



# Report

**Date:** 14 March 2017

**Security Level:** IN CONFIDENCE

**To:** Hon Anne Tolley, Minister for Social Development

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## **MSD response into OPC Inquiry - Collection of client level data from NGO's**

### **Purpose of the report**

- 1 To provide you with our initial analysis and key messages from MSD into the findings of the inquiry carried out by the Office of the Privacy Commission (OPC) into the Ministry of Social Development's (MSD) collection of individual client level data (ICLD).
- 2 Also to outline how we will ensure the secure transmission of data and an update on our providers to date.

### **Executive summary**

- 3 We have received a draft report from OPC and we are working through a response.
- 4 The Commissioner has made four recommendations.
- 5 Our initial assessment is there are two areas that the Commissioner has outlined that are policy decisions and two of privacy and security considerations.
- 6 We are continuing to work with the sector to confirm the purpose of the collection, this includes the security of the system and disclosing ICLD
- 7 We are implementing government policy in line with the Privacy Act.

### **Background**

- 1 In December 2016 the OPC were invited by MSD to attend a workshop alongside a variety of providers, members of the NGO Advisory Group, Com Voices and other government agencies.
- 2 On the 2 March 2017 a readiness workshop took place with a variety of providers and subject matter experts to discuss the process of collecting and transferring client level data. An opportunity for providers was given to provide feedback to this pack, which has been taken into consideration and revised.
- 3 The next workshop will be held on 14 March to and will take participants through the PIA and the 12 Privacy Act 1993 principles and the analysis of how the principles will be managed, what risks exist and how these will be mitigated.
- 4 Since the workshop in December 2016 OPC have carried out an inquiry under section 13(1)m of the Privacy Act 1993 "to inquire generally into any matter if it appears that the privacy of the individual is being, or may be infringed thereby".
- 8 The purpose of their inquiry is to examine the impacts on individual privacy of the funding contracts that require service providers to pass on ICLD to MSD, and whether the contractual provisions are consistent with the principles in the Privacy Act.

- 5 Brenda Pilott from ComVoices has engaged with MSD and Minister about issues and has proposed an alternative approach to deliver a robust system that will support the social investment programme. MSD have had recent engagement with Brenda and discussions are underway. MSD are also in the process of providing a formal response to Brenda.
- 9 On the 9 March OPC provided MSD with a draft inquiry report with an opportunity to comment on this report before it is published at the end of March.
- 10 MSD have taken this opportunity to prepare feedback outlined in this report to respond to the OPC Inquiry into the collection of client level data from NGOs.

## **Response from MSD to the OPC Inquiry**

*In response to the OPC commission report, MSD would like to respond to the key aspects of the report*

- 11 Overall the report concludes that the ICLD policy infringes personal privacy by making the provision of ICLD a requirement for receiving a funded service.
- 12 Our initial assessment of the report indicates there are two areas that the Commissioner is commenting on:
  - 12.1 Policy decisions – this includes the funding requirement, that there is not an opt-out provision and that the data is being used as an identifiable manner including for sensitive services
  - 12.2 Privacy considerations – this includes not being clear about the purpose for collection and the security of the system.
- 13 The report also comments on consultation with providers and MSD's systems for holding, using and disclosing ICLD.
- 14 Four recommendations have been made by the Commissioner these are
  - 14.1 MSD must ensure their information collection practices do not deter vulnerable individuals from receiving services
  - 14.2 MSD must ensure that its purposes for collecting, holding, using and disclosing information are specific, relevant to its functions and are clearly conveyed.
  - 14.3 MSD must ensure that its security procedures for holding, using and disclosing ICLD are robust, well-documented and transparent
  - 14.4 MSD should consider alternative methods for accomplishing its goals.
- 15 Our response is likely to cover the fact that we are implementing government policy, but need to do so in line with the Privacy Act. We are keen to continue to work with the commission to ensure we are conforming to the act and collecting data securely.

## **Key Messages in relation to the draft inquiry**

- 16 MSD will continue to work with the OPC to ensure that robust controls are implemented to mitigate any risks identified with collecting ICLD.
- 17 MSD will continue to work with the sector to ensure we confirm the purpose of collecting ICLD, what information we are collecting, and why.
- 18 MSD have secure and robust processes in place to collect, store and use ICLD.
- 19 ICLD is a contractual requirement for selected programmes and services that MSD funds. If a client does not wish to share their information with MSD, we are unable to fund this service under the terms and conditions of the contract.

## **What is the purpose of collecting ICLD**

The Government are using a social investment approach to social services. A social investment approach uses data, analysis and evidence to ensure the people who most need support get the right service to meet their needs. We want to invest in people's strengths to help them achieve better outcomes in life. We can only use your information for this purpose.

## **What information are we collecting and why?**

Client's name and date of birth:

- We need this to be able to match the name with the other services they access so we can understand the mix of services they use. We also need the name and date of birth to be able to provide information back.

Client's address:

- We need your address to understand where you are located versus where the service is that you are using. This helps us understand if the services are in the right location for you. Client's gender, ethnicity, Iwi and country of birth:
- We need to know this information to be able to ensure the mix of services that is available to a client, and that they are able to meet client needs and be responsive to a client's individual characteristics.

Dependants (if relevant) - number of dependants and date of birth of youngest dependant:

- This information provides us with a basic understanding of client family/whanau composition. The date of birth of the youngest child tells us about the level of childcare or support that may be needed with respect to their circumstances.

Service detail – Programme/service name, start date, end date and source of referral:

- This information is required to link the data to the funding and contracts, so we can understand more about whom our funding helps. We will also be able to make up a national view of a service type to see how all the providers delivering a service are reaching the people for whom the service has been designed.

## **How we will use the data?**

- MSD is using the data to understand who is using the services we fund
- What similar characteristics do they have
- Where are they located
- Is the service mix that's available to them responsive to their needs and characteristics
- Research purposes - we will share the data with Statistics New Zealand to put in the IDI.

## **MSD have secure processes in place to collect and store ICLD**

*How we make sure the information we collect is stored safely?*

1. Point of collection:

- approved providers are required to maintain a secure data storage facility and have policies in place on who can access their data
- Any new providers to be funded by MSD will meet the same approvals standards
- If they have a Client Management System (CMS) to collect data:
  - They will use their CMS to collect the data and MSD will work with them to set up the reporting that is needed

- If providers don't have a CMS:
    - MSD will be working on a simple spread sheet solution for this.
2. Sending the data:
    - Upload the spreadsheet/or report into the Shared Workspace.
      - This has been run by the Department of Internal Affairs for many years and has robust security processes in place.
  3. MSD storage and access of data:
    - MSD move the information into the MSD data warehouse
      - We have been storing data for Child, Youth and Family and Work and Income for many years. The data warehouse has stringent security processes and policies that are tested regularly
    - Our data analysts are the only people who have access to this data and they must comply with the Privacy Act and the MSD Code of Conduct.

## Responses from providers

- 20 Since implementation of phase one ICLD collection we have been working alongside STAND, Presbyterian Support and Community Finance, ComVoices and NZFFBS to work through the issues and have worked with them to provide solutions to the issues they have raised.
- 21 Timaru Budgeting Service and TOAH-NNest are the only providers that have indicated they may not provide ICLD to MSD. While Stand has not directly indicated this to MSD, there is a possibility that they may not provide any data to MSD on 10 April 2017.

## Recommended actions

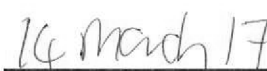
It is recommended that you:

- 1 **note** the information and key messages in this report




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Maree Roberts  
ADCE Community Investment  
Ministry of Social Development




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Date

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Hon Anne Tolley  
Minister for Social Development

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Date