



RT HON CHRISTOPHER LUXON
PRIME MINISTER

10 JUN 2024

Heather Baggott
Acting Public Service Commissioner
Public Service Commission
By email: heather.baggott@publicservice.govt.nz

Dear Ms Baggott

Over the past week, the media has reported allegations that personal information provided to government agencies as part of Census 2023, or for immunisation processes, has been misused by third parties during last year's election.

These are very serious concerns. They go to the heart of trust and confidence in our democratic processes and institutions. It is critical that New Zealanders can trust that when their personal information is given to government agencies, it is held securely and used only for proper purposes. NZ Police and the Privacy Commissioner are both looking into the allegations, including as they relate to the actions of third parties. They have specific powers and processes to conduct such investigations and we do not want to cut across those. But given the seriousness of these matters, it is important that the facts are established and there is independent oversight of the whole picture of government agency activity in relation to this matter.

To that end, we are directing you to conduct an independent inquiry under the Public Service Act 2020 (the Act), in accordance with clauses 2(2) and 5(2)(a) of Schedule 3 of that Act. The direction under clause 5(2)(a), relates to your functions under section 44(b) and (d)(ii) of the Act and your powers under clauses 1 to 4 and 8 to 11 of Schedule 3.

We expect this to be an independent inquiry into the safeguards that relevant government agencies had in place to ensure the appropriate use of people's personal information by third party providers in the circumstances surrounding these allegations, and whether those safeguards worked. The inquiry should include an assessment of the institutional arrangements relating to the use of the personal information and whether conflicts of interest, and any perceived conflicts of interest, have been appropriately managed.

The inquiry is to cover the actions taken by Statistics NZ, the Ministry of Health, Health NZ, Te Puni Kōkiri, Oranga Tamariki, the Ministry of Social Development, as well as any other public service agency the Commissioner considers appropriate to include. If a further direction is required to include any other Crown entity within the scope of this inquiry, then we would welcome a request from the Commissioner to that effect.

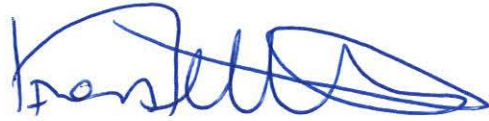
We expect that the various agency investigations will report to and be coordinated by this inquiry. This will enable the inquiry to establish the facts across the different agencies.

We would like to make further announcements this week on the Terms of Reference and timing for the inquiry, as well as independent reviewers to lead the process. New Zealanders must have confidence in the protection of their personal information, so we would appreciate your advice on these matters as soon as possible. The Minister for the Public Service will take the lead in relation to the inquiry.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C. M. Luxon', with a horizontal line underneath.

Rt Hon Christopher Luxon
Prime Minister

A handwritten signature in blue ink, appearing to read 'Nicola Willis', with a horizontal line underneath.

Hon Nicola Willis
Minister for the Public Service