is a “peace of mind” element to this code as well, as it ensures that families and those with an intimate personal relationship with individuals caught up in a national disaster are informed of matters related to their loved ones:

- (2) *(e) ensuring that people who are **responsible** for individuals who are, or may be, involved in the emergency are appropriately informed of matters that are relevant to:*
- (i) the involvement of those individuals in the emergency; or*
 - (ii) the response to the emergency in relation to those individuals.²*

Although a temporary emergency code was developed shortly after the Christchurch earthquake, the development of this code means that information sharing can occur immediately and be integrated into civil defence planning. We note a further advantage of this code is that government agencies can train staff in how to use it, and also make them aware of its existence. This code also gives people working in agencies likely to be called to help in an emergency, assurance that they are acting appropriately in sharing information for the wellbeing of individuals in the community.

Thank you for the opportunity to comment on the development of this code.

Yours sincerely

Natalie Smith
Law Reform
Dunedin Community Law Centre

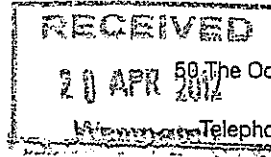
² Privacy Commissioner, Civil Defence National Emergencies (Information Sharing) Code [2012], 2.



**DUNEDIN CITY
COUNCIL**

Kaunihera-a-rohe o Otepoti

**OFFICE OF THE
CHIEF EXECUTIVE**



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ENTERED

16 April 2012

Proposed Civil Defence National Emergencies (Information Sharing) Code
Office of the Privacy Commissioner
PO Box 10094
Wellington 6143

Dear Sir/Madam

SUBMISSION ON PROPOSED CODE

The Dunedin City Council, as a civil defence emergency management provider, welcomes the opportunity to comment on the proposed Civil Defence National Emergencies (Information Sharing) Code.

We are supportive of tools, such as this code, that may assist in the planning and delivery of effective civil defence emergency management.

Generally, we believe this code is well targeted and will benefit people affected by an emergency event and thus improve the appropriate management of response to and recovery from it.

There are, however, two aspects that we consider may go beyond the intended scope of the code and potentially reduce its overall acceptance:

Clause 4(2)(d) provides for 'coordination and management of the emergency' as a 'permitted purpose' for sharing information under a state of national emergency.

This definition has a very wide scope, given the probable scale of a national emergency, and may be open to disputed interpretation.

We cannot envisage why personal details of individuals would be required or need to be disclosed for the purposes of coordination and management of the event. Rather, for this purpose, we envisage bulk data being assembled and shared, without the need for individual details to be disclosed.

We, therefore, recommend that this sub-clause be removed to avoid possible misuse of the proposed code.

Clause 5(1)(c)(ii) allows disclosure to 'an agency that is, or is likely to be, involved in managing, or assisting in the management of, the emergency'.

Similar to the above clause, we consider this to be too open a definition for the application of this code.

A significant number and diversity of agencies is likely to be involved in managing, or assisting in the management of, a national emergency. Such an involvement does not indicate, however, that it would be either necessary or appropriate for them to have access to personal information in order to fulfil their roles in contributing to purposes listed in Clause 4. Again, bulk data with no private details is all that would be required by those involved in management functions.

We consider that agencies with personal assistance delivery functions have been appropriately provided for by the other sub-clauses of Clause 5(1)(c).

We, therefore, recommend that this sub-clause be removed to avoid possible misuse of the proposed code.

For absolute clarity of the circumstances under which this code applies, we recommend that the term 'state of national emergency' (as defined in section 4 of the Civil Defence Emergency Management Act) should be used in a number of locations:

- To replace the words 'emergency declaration' in Clause 3.
- At the end of clause 4(1), to read 'in respect of which a state of national emergency is in force'.
- At the end of the first sentence of clause 4(2), to read 'in relation to a state of national emergency:'.
- In the first sentence of clause 5(1), to read 'for which a state of national emergency is in force, an agency may...'.

We trust these comments will be found useful in the development of this code.

Yours sincerely

Paul Orders
Chief Executive

24 May 2012

Proposed Civil Defence National Emergencies (Information Sharing) Code
Office of the Privacy Commissioner
PO Box 10094
WELLINGTON 6143

Dear Sir/Madam

PROPOSED CIVIL DEFENCE NATIONAL EMERGENCIES (INFORMATION SHARING) CODE

Thank you for the opportunity to make a submission on the proposed Civil Defence National Emergencies (Information Sharing) Code. Christchurch Council staff disagree that the Code should only apply only during a state of national emergency.

Clause 3 'Interpretation':

The definition of emergency declaration under this proposed code means the declaration of a state of national emergency under the Civil Defence Emergency Management 2002.

Clause 4 'Meaning of permitted purpose':

(1) A permitted purpose is a purpose that directly relates to the government or local government response to an emergency in respect of which an emergency declaration is declaration exists.

This submission seeks that the word 'national' is removed from the title of the Code and within Clause 3 'Interpretation'.

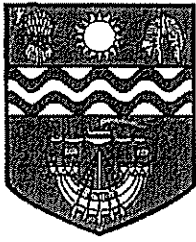
This would mean that the Code would apply during any state of emergency. A state of emergency within the Civil Defence Emergency Management Act (section 4) means a state of national emergency or a state of local emergency.

Christchurch City Council staff would like to thank the Office of the Privacy Commissioner for the opportunity to provide feedback of the Proposed Civil Defence National Emergency (Information Sharing) Code.

If you require clarification of the points raised in this submission please contact Murray Sinclair (Manager, Civil Defence Emergency Management). Murray can be contacted on [REDACTED] or [REDACTED].

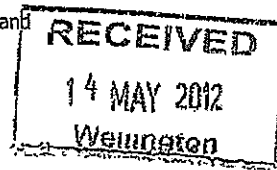
Kind regards

Jane Parfitt
General Manager
City Environment Group



CENTRAL HAWKE'S BAY DISTRICT COUNCIL

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File Ref. ADM1-1800

10 May 2012

Proposed Civil Defence Emergencies (Information Sharing) Code
Office of the Privacy Commissioner
PO Box 10094
WELLINGTON 6143

Dear Sir/Madam

Submission from Central Hawke's Bay District Council – Proposed Civil Defence National Emergencies (Information Sharing) Code

1. Central Hawke's Bay District Council thanks the Office of the Privacy Commissioner for the opportunity to submit on the proposed Civil Defence National Emergencies (Information Sharing) Code.
2. While Central Hawke's Bay District Council supports the intent of the proposed code, the following commentary is presented for consideration.

COMMENTARY ON CLAUSES OF THE PROPOSED CODE

Title: Civil Defence National Emergencies (Information Sharing) Code

3. The ability to share information following significant incidents should not be limited to 'national declarations'.
4. There is the potential for a significant incident to occur, whether sudden, or gradual, where a national declaration may not be justified. The scale, duration and extent of impact of an incident however may affect a number of authorities within a single Civil Defence Group (Hawke's Bay Easter Flood Event 2011), or cross regional boundaries into a neighbouring Civil Defence Group (Hawke's Bay / Manawatu Floods 2004), warranting a Group Declaration.
5. Central Hawke's Bay District Council recommends the removal of the word 'National' from the proposed title to enable information sharing to occur during a civil defence incident of significance where a local, group, or national declaration is in effect.

Commencement

6. Central Hawke's Bay District Council supports the commencement date of 1 December 2012.

Interpretation

7. During a state of emergency, territorial authorities, emergency services, health services, utilities, life-lines, and government departments / agencies are under significant pressure to provide information to multiple parties of interest.

8. It should not be assumed that all agencies have immediate access to the Privacy Act in what is not a 'business as usual' event.
9. To ensure completeness, and eliminate any requirement to refer to more than one document, Central Hawke's Bay District Council recommends that the following terms, 'agency, collect, enactment, individual, information privacy principle, news medium, personal information, public sector agency' while defined within the Privacy Act, should be defined within the Code itself.

Meaning of Permitted Purpose

10. Central Hawke's Bay District Council supports the intent of Clause 4.


Authority for Collection, Use, and Disclosure of Personal Information

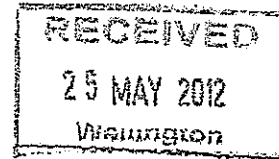
11. Clause 5(1)(d) refers that ' in the case of a disclosure of personal information – the disclosure is not to a 'news medium'.
12. The Privacy Act 1993 interprets 'News medium' – means any agency whose business, or part of whose business, consists of a news activity; but, in relation to principles 6 and 7, does not include [Radio New Zealand Limited or] Television New Zealand Limited:
13. While it is noted that the proposed code applies no additional restrictions to disclosure of personal information, nor does it relax such constraints, is there the potential for Radio New Zealand Limited and Television New Zealand Limited to assume right of access to personal information if requested due to their exclusion in the current definition?

Conclusion

14. Central Hawke's Bay District Council supports the implementation of a Civil Defence Emergencies (Information Sharing) Code so as to facilitate prompt and secure sharing of personal information essential to disaster response, while continuing to respect the privacy of disaster victims, survivors, and their families.
15. Central Hawke's Bay District Council thanks the Office of the Privacy Commissioner for the opportunity to present on the proposed Civil Defence National Emergencies (Information Sharing) Code.

Yours sincerely


John Freeman
Chief Executive



**Auckland Council Civil Defence & Emergency Management Department
Submission on the Draft Privacy Code**

25 May 2012

From an Auckland Council, Civil Defence and Emergency Management (AC CDEM) perspective, we feel that there are a number of points that need to be considered.

In reference to the Information paper:

Summary of the proposed code (Paragraph 3)

"The code will put in place a special regime that comes into effect when a state of national emergency is declared. The special provisions allowing for the collection, use and disclosure would continue only while the state of national emergency remains in effect."

And:

Clause 3: Interpretation (Paragraph 2)

"Use of these defined terms means that the code applies only where there has been a declaration of a state of national emergency under the civil defence legislation. The code does not apply to emergencies declared solely at local level where normal law continues to apply".

AC CDEM would like to make the two following points:

- That the code should apply to any state of emergency, not just national. With only one ever national state of emergency since 1967 – the proposed changes would only come into effect in less than 1% of declared emergencies. The term "emergency declaration" under Section 3 of the code is not consistent with the CDEM Act 2002 as a declaration is not restricted to the national scale.
- Under Summary of proposed code, paragraph 1 there is reference to "major natural disaster". If we are to classify disasters we suggest inclusion of man-made or technological.

From Auckland CDEM experience, we have had a number of incidents where such a Code in place for Local, and also non-declared emergencies would have benefitted our response. The following are some examples:

1. July 2007 Storm event (Auckland North), Information sharing with Lifeline utilities

Issues arose where information supplied by Vector and Telecom about areas that were adversely affected with disruptions was general area based and not street/address specific which in turn delayed our response in identifying specific needs assessments for impacted communities.

2. 2009 N1H1 swine flu pandemic incident

Where identified infected people were isolated to their own homes or visitors to New Zealand where only mobile phone numbers and physical addresses were given. Overseas visitors often gave overseas mobile numbers so there were difficulties in contacting them. Physical addresses needed to be matched to Telecom landline numbers. However, significant delays were experienced due to privacy issues.

October 2011 Maui Gas pipeline Incident

In preparation for potential major impacts to Auckland business, information sharing with gas supply distribution companies with Auckland ECC was problematic, slow and minimal. While part of the problem is being addressed through better relationships within the AELG, without a "declared state emergency" it is likely that customer information sharing in similar events will continue to cause issues.

February 2012 Glen Eden Storm water incident

The cooperation between MSD Work & Income and AC CDEM was very effective and immediate for the impacted residents. Where it came to information sharing of individual cases, the Privacy Act hindered this process.

Clause 4, Paragraph 1

Appears to be inconsistent with the definition of an emergency declaration under the code (Section 3) where an emergency declaration relates specifically to a national emergency. In the context of a national emergency, Section 4, Paragraph 1 should read "*the government and local government response*". Or should only apply if the code is inclusive of local declarations.

Clause 4, Paragraph (2)(a)(ii)

The term "*involved*" – suggest a definition for this term be given as there appears to be no definition within the Privacy Act 1993. This would be particularly relevant where Councils considered invoking any penalties for misuse. If a definition is not considered appropriate, we would suggest using the terms "*affected*" or "*impacted*" instead.

Also in reference to the Information paper:

Clause 5: Authority for collection, use and disclosure of personal information

Briefly, the key elements of clause 5 are:

- *a declaration of a state of national emergency must be in force;*
- *the proposed collection, use or disclosure of personal information must relate to an individual who may be involved in the emergency;*
- *the collection, use or disclosure must be for a permitted purpose in relation to the emergency; and*
- *in the case of a disclosure (as against a collection or use), the disclosure must be to one of the following classes of agency:*
 - *a public sector agency;*
 - *an agency involved in managing the emergency;*
 - *an agency directly involved in providing certain listed services to individuals involved in the emergency; or*
 - *a person who is responsible for an individual (eg a parent, guardian, spouse, partner etc).*

The code is only in effect during the Response Phase of an emergency when the declaration is in force. Large amounts of information that could usefully be shared is also collected and collated in the Recovery Phase (indepth needs assessment/case management) when there is no declaration in force. It is vital that the Recovery Manager is able to ensure continuation of ongoing support for impacted communities.

AC CDEM would also like to make the following points for consideration:

- That consideration is given to penalties for misuse of information during a declared emergency.
- Vetting of personnel from agencies and organisations pre-event to ensure staff and volunteers accessing such information are of a suitable character and standing (i.e. no criminal convictions for sex or violence offences etc). The Health & Safety & Employment Act is clear that where Auckland Council provides welfare facilities at which those affected may access support, as principal in the provision of that support, Auckland Council is responsible for ensuring employees/volunteers working under the auspices of central government agencies, NGOs and other community groups are observing the regulations within the H & S Act. To do this, from time to time Auckland Council may require those agencies to share information on individuals to ensure they are meeting their statutory obligations under the H & S Act.
- That the code should have provisions to ensure that vulnerable groups including children, those with domestic violence protection orders etc, have sufficient protection during an emergency.
- That data security is also reviewed or considered by GCSB to ensure that platforms such as EMIS meet government security compliance requirements.
- Whether agencies can also disclose details about animals is considered (pets and disability assistance dogs).