



Approved information
sharing agreement:
supporting research using
the Integrated Data
Infrastructure (IDI) at
Statistics New Zealand.

A report by the Privacy Commissioner
to the Minister of Justice under section
96P of the Privacy Act 1993.

June 2017

Executive Summary

This is my report on the approved information sharing agreement (AISA) between the Ministry of Justice and Statistics New Zealand approved under Part 9A of the Privacy Act.

The purpose of this AISA is to support research using the Integrated Data Infrastructure (IDI) at Statistics New Zealand. The AISA provides the legal framework for sharing specific court information to support research within the IDI, helping inform solutions to solve social issues affecting New Zealanders. The Senior Courts Act 2016 requires the use of the AISA mechanism to approve the sharing arrangement.

I am satisfied that the AISA meets the requirements set out in Part 9A of the Privacy Act. I provided comments to the Ministry of Justice in the development of this AISA to support the Minister of Justice's decision-making prior to the approval of this agreement. I am satisfied that during the consultation process my views have been acknowledged and led to further development of this agreement.

My detailed comments (set out below) on the agreement are structured under headings that reflect the specific criteria for approved information sharing agreements in Section 96N of the Privacy Act.



John Edwards
Privacy Commissioner

Comments on the agreement

1. Does the information sharing agreement facilitate the provision of any public service or public services?

The information sharing agreement is intended to facilitate information sharing between agencies to produce official statistics and support public interest research using the IDI at Statistics New Zealand. In particular, inclusion of selected court information helps support Justice-focused research to inform a range of research and policy issues. This purpose meets the criteria of supporting the delivery of public services.

2. Is the type and quantity of personal information to be shared under the agreement no more than is necessary to facilitate the provision of that public service or those public services?

I consider that the type and quantity of personal information to be disclosed under this agreement is necessary to achieve the policy objective of supporting research and policy development.

The information to be shared under this agreement is limited to 'permitted information' as defined by Schedule 2 of the Senior Courts Act and Schedule 1 of the District Court Act 2016. Information suppressed by a court will not be included.

In broad terms, 'permitted information' includes details about people subject to:

- charges in criminal court;
- orders under the Domestic Violence Act 1995 or Sentencing Act 2002;
- restraining orders under the Harassment Act 1997;
- extended supervision orders under the Parole Act 2002;
- non-contact orders under the Victims' Orders Against Violent Offenders Act 2014;
- any public protection order under the Public Safety Act 2014; and
- information that any probation report exists in respect of a person.

3. Will the agreement unreasonably impinge on the privacy of individuals and contain adequate safeguards to protect their privacy?

I am satisfied that this agreement will not unreasonably impact on the privacy of individuals. The Privacy Act already permits the sharing of information where that information is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

I am assured that this agreement contains robust safeguards to protect individuals' privacy. For example, the parties will:

- ensure careful design and implementation of processes to ensure only relevant information is exchanged;
- ensure information is transferred via secure mechanisms that meet mandated security standards; and
- audit access to the information and report any breaches to my Office.

The safeguards included in the agreement are supported by the controls to protect information held by Statistics New Zealand. Information in the IDI must meet strict privacy protections embedded in the Statistics Act 1975. For example:

- only approved researchers are able to access data;
- projects must be approved to ensure that research is in relation to matters of public interest; and
- strict confidentiality rules are applied to ensure individuals cannot be re-identified.

4. Will the benefits of sharing personal information under the agreement be likely to outweigh the financial and other costs of sharing it?

I am satisfied that this agreement will result in positive benefits that outweigh the costs of sharing the information. The inclusion of selected court information is pivotal in enhancing justice-focused research and the development of statistical models to inform policies to reduce the burden of crime on New Zealanders.

5. Are there any potential conflicts or inconsistencies between the sharing of personal information under the agreement and any other enactment, and have they been appropriately addressed?

I am not aware of any conflicting enactment that will impact on this proposal. I am satisfied that thorough and prudent legal analysis has been completed in this regard.