



Te Kawa Mataaho

Public Service Commission

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Tēnā koe Dale

Inquiry into the protection of personal information

In June 2024, following a direction from the Prime Minister and the Minister for the Public Service, Acting Public Service Commissioner Heather Baggott appointed Pania Gray and Michael Heron KC to conduct an Inquiry into allegations that personal information provided to government agencies as part of Census 2023, or for Covid-19 vaccination purposes, had been misused by third-party service providers during the 2023 General Election.

Under the [terms of reference](#), the inquiry was to establish the facts and provide an independent assessment of government agency activity in relation to the allegations.

You have received an embargoed copy of the final report. Please keep this matter strictly confidential until public release.

The findings and my expectations

The inquiry found that there were serious failures by several Public Service agencies to protect personal information and that those failings effectively left the door open to possible misuse. That is unacceptable. There are lessons from this inquiry that are relevant to all agencies and an opportunity for the Public Service to strengthen its practices around procurement and contract management, conflicts of interest and protection of personal information. New Zealanders rightfully expect government agencies will protect and manage their personal information.

As chief executive of an agency in the scope of the inquiry, I have enclosed for your information my expectations of public service agencies to ensure that they have strong policies and practices in place in relation to sharing personal information with third parties, procurement and contract management, and conflicts of interest (see **Annex 1**).

I encourage you to consider these expectations and adopt them as you think appropriate. Should you have any questions, in the first instance please contact your Assistant Commissioner, Martin Kessick.

Nāku noa, nā



Sir Brian Roche KNZM

Te Tumu Whakarae mō Te Kawa Mataaho
Public Service Commissioner | Head of Service

Copy to: Professor Lester Levy CNZM
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Annex 1: Public Service Commissioner expectations for Public Service agencies to ensure that they have strong policies and practices in place in relation to sharing personal information with third parties, procurement and contract management, and conflicts of interest

1. Sharing personal information with third parties

- Ensure all privacy obligations are in place when your agency enters information sharing agreements with non-Government third parties. If in doubt talk to the Privacy Commissioner.
- When sharing personal information, your agency needs to make sure any agreement has provisions that enable assurance and audit activity to be undertaken.
- In the event there is no contract for services, information sharing agreements should include appropriate integrity provisions, such as a conflict of interest clause.
- When multiple agencies are involved in contractual or information sharing arrangements it must be clear who is doing what, with effective ownership controls in place.

In April, the Government Chief Digital Officer will issue new standards for sharing personal information between a Public Service agency and a non-Government third party. Consultation on a draft of the standards will commence shortly. I strongly encourage your agency to participate in this important work. If you have data sharing arrangements to be agreed or renewed before the standard is in place, I ask you to refer to the Inquiry's findings and ensure that you implement arrangements to protect personal information and manage conflicts of interest.

All Public Service agencies must implement the standards once they come into effect from 1 July 2025. By the end of July, I would appreciate your assurance (in writing) that you have implemented the new standards and have a risk-based plan in place for updating existing data sharing arrangements.

2. Procurement and contract management expectations

- Maintain due diligence and good contract management in line with NZ Government Procurement Rules when procuring third party providers to deliver services.
- Have clear contract management processes in place to ensure active oversight and ongoing relationship management throughout the lifespan of a contract.
- Have the appropriate level of senior leadership and technical expertise oversight in place for contract management depending on the scope and scale of the arrangements.
- Have discussions with third parties prior to signing a contract to identify and manage potential, perceived or actual conflicts across all stages of the procurement process.
- Ensure that third party suppliers appropriately identify and disclose conflicts of interests involving their subcontractors to your agency and have effective management plans to deal with conflicts that have been approved in advance by your agency.

In response to this inquiry, the Public Service Commission has worked with the Ministry of Business, Innovation and Employment (MBIE) to review the New Zealand Government Procurement model contract template and associated guidance. Changes are being made to the model contract to strengthen conflict of interest requirements. The new templates will be made available on MBIE's website in March 2025. I expect all public sector agencies to consider these changes when reviewing existing contracts.

3. Conflicts of interest expectations ¹

To reflect the findings of this inquiry and recent work with your Integrity Champions, I have updated the [Conflict of Interest Model Standards](#) and re-issued them under section 19 of the Public Service Act 2020. The model standards set out my minimum expectations for the policies and processes that public service agencies need to have in place to ensure that conflicts are identified, assessed and managed well. This is a non-negotiable bottom line. I ask that you assure yourself that your agency meets these expectations.

To help improve conflict of interest practices in the public service, the Commission has also been working with your Integrity Champions to develop practical supporting tools. This includes a one-page guide to assist managers in conversations with staff about possible conflicts of interest, which will be published alongside the updated model standards today. Further supporting materials will be published in the coming months.

¹ The Office of the Auditor-General has comprehensive guidance available [here](#) on conflicts of interest.