

# *Statement of Intent*

2009/10 – 2012/2013

Office of the Privacy Commissioner  
Te Mana Matapono Matatapu

*Presented to the House of Representatives  
Pursuant to section 139 of the Crown Entities Act 2004*

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## INTRODUCTION

In the “information century,” data protection and privacy are critical issues for business and government. Areas as diverse as biometrics, DNA, money-laundering and smart cards have to be dealt with. Rapidly changing technologies, internet fraud and safety, “cloud” computing and cross-border data processing all raise challenging information and privacy issues. The impacts of the internet and social networking on privacy, in particular, young people’s privacy, are increasingly important.

Consumer and citizen confidence in business and government is critically affected by the standard of information handling. As a small independent watchdog agency, OPC can provide reassurance to the public and assistance for business to grow and government to be efficient, while respecting personal information and data.

Current OPC priorities are to:

- secure trade benefits for New Zealand from long awaited amendments to the Privacy Act;
- respond to pressing demands from government, business and individuals for expert advice to deal with data protection issues; including assisting small businesses to self manage privacy issues;
- contribute expertise and ideas to the Law Commission’s major review of privacy law;
- Identify and respond to privacy concerns for young people.

Our aim is to work constructively with government, business and civil society to build practical privacy protections, and to promote a culture of respect for personal information and individual privacy.

A handwritten signature in black ink, reading "Marie Shroff", positioned to the left of a vertical yellow line.

*Marie Shroff*  
**Privacy Commissioner**

## NATURE AND SCOPE OF FUNCTIONS

Protecting personal information and privacy is a complex area whose scope extends across government, business, the economy and society at large. Privacy is a human right that can, when managed in a careful way, be reconciled with potentially competing interests, such as efficiency in business. Finding that balance has become increasingly important, because a changing technological environment has opened new means and opportunities for government and business to acquire, manage and distribute personal information.

The Privacy Act 1993 takes a modern approach to the regulation of personal information through the application of principles. Openness, fairness and clarity of purpose are its themes.

Section 13 sets out many of the functions of the Privacy Commissioner. Other functions, including complaints and information matching, are set out elsewhere in the Privacy Act and in the provisions of other legislation.

### *Competing interests*

The Privacy Act requires the Commissioner to have regard both to the privacy principles and the protection of important human rights and to social interests that compete with privacy. These competing interests include the desirability of a free flow of information, and the right of government and business to achieve their objectives in an efficient way. The Commissioner must also take account of New Zealand's international obligations and consider any general international guidelines that are relevant to better protection of individual privacy.

### *Independence*

The Privacy Commissioner is independent of the Executive in carrying out her functions and in investigating complaints, including those against Ministers or their Departments. Independence is also important when carrying out inquiries into privacy issues, examining the privacy implications of proposed new laws and information-matching programmes and in dealing with the private sector.

The Office has a total expenditure budget of \$3,485,555 with an operating grant of \$3,148,000 (excl GST); a staff of 30.65 FTEs; and two offices, in Wellington and Auckland. Additional funds are provided through funding by external agencies and the provision of services.

## PRIVACY COMMISSIONER FUNCTIONS

The Privacy Commissioner has wide ranging functions.

### *Legislation and policy*

One of the Commissioner's key roles is to comment on legislative, policy or administrative proposals that have some impact on the privacy of individuals. The Office assists public and private sector agencies to reach reasonable goals in a privacy-respectful manner. Its recommendations are in many cases adopted by government agencies, Cabinet committees or select committees when they are considering policy and legislative proposals. In every case the Commissioner must have due regard for competing interests to be balanced with privacy.

### *Compliance*

The Commissioner receives, investigates and seeks to settle complaints about an interference with individual privacy (in the order of 600 per year). Where there appears to have been an interference with privacy and the case has not settled, the Commissioner can refer the matter to the Human Rights Review Tribunal. The Commissioner is also empowered to undertake inquiries into general matters where the privacy of the individual may be affected.

On occasion, the Commissioner is involved in privacy-related litigation.

### *Education and publicity*

The Office promotes an understanding of the information privacy principles and the wide-ranging nature of privacy issues. Communication activities include an 0800 enquiries helpline (handling some 6,000+ calls per year), the website, training workshops and seminars, publications, speeches and responses to media enquiries (around 150 per year).

### *Information matching programmes*

The Privacy Commissioner has an oversight and monitoring role for all government data matching programmes, under Part 10 of the Privacy Act. As at February 2009, there were 85 authorised data matching programmes, of which 48 were active. That figure is projected to rise to 86 authorised programmes with 53 being active. Data matching programmes between government agencies can deliver cost efficiencies for government and recover overpayments, and are an area of strong growth.

### *Codes of practice*

The Privacy Commissioner may issue codes of practice. Codes can modify the information privacy principles or prescribe how information privacy principles are to be applied or complied with in a particular industry or context. Significant codes include the Health Information Privacy Code 1994, the Telecommunications Information Privacy Code 2003 and the Credit Reporting Privacy Code 2004.

### *International*

Privacy can be significantly affected by developments beyond our borders such as new technologies, methods of data processing and standard setting. Personal data moves across national borders and requires internationally based solutions to protect privacy rights. Rules implemented by our trading partners can require New Zealand to have strong privacy laws if we are to take advantage of business opportunities while protecting the data we receive about their citizens.

The Privacy Commissioner actively works and shares knowledge with counterparts overseas and others involved in protecting privacy. The Office is particularly active in the Asia-Pacific region.

### *Other statutory functions of the Privacy Commissioner*

These include:

- monitoring compliance with the public register privacy principles;
- undertaking research into, and monitoring developments in, data processing and computer technology to ensure that any adverse effects of such developments on the privacy of individuals are minimised; and
- reporting on any matters that require government attention, including the need for and desirability of taking legislative, administrative or other action to give protection, or better protection, to the privacy of the individual.

## THE OPERATING ENVIRONMENT

### *The information century*

Information is a new currency of the twenty-first century. New Zealand business needs to be in a position to compete globally in the internet economy and take advantage of new opportunities. We are living and transacting in an information-rich world. Technology enables details about individuals to be collected, sorted and disclosed on an unprecedented scale, both in New Zealand and overseas. New Zealand businesses, such as the New Zealand Supercomputing Centre in Wellington, are well placed in terms of time-zones and skill-base, but the supporting infrastructure and regulatory framework must also be right.

Personal information must be managed well if consumer confidence in high-tech business and e-commerce is to grow. Local providers must be able to give assurances about data protection to offshore and local clients. Protecting business assets means protecting customer data. The societal impacts of new technology are growing, especially on young people.

### *What do New Zealanders think?*

Recent survey results give some clear messages to both business and government about protecting information in order to retain customer confidence (UMR, August 2008). New Zealanders are increasingly concerned about the collection and misuse of their personal information and invasion of their privacy by new technology. A third of people surveyed (32%) reported that they had become more concerned about issues of individual privacy and personal information in the last few years. Eighty-one percent of people were concerned with their personal information being held by overseas businesses. Concern about safety of children on the internet (87%), and security of personal information on the internet (82%) is high.

Further evidence of New Zealanders' concern about online privacy protections was evidenced within the Government Online Services Survey commissioned by the State Services Commission in 2009. The survey identified "My privacy is protected" as number one in a list of the four most important drivers of satisfaction for people transacting online with government agencies.

### *Information is global*

Internationally, data protection and privacy issues are centre stage. Globally, businesses are becoming extremely aware that information is an asset and are seeking to put measures in place to protect that information against loss or misuse. Effective data security and protection is critical to maintaining business capability and consumer confidence. International cooperation on privacy is a key to securing the benefits of the internet economy. Both business and privacy advocates internationally see privacy as a key human right to be protected in the twenty-first century.

### *Passing the Privacy Act amendment to enhance competitiveness*

The Privacy (Cross-border Information) Amendment Bill had its first reading in April 2009 and was subsequently referred to the Justice and Electoral Select Committee. New Zealand's global competitive advantage will be enhanced by this amendment that will better enable businesses to take up data processing opportunities. There are international trade and investment opportunities to be gained from a recognition of "EU adequacy" (e.g. for locating data processing or call centres in New Zealand). This straightforward, technical, amendment has support from the business community and has been awaiting enactment for nearly a decade.

### *International action on privacy*

Current action internationally involving New Zealand includes:

- the APEC Pathfinder project to establish cross-border rules for handling personal information;
- a promising (and potentially ground-breaking) initiative by the International Privacy Commissioners Conference to develop worldwide standards for data protection;
- EU and OECD initiatives;
- Passenger Name Recognition (PNR) negotiations on airline travel data exchange; and
- our own EU adequacy application.

### *Policy work ranges widely across business, government and technology issues*

The Privacy Commissioner is mandated to comment on policy and legislative proposals. In addition, government departments constantly request assistance with operational policies, such as information sharing projects for children and families at risk. Current resources within the Office to carry out policy and legislative work are stretched (260 legal and policy projects dealt with in 2007/08).

The Ministry of Health has funded a position within the Office to deal with the wide-ranging privacy issues arising in the health sector, such as the introduction of electronic health records. Funding for this position is through to 30 June 2010.

The Privacy Commissioner can independently issue statutory codes to regulate personal information handling. Major industry codes include the Health Information Privacy Code, the Telecommunications Information Privacy Code, and the Credit Reporting Privacy Code. OPC recently initiated a review to ensure the credit reporting code continues to address current commercial pressures.

# STRATEGIC DIRECTION

## OUR CHALLENGE

It is easy to take privacy for granted in a democracy that has been relatively free of the serious human rights abuses experienced elsewhere. The race to develop and take advantage of new science and technology is an exciting one, and we are lucky to be part of it. We should also recognise that there are great opportunities to protect personal information and privacy, and enhance human rights, as part of those developments. We can only hope to do this by working cooperatively with science and technology developers, while at the same time raising public awareness, identifying threats to individual information and empowering people to protect their own privacy and personal information.

## DRIVERS

The Privacy Commissioner must respond to the rapid advances in technology and the impact they have on individual privacy. Opinion surveys highlight individual concern about the manner in which personal information is collected, managed and distributed by business and government.

In order to be a watchdog on privacy invasions and potential threats to privacy, and to advise and comment effectively, the Commissioner must be seen to be independent of government, business and other interests.

Because of the dynamic nature of the privacy environment, the Office will monitor and anticipate developments. Provision of advice on privacy impacts, especially to government and its agencies, is imperative. Monitoring and advising upon technology developments will remain a major priority, given the strong and widespread impact on individual privacy through these changes.

Rapid technological change places increased pressures on personal information handling practices. Advances in technology quickly outstrip conventional information handling techniques, for example in the increased use of biometrics for identity verification across business and government, and in the use of DNA in identity, health information and law enforcement. The effectiveness of legislation or other measures must be maintained to provide up-to-date protection for individuals.

Young people have particular concerns and vulnerabilities around privacy. We need to canvas their views and provide good information and advice for young people.

## GOVERNMENT PRIORITIES AND JUSTICE SECTOR OUTCOMES

The Office of the Privacy Commissioner is an independent Crown entity (Part 3 of Schedule 1, Crown Entities Act). This independence supports New Zealand's international reputation for sound governance, while allowing the Office to contribute to government priorities and justice sector outcomes.

The work of the Office strongly supports the government's focus on growing the New Zealand economy. The effective use of many new technologies is supported through robust and effective privacy protections and standards. In particular the work of the Office supports the uptake and use of broadband technologies by providing independent oversight and public confidence in the protection of personal information. The outputs of the Office facilitate government and business to meet the public's expectations of how their personal information is managed, while helping to develop international standards for the exchange of personal information between countries.

The Privacy Commissioner supports the Justice sector outcomes through the work of the Office. The Privacy Commissioner facilitates access to justice through a robust yet accessible complaints investigation process. Significant efforts to lower an historical complaints backlog have been successful. Currently, 88% of complaints are less than 12 months of age, and 70% are under six months old. Current work in the investigations team focuses on mediating and conciliating complaints. In the 2007/08 year, 135 from the 600 complaints received were settled or mediated.

The Enquiries function is a key service, receiving about 6,000 enquiries per year. The 0800 line helps individuals resolve problems quickly and informally. Agencies receive appropriate advice to promote the self-resolution of disputes and good personal information practices.

The Privacy Commissioner's role is changing, with a stronger emphasis on good personal information practices as an enabler to reap the business and economic benefits of science and technology. New Zealand business success requires trust by individuals in the accuracy, security and purpose for which personal information is collected, retained and used by business and government.

The facilitation of trade through the interchange of personal information and data is an important vehicle through which businesses can become more competitive. Currently New Zealand is at an increasing competitive disadvantage in the growing world of cross-border trade in technology and services. Changes to the Privacy Act with the introduction of the Privacy (Cross-border Information) Amendment Bill will assist to bring our law into line with European Union requirements, to facilitate business opportunities with that important trading bloc and enhance our economic capability. In our own region, APEC is also actively advancing a privacy agenda and New Zealand needs to engage to ensure the outcomes are positive for citizens, consumers and businesses.

The Privacy Commissioner maintains close working relationships with other international jurisdictions and through these relationships facilitates and influences an understanding of the needs of New Zealand business, government and individuals.

## OPERATING INTENTIONS

We shall work towards a modern New Zealand which:

- recognises the individual and societal value in protecting privacy;
- reflects excellence in personal information handling by government and business; and
- recognises and reacts to the changing privacy demands of the electronic age.

We will implement four intermediate outcomes which support the high-level operating intentions of the Office. They are as follows:

### *i. IMPROVED PRIVACY AWARENESS IN THE COMMUNITY*

There is considerable work to be done in further developing public awareness so that there is a more equal balance between the agencies with huge power to gather and manipulate information, and the individuals whose information makes up these databases. A balanced public debate is desirable. The Office needs to develop its understanding of the extent of privacy awareness across all groups in the community, including young people and develop effective means to empower individuals to protect their privacy.

#### *Key impacts sought*

##### Medium Term:

- Availability of specialist publications, guidance materials and targeted information to at-risk groups; and
- Wider public access to, and greater use of, privacy information and resources.

##### Long Term:

- Increased awareness of the benefits of good information handling among individuals.

#### *Activities*

Key initiatives planned are to:

- Deliver effective external communications;
- Publish additional resources, particularly web-based publications and case notes including those focusing on technology, privacy and business needs;
- Target key privacy concerns and interest groups;
- Continue involvement in the international initiative of Privacy Awareness Week;
- Engage with a wide range of individuals and agencies;

- Undertake consultation and research as appropriate;
- Promote a wide and informed debate on privacy issues;
- Develop education initiatives to improve privacy awareness in the community; and
- Undertake an independent public opinion survey.

### *Monitoring*

Impacts will be monitored by analysing enquiries, complaints and feedback received from the public, conducting surveys to determine public awareness, and measuring website use.

## *ii. IMPROVED PRIVACY STANDARDS AND PRACTICE IN GOVERNMENT AND BUSINESS*

Agencies vary in the extent to which they consider and address the privacy impacts of their actions, when handling personal information. Opinion surveys indicate that New Zealanders are concerned about the misuse of personal information and invasion of individual privacy by technology. Unease exists around privacy intrusions in areas such as social networking, the internet, employment, finance, telecommunications and health.

The Commissioner acts as a watchdog to respond to privacy concerns and to encourage responsible stewardship of personal information. The Office encourages government and business to find ways to achieve their objectives while respecting the personal privacy of individuals.

### *Key impacts sought*

#### Medium Term:

- Government and business are assisted to develop practices that respect privacy;
- Legislation, policy and practices respect the privacy principles; and
- Data matching programmes are assessed and monitored.

#### Long Term:

- The public's trust that government and business will handle personal information fairly is enhanced; and
- New Zealand business harnesses the benefits of technology while better understanding privacy risks and solutions.

## *Activities*

Key initiatives planned are to:

- Monitor and advise on the privacy impacts of proposed legislation, policy and technology initiatives;
- Contribute to and help guide e-government initiatives;
- Scope potential solutions to the privacy impacts of inter-agency sharing of personal information;
- Provide policy advice on key privacy matters in relation to health information policy development;
- Contribute to and as necessary assist the Law Commission Review of Privacy;
- Actively support the development of a network of privacy officers;
- Monitor and report on government data matching programmes;
- Develop and improve guidance materials for government and business;
- Enhance guidance resources to assist agencies conducting information matching;
- Promote better practice with public CCTV systems; and
- Participate in international privacy forums to identify global privacy issues and threats and promote best practice, standard setting and cooperation amongst international enforcement authorities.

## *Monitoring*

The quality of advice to government agencies will be tested through informal feedback mechanisms. Statistics for legal and policy work will be used to provide comparative analysis with previous years. Independent public opinion surveys will provide a measure of the public's perception of information handling by business and government.

### *iii. INDIVIDUALS ARE EQUIPPED TO RESOLVE THEIR PRIVACY CONCERNS*

The Privacy Act encourages awareness and self-resolution of problems for individuals. An informal non-punitive environment encourages mediation, conciliation, settlement negotiations and overall positive outcomes. Nevertheless, individuals need access to a low cost way to challenge how their information is being used and to obtain any necessary redress.

## *Key impacts sought*

### Medium Term:

- Complaints and enquiries are handled in a fair and timely manner.

### Long Term:

- People and groups are empowered to take ownership of and self-resolve privacy issues.

## *Activities*

The key initiatives planned include:

- Managing complaints investigations so that 80 - 90% of complaints are completed within 12 months of receipt;
- Providing the website and other resources to help individuals and agencies avoid problems in the handling of personal information and to resolve complaints where they arise;
- Ensuring the website provides an easily navigable source of plain English information on privacy issues for individuals;
- Providing an enquiries service and 0800 helpline on privacy matters; and
- Identifying opportunities for cross-border co-operation in the resolution of complaints involving a cross-border element.

## *Monitoring*

- Monthly performance statistics will track complaints resolution – including time to complete;
- Annual surveys of complainant and respondent satisfaction will be undertaken;
- The quality of the complaints service will be regularly and independently audited;
- Website use will be monitored and content regularly updated; and
- The enquiries function will be reported on and audited.

#### *iv. NEW ZEALANDERS' PRIVACY IS PROMOTED THROUGH ENGAGEMENT AT AN INTERNATIONAL LEVEL*

In the growing world of e-commerce and cross-border trade, such as offshore processing of data, New Zealand needs to meet the data protection standards of our trading partners to better facilitate and protect our trading relationships.

New Zealanders want their personal information protected wherever it travels. The Office of the Privacy Commissioner can play a useful part in protecting personal

information through effective engagement with others involved in protecting privacy in other countries and at an international level in researching privacy risks and regulatory strategies, standard setting and enforcement co-operation.

### *Key impacts sought*

#### Medium Term:

- Passage of the Privacy (Cross-border Information) Amendment Bill; and
- New Zealand privacy legislation and practice accords with international standards.

#### Long Term:

- The Privacy Act is amended to harmonise with EU requirements for transborder transfers of personal data, in order to strengthen New Zealand's case for "white list" status under the EU Directive on the Protection of Individuals in Relation to the Processing of Personal Data and on the Free Movement of Such Data.

### *Activities*

The key initiatives planned are to:

- Provide advice to Parliament and the Minister on the merit of legislative amendment to the Privacy Act to meet EU standards for data processing;
- Monitor international privacy activities, codes and standards for their impact upon New Zealand's trade and investment opportunities;
- Make information relating to New Zealand's privacy standards known to overseas regulators and assist the Ministry of Justice to achieve an 'adequacy finding' from the European Union;
- Enhance or, where they do not yet exist, create, mechanisms to promote cooperation with overseas privacy regulators and to facilitate the exchange of information across jurisdictions; and
- Contribute to ongoing APEC and OECD initiatives to enhance cross-border cooperation in privacy enforcement.

### *Monitoring*

Amendments to the Privacy Act will be in effect and reports to the Minister will contain monitoring information on international developments.

# MANAGING IN A CHANGEABLE OPERATING ENVIRONMENT

## RISKS

The Office has identified four major risks and responses to address those risks:

RISK TYPE	RESPONSE
<p><b>Credibility:</b></p> <p>The risk that the Office loses influence with the public, government, business and the media. The Office loses relevance.</p>	<p>Ensure statutory obligations and advisory responsibilities are met.</p> <p>Ensure that the Office of the Privacy Commissioner’s position and advice on issues is evidence-based through the use of reliable information and robust research.</p> <p>Ensure that the Office remains abreast of international privacy developments.</p>
<p><b>Demand and expectations:</b></p> <p>The risk that the Office cannot meet the level of complaints, public enquiries, media enquiries and demand for information arising from increased awareness.</p>	<p>Self resolution measures and tools are in place.</p> <p>Current priority systems are maintained and developed further if necessary.</p> <p>Ensure that information is disseminated to reach a wide audience.</p>
<p><b>International standards:</b></p> <p>The risk that New Zealand fails to meet international privacy standards.</p>	<p>Continue to participate in international privacy networks.</p> <p>Promote legislative change to reflect these standards.</p>
<p><b>Staff skills:</b></p> <p>The risk that key skill capabilities are not available for the Commissioner’s work. Staff knowledge is lost.</p>	<p>Plan recruitment and retention to ensure that the required skills are developed and maintained.</p> <p>Ensure staff are supported with professional development and performance management systems.</p> <p>Ensure opportunities exist for gaining wider experience and career development.</p>

## ENVIRONMENTAL SCANNING

The Privacy Commissioner commissions independent research to assess individual concerns, awareness and developing trends in privacy within New Zealand. These regular surveys allow monitoring of changes over time.

Development of new technologies is an important driver for the activities of the Office. Through various forums and networks, the Office monitors new technologies and reviews their impacts on the protection of personal information.

The Office maintains a programme of measuring satisfaction with the complaints investigation process for complainants and respondents, and reports annually the results of the programme.

In addition, the Office is implementing a programme to assess performance across a range of functions against similar jurisdictions in the Asia-Pacific region.

Within the resources of the Office, the Privacy Commissioner maintains a close working relationship with international privacy jurisdictions. Further, the Office maintains a close watch on international impacts which have the potential to affect individuals, businesses and the government of New Zealand.

The Office participates in many public forums and speaking engagements, monitors media reporting of privacy issues, develops education programmes from which information and feedback is received and maintains close links with privacy officer interest groups in the public and private sectors.

# ASSESSING ORGANISATIONAL HEALTH AND CAPABILITY

## **People**

The Office requires a mix of a high level of legal, investigative, technology, policy and communication skills. As a small office it is highly dependent on developing and retaining staff skills and knowledge. The loss of key staff would result in a significant knowledge deficit which would not be easily regained. Therefore a strategic priority is the enhancement of staff skills, knowledge and experience. The Office employs contract staff for specialist areas as required.

## **Systems**

Systems include an electronic records and a document management system to enhance our capabilities to survey, monitor, and track processes and practices across all work areas within the Office

## **Relationships**

The Privacy Commissioner actively works with the state sector, business, civil society, academics and the media. The Office is an active participant in international privacy networks.

The Office works with the State Services Commission on privacy issues and policies. A policy adviser position has been funded by the Ministry of Health to enable the Office to provide advice on health privacy issues.

## **Financial**

The Privacy Commissioner has delivered services with little or no change in baseline funding over the past three years. The importance of demonstrating sound leadership at this time of significant financial pressures resulted in our decision to withdraw our budget bid initiative for 2009/10 appropriations. We are determined to manage within these financial constraints, and focus on maintaining the quantity and quality of the services delivered through 2009/10. The impacts on later years will require careful management of the risks resulting from a potential nil baseline movement.

We have budgeted for a further deficit this year, as we did in 2008/09. The pressures of increasing demand and technology impacts on privacy make the current financial baseline extraordinarily restrictive for the period post the 2009/10 financial year.

## **Equal employment opportunities and good employer statement**

The Office has an EEO policy and is an equal opportunities employer in its recruitment, human resources and staff development practices. The Office has documented human resource policies and regularly monitors staff morale as part of management reporting. Exit interviews are carried out as part of continuously improving employment policies.

The Office of the Privacy Commissioner has a personnel policy containing provisions for the fair and proper treatment of employees in all aspects of their employment.

We review our workplace profile and report its representativeness through the production of the Good Employer Report. We consult with staff on issues of concern and review existing policies, practices, documents and systems in all areas of business to ensure equal opportunities in recruitment, appointment, development, promotion and remuneration.

We incorporate the Key Employment Elements in our Office and report on them in the Annual Report.

## SERVICE PERFORMANCE

### OUTPUTS

#### 1. POLICY

Provide advice on the privacy impact of proposed legislation and other significant proposals.

Monitor and advise on international developments, new technologies and other issues affecting privacy.

Assess proposals for information matching, monitor and report on authorised information matching programmes and review statutory authorities for information matching.

#### *Quantity*

- Contribute to the Law Commission's review of privacy;
- Issue and keep current codes of practice;
- Provide practical advice to departments on privacy issues and fair information practices arising in proposed legislation and in administrative proposals;
- Provide specialised assistance to government departments in accordance with agreed memoranda of understanding;
- Provide assistance to improve whole-of-government compliance with information matching controls; and
- Contribute to international initiatives to facilitate cross-border co-operation in privacy standard setting and enforcement.

<u>Activities</u>	<u>Estimation</u>
Information matching workshops	1
Technology and Policy forums	4

#### *Quality*

- All proposals for codes of practice will be the subject of discussion with stakeholders and a public submission process which includes a clear statement of purpose;
- All issued codes are referred to the Regulations Review Committee of the House of Representatives;
- Assistance provided to government agencies presents a clear, concise and logical argument, with assumptions made explicit and supported by facts; and
- Respond to feedback obtained from recipients of policy advice.

### *Timeliness*

- Codes of practice meet the agreed timelines for release and implementation; and
- Advice given within a time span that will enable it to be useful to the recipient or within agreed internal timeframes.

## *2. INFORMATION AND OUTREACH*

Implement our outreach programme across all activities of the Office to support and promote:

- Awareness and understanding of and compliance with the Privacy Act; and
- Awareness of privacy rights and issues, and an appreciation of privacy as a human right.

### *Quantity*

- Organise New Zealand Privacy Awareness Week as part of Asia-Pacific Privacy Awareness Week;
- Undertake speaking engagements;
- Respond to media enquiries;
- Provide assistance to promote better privacy practice in the development of policy and legislation and administrative practices by government agencies;
- Contribute to the Law Commission Privacy Review;
- Participate in international forums;
- Support, where appropriate, networking by agency privacy officers, to develop and improve their effectiveness;
- Undertake a programme of education workshops to promote awareness and understanding of, and compliance with, the Privacy Act;
- Provide a free enquiries service including 0800 helpline and website access to information, supporting self-resolution of complaints;
- Maintain an effective website and other publications to assist stakeholders to promote better privacy practice; and
- Commission an independent survey of public opinion to measure privacy awareness and the range of attitudes to privacy within the community.

<u>Activities</u>	<u>Estimation</u>
Education workshops	40
Presentations at conferences / seminars	10
Projected number of enquiries received and answered	6,000
Case notes produced	10
Media enquiries	150

#### Quality

- Meet internal professional standards;
- Act on feedback obtained from recipients of advice;
- Evaluations show that the expectations of 90% of attendees at workshops were either met or exceeded for quality of presentation and materials;
- Publications and information are legally accurate;
- Case notes conform to regional standards adopted by the Asia Pacific Privacy Authorities (APPA);
- Meetings held with or presentations made to at least 10 significant privacy interest groups;
- Reliable and relevant information is placed on the website; and
- Enquiries are answered by appropriately trained professional staff.

#### Timeliness

- Workshop timetables published on the website;
- Current information is placed on the website within a fortnight of being made available; and
- Response times to enquiries meet internal standards.

### 3. COMPLIANCE

- Handle complaints of interference with privacy;
- Enhance cooperation between privacy regulators internationally;
- Undertake Commissioner Initiated Investigations (CIIs) as required; and
- Monitor active information matching programmes.

#### Quantity

	<u>Estimation</u>
Number of complaints received	600
Number of current complaints processed to completion or settled or discontinued	600
Projected number of active information matching programmes monitored	50

#### Quality

- Complainants' and respondents' satisfaction with the complaints handling process rated as "satisfactory" or better in 80% of responses to a survey of complaints received and closed in the preceding period;

- When a Human Rights Review Tribunal case is concluded, the outcome will be reviewed against the work of the office with the findings reported to the Privacy Commissioner;
- External review is conducted of a sample of complaints investigations for their standard of the legal analysis, correctness of the legal conclusions, soundness of the investigative procedure and timeliness;
- Referrals to the Director of Proceedings meet expected standards of evidential sufficiency and public interest in all cases; and
- Reports to be published on operating information matching programmes will be submitted to relevant departments for comment before publication.

### *Timeliness*

- 80-90% of complaints are completed, settled or discontinued within 12 months of receipt; and
- A report on all operating information matching programmes will be provided annually.

# FINANCIAL FORECAST STATEMENT

STATEMENTS OF FORECAST FINANCIAL PERFORMANCE  
FOR THE YEAR ENDING 30 JUNE 2010

**OFFICE OF THE PRIVACY COMMISSIONER  
STATEMENT OF FINANCIAL PERFORMANCE  
BUDGET FOR YEAR ENDED 30 JUNE 2010**

<b>2008/2009</b>		<b>2009/2010</b>
<b>Budget</b>		<b>Budget</b>
\$		\$
	<b>INCOME</b>	
3,148,000	Operating Grant	3,148,000
36,000	Seminars	36,000
60,000	Interest Received	30,000
278,656	Other Income	271,555
<b>3,522,656</b>	<b>TOTAL INCOME</b>	<b>3,485,555</b>
	<b>EXPENDITURE</b>	
2,546,336	Personnel	2,531,022
20,000	Audit Fees	18,000
168,000	Depreciation	150,000
324,435	Rental	402,940
434,100	Operating Costs	355,100
72,000	Promotion	53,000
<b>3,564,871</b>	<b>TOTAL EXPENDITURE</b>	<b>3,510,062</b>
<b>42,215</b>	<b>EXCESS EXPENSES OVER INCOME</b>	<b>24,507</b>

## STATEMENT OF FORECAST SERVICE PERFORMANCE

The Privacy Commissioner has committed to provide three output classes in 2009/10 that meet the requirements of the Minister of Justice in terms of their description, quantity, timeliness and costs.

### Output operating statements: 2009/10

Departmental Output Class Description	REVENUE			EXPENSES	SURPLUS
	Revenue Crown \$000	Revenue Other \$000	Capital Contribution \$000	Total Expenses \$000	Surplus / (Deficit) \$000
• Privacy Policy	826	251	0	1,040	37
• Information and 'Outreach'	884	31	0	1,097	(182)
• Compliance	1,438	56	0	1,373	121
<b>TOTAL DEPARTMENTAL OUTPUT CLASSES</b>	<b>3,148</b>	<b>338</b>	<b>0</b>	<b>3,510</b>	<b>(24)</b>