

Report on Phillip John Smith highlights information sharing opportunities

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Privacy Commissioner John Edwards has welcomed the findings of the report looking at the criminal justice system failings which enabled Phillip John Smith to escape overseas.

Mr Edwards says the report's recommendations are a good basis for further discussions on how agencies can work more closely together to share necessary information.

"I welcome those discussions. Public safety and privacy are not mutually exclusive. We want both and we can have both. The notion of this being a simplistic choice between safety for the public and privacy is not a useful means of framing the debate. Neither is this a debate of the political left or the right.

"I am disturbed by hasty claims that the Phillip John Smith situation was somehow due to an over-heated concern with privacy. The report makes no such suggestion. Rather it notes a range of factors that contributed to departmental failings.'

Range of causes

The report highlighted that the criminal justice sector information repositories today still have limited interoperability with each other, and said it was a wider public policy issue as to whether and how to overcome this.

The report authors found that a situation like Phillip John Smith's arose from multiple failings:

"We do not know whether the failure to create a comprehensive system for sharing information data by those agencies charged with administering the criminal justice system is the result of departmental caution, ministerial direction, resource limitations, government priorities or various combinations thereof."

"I am very willing to engage with the Ministry of Justice and other government agencies in order to work through current and proposed avenues for improved information sharing. Having robust information systems that deliver what we need them to deliver is an objective that I wholeheartedly support," Mr Edwards said.

Approved Information Sharing Agreements

Mr Edwards says one way agencies can share information is through Approved Information Sharing Agreements between government agencies, which are created in consultation with his office. "I note that the report recommends that an Approved Information Sharing Agreement is formulated to allow real time access to identity information, for instance."

“These Information Sharing Agreements are a new statutory tool developed upon recommendation by the Law Commission, and as a result of departments claiming there were legal constraints that prevented them sharing the information they wished. That excuse can no longer be the case, and we must consider and address these information sharing problems in a constructive and collaborative manner,” Mr Edwards said.

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