

21 August 2009

Simon Power
Minister of Justice
Office of the Minister of Justice
Private Bag 18041
Parliament Buildings
WELLINGTON 6160

Dear Minister

Proposed information match between the Ministry of Education and the Teacher's Council (Our Ref: IM/0047)

The Education Amendment Bill 2009 is currently being considered by the Education and Science Committee. It provides for an information matching programme to compare teacher information held on the Ministry of Education's payroll database with information contained in the Teachers Council's Teacher Registry.

The Privacy Commissioner is required to examine proposed legislation that provides for an information matching programme. We are satisfied this programme can meet the criteria required in the Privacy Act, and there is nothing you need to bring to your colleagues' attention.

The Office of the Privacy Commissioner has worked with the Ministry of Education and Teachers Council to ensure the match can be conducted successfully, and in a manner that minimises privacy risks.

The match aims to identify:

- teachers who are teaching without a current practising certificate or authorisation;
- schools that are illegally employing these teachers; and
- the registration category of teachers to determine eligibility for allowances that are dependent on registration type.

We are satisfied that this match can meet the public interest criteria required by Part 10 of the Privacy Act (Information Matching) because the match should identify any teachers who are currently teaching but have not met the required standards for registration. The Teachers Council can then take steps to stop these teachers from practicing.

The match will also assist the Teachers Council to obtain registration fees from practicing teachers who do meet the required quality and professionalism standards, but have previously failed to register or maintain their registration.

The proposed match is unusual in that it provides each organisation with information that the teachers or their employers are obliged to provide to them, but sometimes fail to do so. The Ministry has previously tried to insist upon the necessary data being provided by teachers or their employers, but this was not successful.

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As other attempts to obtain the data have failed, the proposed match is likely to be the most efficient way to improve the reliability of the data both organisations receive. However, it is an administrative overhead to compensate for the failure of individuals and their employers to provide the information they are obliged to provide to these organisations.

If you would like any further information from us on this matching programme please contact Rosie Byford, Team Leader (Policy and Technology) on 04 494 7082.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katrine Evans', with a small flourish at the end.

Katrine Evans
Assistant Commissioner (Legal & Policy)