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Tēnā koe Matthew

Thank you for your request of 10 August 2021 to the Ministry of Education requesting the following information:

1. *Has your agency contracted work to Research New Zealand in the last five years?*
2. *If so, did you provide private information or data on individuals to Research New Zealand?*
3. *If so, what agreements did you make with Research New Zealand regarding privacy and data retention?*
4. *Have you been notified of any data breaches, security issues, or privacy issues with Research New Zealand?*

Your request has been considered under the Official Information Act 1982 (the Act).

Question One

In the last five years, the Ministry of Education has contracted Research New Zealand (RNZ) to conduct surveys on its behalf on five occasions. As shown in the below table, only one contract is ongoing.

	Contract Title	Start Date	End Date
1	NCEA Review – Employers Survey	29/10/2018	30/11/2018
2	NCEA Review Learner Survey	8/04/2019	24/06/2019
3	Māori Medium NCEA Learner Survey	1/07/2019	30/08/2019
4	NCEA Learner Survey 2020	1/01/2020	25/07/2021
5	Provision of Connectivity and Devices Evaluation Survey	23/07/2021	30/11/2021

NCEA Contracts (1 to 4)

The surveys undertaken by RNZ on behalf of the Ministry were relating to a range of topics around NCEA including workloads, satisfaction with the qualification, and subject availability. Responses collected were used in conjunction with other sector consultation to support the development of the NCEA change package.

Connectivity and Devices Evaluation Contract (5)

Research New Zealand were engaged to survey the recipients of devices and connectivity, including learners and whānau, to evaluate the efficiency of the Ministry's response to COVID-

19 and the need to improve the ability of the sector to educate students through distance-learning.

Question Two

To allow Research New Zealand (RNZ) to conduct surveys on the Ministry's behalf, information which was collected by the Ministry was shared with them. As part of the process to collect the relevant information, the individuals who were providing information were informed that it could be used for research purposes. The information that the Ministry shared with RNZ varied between agreements and we have provided further details regarding these agreements below.

Question Three

The Ministry engaged Research New Zealand (RNZ) under the Ministry of Business Innovation and Employment's All of Government Consultancy Services Panel using the standardised Consultancy Services Order.

The consultancy services order contains two clauses related to privacy. As allowable under section 16(1)(e) of the Act, below I have provided an extract of the privacy-related clauses within the Order.

1. *In addition to its other obligations under this Consultancy Services Order, the Provider will:*
 - *in performing Services for the Participating Agency under this Consultancy Services Order comply with all privacy and other policies and guidelines issued by the Participating Agency and notified or made available to the Provider;*
 - *comply with all Laws at all times during the Term in so far as they relate to the provision of the Services, including the Privacy Act 1993 [Privacy Act 2020] and all applicable consumer laws;*
 - *ensure that it and its Personnel providing the Services do not access the Participating Agency's information or systems except to the extent necessary to provide the Services and for no other purpose;*
2. *After expiry or termination of this Consultancy Services Order for any reason, each party will, within five Business Days of receiving notice from the other party, return all Documentation, Confidential Information or other property belonging to the other party (or destroy such Confidential Information, if requested), except if such Documentation, Confidential Information or other property is required to be retained by any Law.*

The clauses extracted above are included in all agreements between the Ministry and Research New Zealand.

Further information about the Consultancy Services Order can be found in the following link: [Consultancy services | New Zealand Government Procurement and Property](#)

Additional clauses are added to contracts on an individual basis as deemed necessary by the Ministry. As allowable under section 16(1)(e) of the Act, I am providing you with a summary of the additional clauses relating to privacy in each contract. These are shown in the table below:

	Contract Title	Clauses additional to Consultancy Service Order
1	NCEA Review – Employers Survey	<i>Additional clauses were not considered necessary for this contract.</i>
2	NCEA Review Learner Survey	The Survey will be hosted on a secure designated server by a government approved provider. The online survey is to be encrypted with an industry standard certificate.
3	Māori Medium NCEA Learner Survey	The Survey is to be hosted on a secure designated server by a government approved provider.
4	NCEA Learner Survey 2020	All published survey data, results and qualitative comment will be anonymised to protect respondents' privacy.
5	Provision of Connectivity and Devices Evaluation Survey	All samples and data are saved and stored securely, with a government approved provider. In accordance with Research New Zealand's Code of Practice, all samples (originals and copies) are destroyed at the completion of projects and the client formally advised of this fact.

Question Four

The Ministry has not been notified of any data breaches, security issues, or privacy issues with Research New Zealand.

If the Ministry were to receive a notification of an information breach, we would act in accordance with the provisions within the Privacy Act 2020 and within the context of the breach. Part of our response to a potential breach could, where appropriate, include actions such as notifying affected individuals, advising the public, or contacting the Office of the Privacy Commissioner for further advice where needed.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā

Aditi Cook
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Business Enablement and Support