Memo

To: 9(2)(a) - Privacy of another Secretary, Office of Hon Jo Goodhew, Associate Minister for Social Development

From: Maree Roberts, Associate Deputy Chief Executive, Community Investment

Date: 7 December 2016

Security level: IN CONFIDENCE

Response to Non-Government Organisations (NGOs) concerns about Individual Client Level Data (ICLD) Collection

Purpose

At the data hui held last week concerns were raised by some NGOs with the Minister of Finance Hon Bill English about the process used by the Ministry of Social Development (MSD), Community Investment to collect Individual Client Level Data (ICLD).

We have responded below to the questions Minister of Finance Hon Bill English has requested a response to regarding the collection of ICLD.

1. What is the policy to collect ICLD, what data is collected and what does this collection aim to achieve?

MSD is building a Social Investment approach through the implementation of the Community Investment Strategy

1. The 2015 Community Investment Strategy (CIS) sets out how MSD is building a system to ensure that the funding it invests in social services is targeted to the right people, in the right place, to best meet needs and improve results for the most vulnerable people.

2. The CIS is being implemented over a three-year period and focuses on six key elements. These are:

   - focusing more clearly on priority results
   - building the evidence base for effective programmes and services
   - improving the quality of data collection
   - setting a clear direction for funding
   - further simplifying compliance requirements
   - continuing to build provider capability.

We help New Zealanders to help themselves to be safe, strong and independent
Ko ta mātou he whakamana tangata kia tū haumaru, kia tū kaha, kia tū motuhake

3. To implement this it has been agreed that providers in Group One and Group Two will provide ICLD from 1 July 2016 in an identifiable form and use it in a non-identifiable way. From 1 July 2017 we will move to collecting ICLD for use on an identifiable basis.

We need to collect this data to understand if our programmes and services are effective

4. The data we collect will enable us to assess the effectiveness of programmes and services across client groups. ICLD will tell us who is receiving our programmes and services and if they are the people we thought most needed the programme or service.

5. CRD will help us understand what works for different types of clients and will mean that we can target spending more effectively to achieve the best results for clients. By using actual, measurable client data, in time we will be able to build evidence of effective programmes and services in communities.

We are collecting ICLD and Client Results Data

ICLD

6. ICLD includes basic demographic data. We have included this requirement in a specific group of programmes and services from 1 July 2016. We are introducing the ICLD collection requirement for all programmes and services we contract (where there is an individual client) from 1 July 2017. The table below outlines what data will be collected.

Client demographic information	Name, Date of birth, Address, Gender, Ethnicity, Iwi and Country of birth
Clients dependants (where appropriate)	Name, Date of birth
Service detail	Programme / Service name, Service start date, Service end date

Client Results Data (CRD)

7. CRD is the data collected from measures that have been developed for a specific programme or service, based on what result the programme or service is expected to achieve for an individual client receiving the programme or service.

What do we intend to do with the data we collect?

8. All the data that we collect will be transferred into our MSD data warehouse, this will enable us to then match it with other data sets we hold on the clients. We will then be able to analyse the data across a wide range of fields, including their location, ethnicity, history of benefit uptake and programmes and services received. We will generate reports across the most relevant fields that we can then use to inform our advice to government and our on-going contractual management with providers.

9. We will use the information:
   • to plan and target the programmes and services we invest in on behalf of government
   • to allow us to decide if those programmes and services are producing positive results for clients
   • to work with providers on how to improve the programmes and services we fund, based on the results they're achieving (or not achieving) for particular groups of clients
   • for auditing, reporting and research purposes to improve programmes and services to clients.

10. We will also take a wider view of our clients and their outcomes by sharing and comparing ICLD with other agencies, such as the Ministries of Education, Health and Justice. This data will help us understand the wider return from investment in the programmes and services we fund.

How will ICLD and CRD help MSD in the future?

Non-identifiable data usage

11. From 1 July 2016 to 30 June 2017, MSD will collect ICLD and CRD in an identifiable form to be used in a non-identifiable way. This means we are complying with Principle 11 of the Privacy Act 1993, and are able to rely on existing client consent processes to enable our data collection, matching and analysis process.

Identifiable data usage

12. By 1 July 2017 we will move to collecting data to use in an identifiable way for specific and limited purposes. We will be working between now and the end of March 2017 to determine the privacy and consent considerations that are needed to comply with the use of data in this manner. We are having an initial planning workshop with NGO representatives to map out a series of workshops that will tackle different aspects of data management, including consenting, collection, access and privacy. This approach is discussed in more detail under question 4.

4. What is the additional overhead, if any, this imposes on contracted parties, including collecting and storing data, meeting security requirements, transmitting the data, and obtaining the informed consent of clients?

13. There will be additional costs to both providers and MSD associated with the collection, transfer and analysis of data. The expectation of ICLD has been discussed with providers. For a lot of providers the approach is not new as they already have been collecting this information.

14. We are providing a variety of support to providers to reduce any additional overheads that may occur, by:

   - providing a temporary data collection solution (spreadsheet) for transferring data to MSD, and procuring licences for the Department of Internal Affairs (DIA) Shared Workspace (provider portal) that we will use to move the data to MSD
   - piloting and reviewing a fit-for-purpose Information and Communications Technology (ICT) interim solution, particularly for providers without a Client Management System (CMS). The interim solution is a clone of the system owned by the Ministry of Health, which was developed for Whanau Ora [9(2)(f)(iv) - Active Consideration]
   - working with existing third party IT vendors and providers who have developed their own CMS, to ensure their systems can generate reports that include the data we require in the form we require it
   - developing a working group of MSD officials, Social Investment Unit (SIU), Office of the Privacy Commission (OPC), NGO partners the NGO Advisory Group and Com Voices to resolve concerns and issues and develop an agreed set of materials, guidelines and policies to introduce ICLD use in an identifiable way into contracts by 1 July 2017
   - we also continue to ensure providers are well positioned to operate effectively and incorporate the new data requirements and have been working with them to develop their capability.

15. A final ICT solution will be developed within the Ministry of Vulnerable Children Oranga Tamariki (Oranga Tamariki). As such, we expect the long term ICT solution to be part of the NGO information system being developed within the Oranga Tamariki technology ecosystem that has been outlined in the Expert Panel Advisory Groups Final Report.

5. What is MSD's response to claims by some NGO's that only limited information has been provided to them on the intent of the data collection?

16. The new contractual requirement to share ICLD with MSD was detailed in the CIS published in June 2015 and again in the CIS Update published in 2016. We have continued to provide ICLD information regularly, by way of the Community Investment newsletter as well as updating the MSD website with key material.

17. It has formed a key part of our presentations to providers nationwide and will be a priority focus of our on-going discussions with the sector.

18. For a lot of providers the approach is not new as they already have been collecting this information for their on-going service delivery and to support their clients in the best way possible. They understand the value to them and their clients of having this information.

19. MSD will be working with providers to ensure that they understand our intent and their obligations under the new terms of their contract, including in terms of client privacy.

20. You can see these updates about the CIS by following the links provided to you in Appendix One.

6. Has there been any lessons coming out of the recent experiences that could inform future moves?

21. Yes, there have been a number of lessons and MSD have already started working on making the following changes to inform future moves.

22. Originally we were going to receive our first collection of ICLD in December 2016, this date has now changed to April 2017 to allow more time for providers to make adjustments to their current practice to include this new requirement.

23. As explained above in paragraph 11, on the 13 December 2016, MSD, Social Investment Unit (SIU) and the Privacy Commission are meeting with a number of NGO partners including members of the NGO Advisory Group and Com Voices for a workshop in Wellington. This workshop will start with a discussion on the rationale and context for the ICLD requirements, alongside a number of concerns and issues which have been raised with us and we will develop solutions to these concerns.

24. This discussion will be followed by further workshops to be held early in the new year, to work through particular aspects of ICLD – for example collection, storage access, and the consent processes. Possible outputs will include a set of materials, guidelines, policy and information due by the beginning of April 2017.

25. In conjunction with these workshops, an end to end business process for the collection of ICLD is being developed, including a report identifying issues, gaps and recommendations. This will help inform what deliverables are required to implement Phase Two of the ICLD project.

26. We are in the process of identifying other ways we can communicate with our stakeholders about ICLD, at the same time we will tailor our communication material based on feedback we have received to date.

27. We are also running a prototype exercise on results-based contracting that includes SIU and NGO representation on the governance body.

   5.   Has MSD explained to providers how the data it collects will be protected and used, e.g. the circumstances and purposes for which the data might be accessed, or may not be accessed?

28. MSD is working closely with the Privacy Commission and the Government Chief Privacy Officer to ensure clients' privacy rights are protected.

29. For the current phase of data collection, providers will upload the ICLD to the provider portal provided by DIA. MSD has undertaken a Security Risk Assessment on the provider portal and we are confident that it is a safe and secure way to transfer the data.

30. ICLD will be stored securely within MSD. All MSD staff are subject to the MSD Code of Conduct, which prohibits the misuse of data.

31. MSD have provided this information to individual providers where they have raised concerns about how MSD will protect, use and access ICLD. We are also about to release guidelines on how to access and use the provider portal.

32. All MSD contracts already have contract clauses in place that require both MSD and providers to keep client information safe and secure.

33. For the next phase of data collection, we will use the process described above (in paragraphs 11 and 20) to effectively co-design the policies and practices around data collection, storage, and use of data with the sector, working with interested government agencies such as the Office of the Privacy Commission, SIU and Statistics NZ.

Appendix One – Community Investment Updates about the Community Investment Strategy and the collection of Individual Client Level Data.

Community Investment Update, the MSD newsletter for MSD-funded community organisations.

November 2016

http://www.msd.govt.nz/webadmin/html/enews/ci-november-enewsletter.html

September 2016

http://www.msd.govt.nz/webadmin/html/enews/ci-update-september-2016.html

May 2016

http://www.msd.govt.nz/webadmin/html/enews/ci-update-may-2016.html

February 2016

https://www.msd.govt.nz/webadmin/html/enews/ci-update-feb-2016.html

June 2015

http://www.msd.govt.nz/webadmin/html/enews/ciu-june-2015-newsletter.html

Individual Client Level Data Q&A – MSD Website

http://www.msd.govt.nz/about-msd-and-our-work/work-programmes/community-investment-strategy/individual-client-level-data-collection.html