



Report

Date: 24 May 2016

Security Level: IN CONFIDENCE

To: Hon Jo Goodhew, Associate Minister for Social Development

CC: Hon Anne Tolley, Minister for Social Development

Community Investment Strategy: Customer Personal Data Sharing Consent

Purpose of the report

- 1 This report identifies options for obtaining customers consent to share personal data with Community Investment and other Government agencies. Access to this data is required to progressively improve the efficiency and effectiveness of services in achieving the Government's outcomes under the Community Investment Strategy.

Recommended actions

It is recommended that you:

- 1 **Note** that the Ministry of Social Development (MSD) is planning to phase in the collection of customer data from Providers starting from 1 July 2016.
- 2 **Agree** that from 1 July 2016 customer consent to share personal data will be a mandatory requirement for customers receiving MSD funded social services. **Agree/Disagree**
- 3 **Note** that there is a risk that the requirement could impact some customers willingness to access services which could further marginalise vulnerable people.
- 4 **Agree** that customers receiving a sensitive service will be allowed to opt out of sharing personal identifying data (eg name and address). **Agree/Disagree**
 - a) **Agree** that any Provider of exempted sensitive services will be required to provide anonymised customer data (eg date of birth, ethnicity etc). **Agree/Disagree**
 - b) **Note** that a sensitive service, as defined by MSD, would be confined to a small number of services, such as Rape Crisis and Women's Refuge.
 - c) **Note** that Providers would be required to seek consent from customers of sensitive services, to share personal data at a later point in time, such as when the crisis has passed or they have recovered.

d) **Note** that the identification of sensitive services will be determined by October 2016 and the phasing in of implementation for these services will commence from July 2017.

5 **Note** that we will prepare a communications plan including a programme implementation schedule for years F16-17 and F17-18.

6 **Note** that Community Investment will start collecting personal customer data for 23% of its services from 1 July 2016.

Discuss.

7 **Agree** that your office will consult with Ministers Barry, Wagner, Kaye, Adams and English on this paper.

Agree/Disagree



Murray Edridge
Deputy CE, Community Investment

24 May 2016
Date



Hon Jo Goodhew
Associate Minister for Social Development

7/6/16
Date

Collecting and sharing personal data about customers is an essential part of the Strategy to improve the efficiency and effectiveness of social service investments

- 8 The Community Investment Strategy is building a system to improve the efficiency and effectiveness of social service investments in delivering outcomes by ensuring that services are targeted at the right people and communities, based on evidence of what works.
- 9 This will be achieved by a range of initiatives including:
 - an evaluation schedule
 - collecting customer results data
 - identifying what services work for individual customers through the Results Measurement Framework
 - analyse collective impact through data matching between Government agencies.Combined this analysis will enable assessment of Return on Investment (ROI).

There are benefits of data sharing

- 10 MSD will obtain better information on how effective and efficient social service investments are in improving outcomes for vulnerable people. This will inform social investment decision making, predictive modelling and our understanding of what works.
- 11 Data collected would also be made available to the Statistics NZ Integrated Data Infrastructure where it will be accessible for research purposes.
- 12 The data will assist Providers to ensure that customers receive services suited to their needs.
- 13 Depending upon Providers ICT capability some of their data sets may have to be phased in, while they adapt their reporting mechanisms.

Is this why only 23%

We will commence obtaining customer consent to share personal data from July 2016

- 14 MSD needs customers to provide their consent to share personal data for its own use and use by other agencies. We need to state clearly what data will be captured, who will have access to it, and what the data will be used for.
- 15 It will be mandatory that customers who receive an MSD funded service will be required to consent to share their personal data with other Government agencies.
- 16 However, there are concerns about the coercive nature of offering services only if consent to share personal data is given. There is also a risk that the mandatory requirement could impact on some customers willingness to access services and this could further marginalise vulnerable people.

Important to explain how this is positive for service delivery.

What data will we collect?

- 17 Providers of selected services will collect and report on the following customer data for all customers engaged/enrolled in the service as at 1 July 2016 (includes customers that are still active/engaged/enrolled prior to 1 July 2016):

- name (first, middle and last)*1
- address*
- primary ethnicity
- gender
- date of birth
- name of dependants (where relevant)
- date of birth of dependants (where relevant)
- information on the service provided to the customer, including start date, end date, attendance, pre-course assessments, and post course assessments (where relevant)
- results based achievement ie the change made to people's attitude, knowledge, skills, behaviour and/or circumstances.

Mandatory consent raises risks for customers of sensitive services

- 18 For customers who access sensitive services during a crisis (eg Rape Crisis, Women's Refuge and Children Witnessing Family Violence) the mandatory requirement to share data as a condition of receiving the service may result in further trauma. There are only a small number of sensitive services.
- 19 This risk can be mitigated by allowing customers who require a sensitive service to opt out of sharing personal identifying data (eg name and address). Customers who decide to opt out will still receive the MSD funded service.
- 20 The key advantage of opting out is that it will ensure that customers of sensitive services, who at the time of crisis may be reluctant to consent to share their personal data, receive the critical support service they need.
- 21 Appendix One provides a summary of the advantages and disadvantages of opting out.
- 22 Providers of exempt sensitive services will be required to seek consent from customers, to share anonymised data (eg date of birth, ethnicity etc).

Risks of data sharing

- 23 There are legal and ethical risks that MSD will need to manage.

Types of personal data to be collected and who it can be shared with

- 24 Community Investment intends to collect personal data such as individual customer data, anonymised data for exempt services, and programme performance results.
- 25 Appendix Two provides a more detailed description of the range of personal data that Community Investment proposes to collect, and who it will be shared with.
- 26 At the time of obtaining a customer's consent we will clearly identify the data that we are collecting, what the data may be used for and who will have access to it, with an appropriate degree of specificity.

Changes to programme specifications, contracts and consent forms

- 27 Increased customer data capturing and sharing will require changes to some service specifications. New clauses about sharing customer data and reporting requirements will be added as the services are reviewed and updated.

¹ * Denotes personal identifying data that will be anonymised for sensitive services. All other data is required.

- 28 Revised contract clauses will require Providers to seek consent from customers, with signed consent forms kept on record by the Provider. If a customer transfers from one service to another, a customer consent transfer form will be required from the customer.
- 29 We have prepared standard consent forms for use by Providers where they do not have consent forms that meet the required specifications.
- 30 We intend to seek input from the NGO Advisory Group and the Māori Reference Group on how to communicate these changes to the Provider sector.

Implementation, phasing and communications

- 31 From 1 July 2016 Community Investment will start to consistently capture customer data from 23% of services. Over the next two months we will develop a plan of services to be phased in for customer data sharing. A degree of implementation phasing is required for the following reasons:
 - Providers that have been in existence for several years already have mature data capturing reporting tools, others are less mature. Providers of the less mature services will need to make changes to manual systems to capture higher levels of customer data.
 - Some Providers have manual based systems for capturing data and it will take time to automate them.
 - Providers of sensitive services may need support to develop the skills to have conversations with customers to reassure them of the value of security concerns regarding the sharing of their data.
- 32 MSD will develop a communications plan to announce the decision on sharing customer data and the implementation schedule.

Cross Government consultation

- 33 MSD has consulted with the Ministry of Justice and the Ministry of Business, Innovation and Employment, and drawn on the Ministry of Justice advice to the Social Sector Board about disclosure and consent for the collection, use and sharing of personal information.
- 34 A copy of this Report will be sent to the Privacy Commissioner to obtain written confirmation of their perspective on the informed consent and information sharing arrangements.
- 35 MSD will consult stakeholders in the State Services Commission, Treasury, and the Ministries of Education and Health.

Appendices

- Appendix One: Advantages and disadvantages to mandatory sharing versus an opting out option
- Appendix Two: Types of personal data to be collected and who it may be shared with.

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Appendix One: Advantages and disadvantages to mandatory sharing versus opting out

	Mandatory	Sensitive services customers choosing to opt out
	Consent to share data is required to receive an MSD funded social service.	Customers opting out will still receive the MSD funded service. The phasing in of exempt services will start from July 2017, with all services included by December 2018.
Advantages	<p>Able to undertake complete cross analysis on social investment including collective impact across Government investment to better support customers and direct funding.</p> <p>Will better enable Government and Providers to track customer journeys where complex and longer term support is required.</p> <p>Support MSD to understand where and how to invest appropriately, based on effectiveness and efficiencies of services and/or Providers.</p> <p>Allows for a cohesive customer centred approach to services.</p> <p>Less ability to falsify customer data and volumes.</p>	<p>Customers of sensitive services would have their data safeguarded to help protect their privacy and to facilitate their engagement with services.</p> <p>This mitigates the compulsory requirement to provide consent for sensitive services.</p>
Disadvantages	<p>Some customers are likely to have significant concerns/issues, and/or refuse to provide information.</p> <p>There are concerns across the sector that the ability for a Government agency or Provider to decline service to a potential customer because they will not consent to sharing information potentially reflects the tensions between informed consent versus coercive consent.</p>	<p>MSD will not be able to assess the efficiency, effectiveness and ROI of services and programmes where customers choose to opt out of providing consent.</p> <p>Customers opting out may not receive the full benefit of seamless services if they are not able to be identified and appropriately supported by their Provider.</p>
Notes and caveats	<p>All customers and Providers are required to share customer data on the appropriate MSD funded services, otherwise service is declined. Some services (eg medical and counsellors etc) require this as part of their professional accreditation.</p> <p>Some services such as low contact services will not and do not capture customer names etc.</p> <p>Note that some services already collect customer data, and some statutory services require consent and data sharing otherwise services cannot be provided.</p>	<p>CI needs to do further work to identify what services would be phased in and when, and what services will be exempt and provide anonymised data.</p>

Appendix Two: Types of personal data to be collected and who it may be shared with

Community Investment is planning to capture the following customer data

- 36 **Individual Customer data:** The data will reflect the individual's demographic and identifying characteristics and the results they have achieved from receiving the service. For example a service targeted at an individual will only capture the individual's information. Alternatively, if a service is targeted at a family then one member of the family is identified as the primary recipient, with all other family members registered as being dependents and/or spousal relationships where appropriate. The result measures for the family will be captured.
- 37 Sharing of a customer's service history can only be given through the consent of the customer, allowing the original Provider to release the information to a new Provider (similar to people transferring GP services). No customer case notes or file notes will be shared beyond the case worker/customer relationship without the customers consent.
- 38 **Anonymised data for exempt services:** Exempt services in the first year will be those classed as sensitive services. In the first year customer identifying information of names and addresses will be hidden and the customer provided with a unique identifier by the Provider. We will still require results and other more aggregated programme information from Providers.
- 39 **Programme performance results:** Performance results of the programme, locality and/or customer groupings; customer level results will be aggregated into programme performance reports so that Community Investment can monitor and analyse performance results against programmes, localities and clusters of services relevant to customer priority groups.
- 40 The aggregated data can help the Provider to assess and improve their services. Government agencies contracting the services can use the collected data to assess the relevance and appropriateness of services and investment.
- 41 **Higher level aggregated data:** High level aggregated customer data is anonymised to inform research and statistical purposes. Ministers and Government agencies will have access to aggregated statistical information about the comparative results on Providers, programmes and services, and cohorts of customers. In addition, Providers will have access to aggregated statistical information for the programmes and services they deliver.
- 42 MSD will also publish aggregated statistical analysis to enable communities to work with MSD to make decisions about how best to improve results for vulnerable New Zealanders in their communities.

Access to the captured customer data will be provided to

Individual case notes and file notes

- the customer
- the case worker
- the Provider
- any subsequent Providers where the customer has signed consent to the transfer of their information.

Individual Customer data

- the customer
- the case worker
- the Provider
- any subsequent Providers where the customer has signed consent to the transfer of their information
- MSD Programme Managers
- other Government agencies where cross partnerships are identified (eg Social Workers in Schools (SWiS) Ministry of Education and MSD).

Programme performance results (monitoring)

- the customer
- the case worker
- the Provider
- any subsequent Providers where the customer has signed consent to the transfer of their information
- MSD Programme Managers including service delivery staff completing programme performance analysis
- other Government agencies where cross partnerships are identified (eg Social Workers in Schools (SWiS) Ministry of Education and MSD).

Aggregated statistical data

- the customer
- the case worker
- the Provider
- any subsequent Providers where the customer has signed consent to the transfer of their information
- MSD Programme Managers including service delivery staff completing programme performance analysis
- other Government agencies and Providers
- Ministers, media, and Statistics NZ.