

PRIVACY 2.0 UPDATE

Recap: **Approach and timeline**

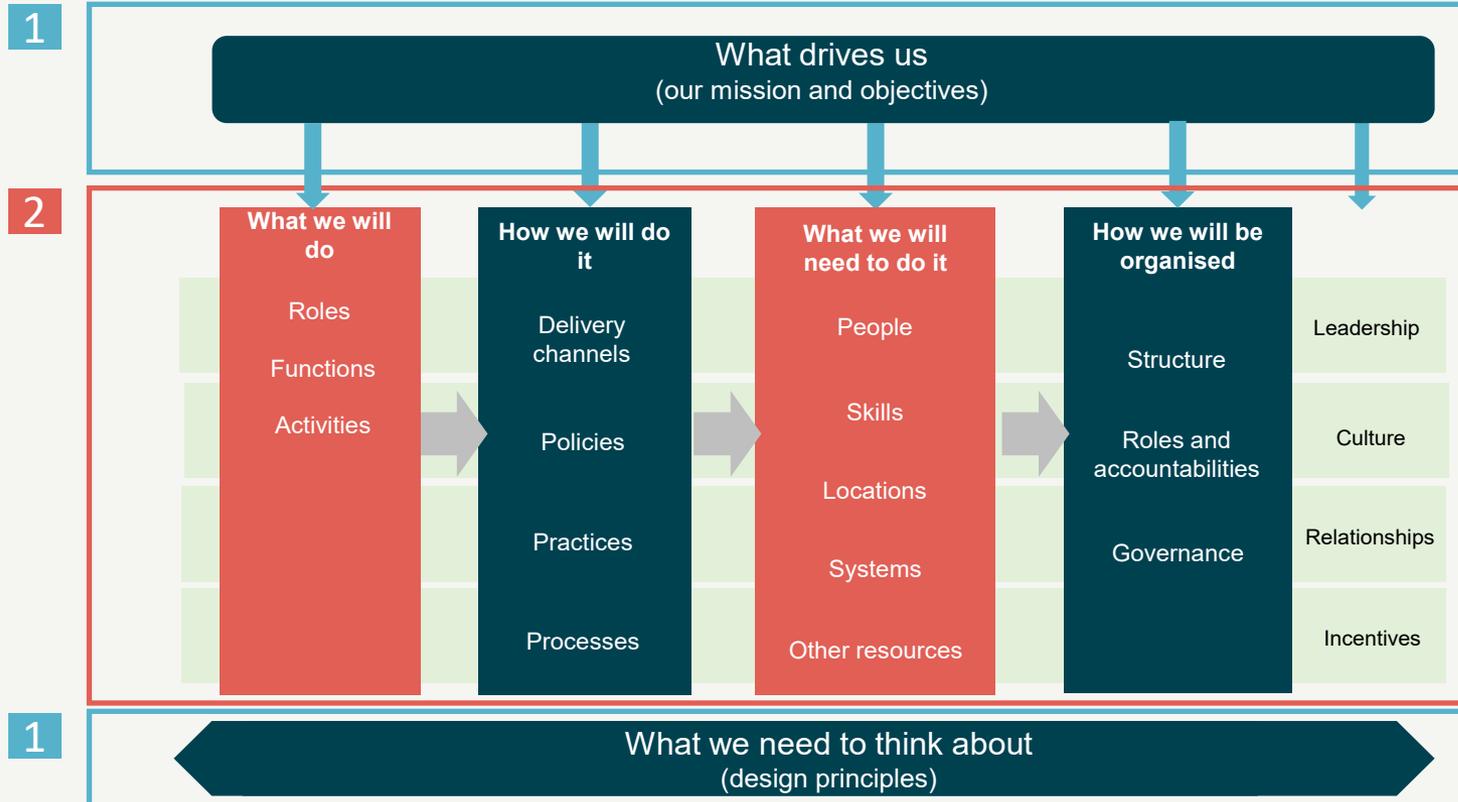
Update: **Progress to date**

Outlook: **Next steps**

PROCESS REMINDER

- Approach
- Phases
- Timeline

Developing a target operating model:



We are currently in phase 1.

Phase 1: Develop a high level target operating model

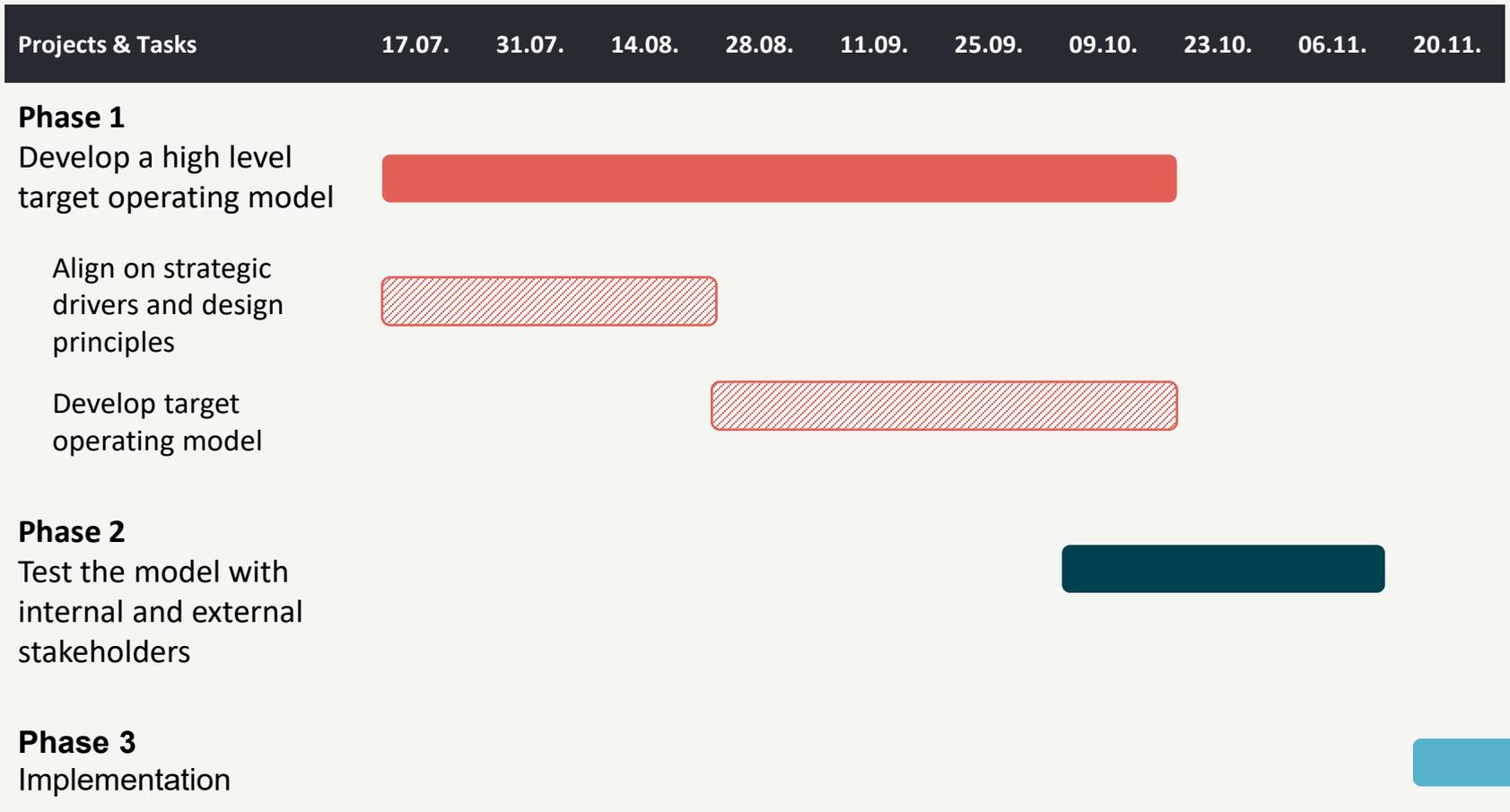
- **Purpose:** Develop a strategic vision and a shared understanding what the OPC of the future should look like
- **Approach:** Develop 2 straw models for the target operating model that outline:
 1. The mission and objectives of the OPC of the future and the design principles that will guide the work
 2. What the OPC will need to focus on, how work will be organised and the resource and structural change needs this might lead to
- **Timeframe and delivery:** Agile approach, with 5 design sprints over 10 weeks

Phase 2: Test and iterate the model with internal and external stakeholders and identify the strategic gap

- **Purpose:** Test and refine the thinking about the future operating model, make sure it reflects operational realities and prepare for implementation
- **Approach:** Engage widely and plan for implementation
 1. Run internal workshops with a variety of 'practitioners' and internal experts
 2. Test new ways of working with external stakeholders
 3. Identify strategic gaps and workstreams for implementation (*strongly aligned with Gary*)
- **Timeframe and delivery:** Intense engagement with internal and external stakeholders, approx. 4 weeks

Phase 3: Implementation

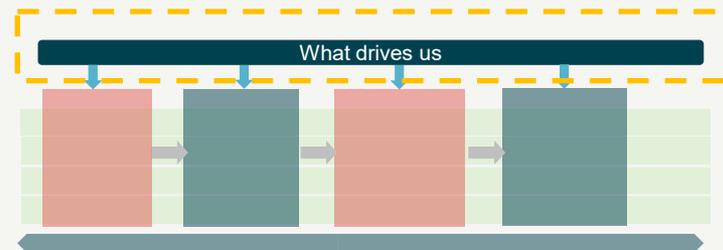
Timeline



PROGRESS TO DATE

- Objectives
- Design Principles
- Interviews

Mission and objectives



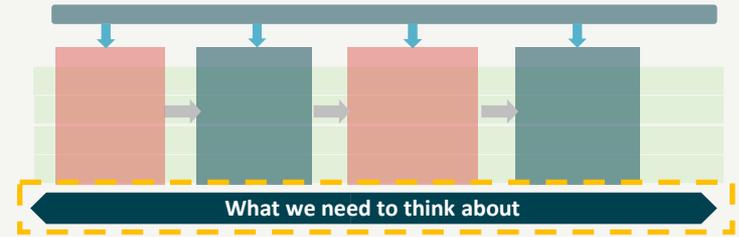
We are an effective modern privacy regulator – in NZ and internationally.

We are fair and responsive.

We are influential.

We have excellent organisational culture.

Design principles



1. We have **clear objectives** that support our work.
2. We make deliberate **decisions** about where we focus our efforts.
3. The whole Office **works together** in a supportive and integrated way.
4. Our **culture** rewards and engages staff.
5. We **communicate** our messages effectively and **engage** with stakeholders to reach shared goals.
6. We meet our responsibilities under Te Tiriti and interweave **Mātauranga Māori** for positive intercultural outcomes.

Interview results in a nutshell



In the **next 5-7 years** the OPC needs to future- proof its operations, stay relevant and shape public discourse on privacy.

For the Office, this means managing changes in leadership, keeping up with and providing advice on technological changes, promoting global best privacy practice and engaging with Māori data sovereignty.

The **next 1-2 years** will be dominated by the **Privacy Bill**. External stakeholders expect the OPC to steer agencies through new requirements and processes proactively.

There is also an expectation to use this opportunity to **raise awareness and shape the thinking around privacy** in NZ. This will require more resourcing to support implementation and effective regulation.

The Office of the Privacy commissioner is well regarded and a **trusted advisor** to agencies. The organisational culture is good, the **working style is agile and pragmatic** and people working for the Office have a **passion for privacy**.

To further improve operations now, the Office should invest in **better business insights and analytics**, engage in more **strategic decision making** and move towards a more **proactive approach to compliance**. The Office should also focus on further improving **systems** and **employee retention**.

WHAT WE HEARD



Interview results (contd.)

We have conducted internal and external interviews to inform the development of the target operating model, including six government and private sector agencies and staff from all OPC teams.

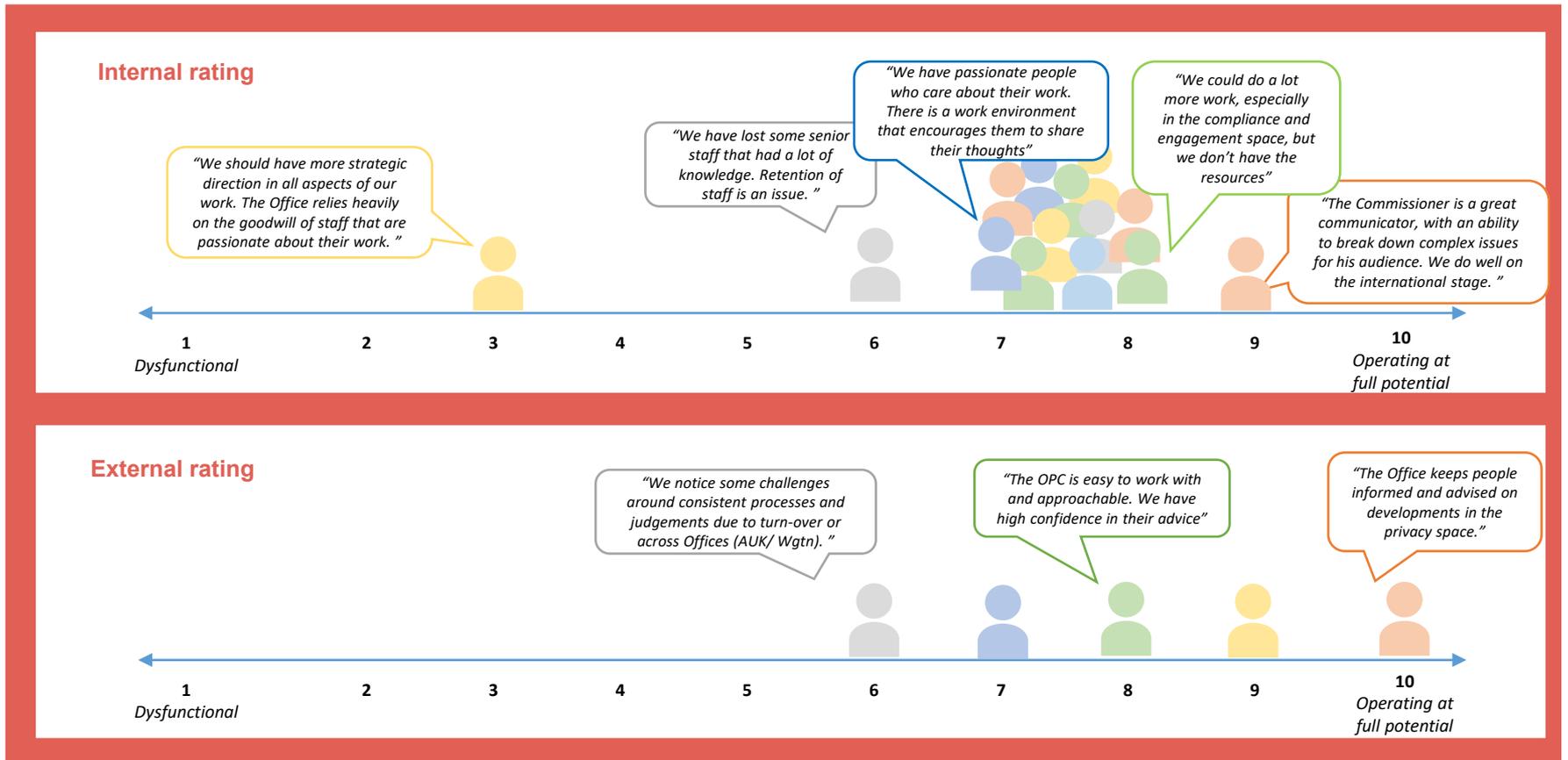
Purpose and role

There was a shared understanding across externals and internals about OPC's role – 'to safeguard and advocate for privacy in NZ'

The overall performance of the Office

All interviewees were asked: *How would you rate how well the Office is currently performing, on a scale of 1-10?*

Internal respondents rated the Office at an average 7.1, external respondents rated at an average 8.



Interview results:

What works well

Both, internal and external stakeholders, agreed:

- **Communications material** from the Office, especially Newsletter, Case Notes and the content on the website is very valuable. The **AboutMe tool and the elearning modules** on the website are good.
- The Office has a very good **reputation and mana** for being competent and helpful. All stakeholders said they always get **high quality advice** and legally sound responses. There is high confidence in the advice given, the OPC is perceived as a **'trusted advisor'**
- The **public and high-profile role of the commissioner** helps privacy teams in agencies advocating for best practice
- The complaints and **investigations function achieves high service levels.**
- Given the constraints, the OPC is perceived to do a good job on **education and awareness** on privacy in New Zealand.

Internal stakeholders also pointed at:

- A **good organisational culture**: People have good relationships across teams and reporting levels and generally treat each other in a supportive and respectful way. The Commissioner as well as Senior Leadership seem approachable and open for new ideas.
- **People**: People working at the OPC are passionate about privacy and feel that the Office does important, exciting and cutting-edge work in a time where the future of privacy seem to be at a crossroads. Staff that is recruited are smart and do great policy work, make fair decisions on complaints and develop high quality comms products.
- **Pragmatism and agility**: The size of the Office allows for pragmatic approaches. The Office is good at responsive and agile ways of working and has good relationships to external stakeholders that allow for issues to be resolved via telephone.

Externals also added they particularly appreciated:

- **Conferences and forums**, e.g. Identity Conference. Especially overseas key note speakers are very valuable.
- The **people working at the OPC are helpful**, friendly and easy to work with. There is a passion for privacy in leaders and staff.
- There are generally **good processes in place to engage with the OPC** for agencies (eg. the Ombudsman)
- Given the constraints, the OPC is perceived to do a good job on **education and awareness** on privacy in New Zealand.

Key theme

Acknowledge that people are the Office's greatest asset. Continue to encourage and support staff in their professional development and promote a positive and flexible work environment.
Build practices to ensure the Commissioner continues to build his high profile in strategically relevant areas.

Interview results:

What can be improved

Both, external and internal stakeholder expect the Office to do more **compliance focused and proactive work**.

In addition, external stakeholders pointed at the ease of obtaining information and interacting with the Office as areas for improvement:

- The **website design** is not very intuitive and hard to navigate. The guidance provided on the website is sometimes “too academic” and wordy and is not in line with the objective to ‘make privacy easy’.
- It is unclear, who is the **contact person** for what. When there are contact people that leave, there is sometimes no sufficient hand-over

Internal stakeholders pointed at:

- A perceived **lack of strategic direction**, leading to ad hoc decision making. The feedback suggests that the Office wishes to identify, plan, implement and evaluate work more strategically. The Office should be more selective where we put our resource.
- Become more deliberate, innovative and comfortable in **our approach to enforcement**.

Internal stakeholders also said:

- Staff suggests to **partner, advocate and communicate more strategically**. Feedback suggests that the OPC delivers well for people and agencies it interacts a lot with and that already know a lot about privacy but fails to identify and target efforts to others.
- Some **processes** should be clarified and streamlined, eg. with regards to sign-off processes or internal communication on cross-cutting prioritisation (e.g. OMI's)
- The Office could do more to understand the **cultural dimension** of our work and to communicate in a more inclusive way.
- **Staff retention** is subject to different challenges in different teams. Overall, the Office should aim to get better at retaining experienced staff and fostering talent.
- Staff identified room for improvement in the way **current systems and tools** add value, e.g. by aiming to improve data quality, making more elearning modules or using AskUs for induction training.
- Most staff also pointed at **new systems and tools** needed in the future, eg. better payroll, expense and financial reporting systems. A CRM system would improve the efficiency of workflows, the capability to analyse past interactions to give informed advice and use business analytics to identify systemic trends.

Key theme

The Office is predominantly working reactively. To deliver on our strategic objectives, we need to set agendas and engage proactively and have functions and systems in place to support this.

Interview results:

What would also help

External stakeholders shared insights from their operating environment and identified further initiatives that would help them build better privacy practices within their organisations:

- **Agencies struggle to build privacy capability** in house. There is a limited number of privacy advisors in the market. The OPC could help by:
 - Informing organisations about their systemic issues.
 - Providing maturity self-assessment tools for the private sector
 - Give guidance on ‘how to run privacy at scale’
 - Conduct more research to help agencies understand what is important to consumers
- The **engagement with the youth/ young adults and schools** is currently very dry or lacking and this could be improved.

Internal stakeholders would also like to:

- Continue to push for **legislative change**,
- Work on the **research and business analytics** capabilities to make better use of existing information (e.g. media inquiries, breach notifications) and do **more proactive work**,
- Decide on whether or not to **investigate all complaints** (and how), and
- Improve the Office’s capability to **engage with diverse communities**,
- Do more to **display values and culture**.

Key theme

Develop capability to provide internal and external stakeholders with the insights they need to make informed decisions. Diversify our engagement strategy.

Interview results:

Outlook

The near future

Externals and internals agreed the next 1-2 years will be dominated by the Privacy Bill and a shared recognition that this will require more resourcing to support implementation and effective regulation as well as raising standards.

There is a number of capabilities and skills needed to stay relevant:

- Further develop the Office's capability to identify trends, partner effectively across government and private sector and internationally and **target efforts strategically**.
- Prepare staff to engage in **more enforcement activities** and issue more compliance notices, harness data breach notifications.
- Strengthen **technological expertise** both, as a whole (understand the privacy dimension to technology) and through explicit resource/ expertise (to assess particular technologies).
- Upgrade **data analysis/ business analytics capability** to conduct research, identify and facilitate action on organisational and system trends and developments to inform **proactive compliance work**.
- Build **community engagement** capability and work on Māori engagement expertise.
- Source **specialist knowledge**, e.g. education specialist to help us inform the next generation or lawyer for compliance notices/ prosecution.

There is also a shared understanding that the Office needs to increasingly act strategically and translate international thinking and best practice to improve privacy in Aotearoa New Zealand.

The next 5-7 years

Externals and internals identified the next 5-7 years would require OPC to future proof its operations through managing changes in leadership, keeping up with and providing advice on technological changes, promoting global best privacy practice and engaging with Māori data sovereignty.

The Office should continue to push for more regulatory powers and legislative change, eg. the ability to go to High Court and get severe penalties.

At the same time, the Office needs to **engage in 'softer' approaches to better privacy protection of NZers** by commenting on a wider and topical range of issues publicly, eg. around technological change and its' privacy impact.

To **prepare for a change in Commissioner**, the Office is expected to codify the way it engages externally, and develop a robust strategic framework for the identification, prioritisation and managements of challenges and opportunities led by the Offices' senior leadership.

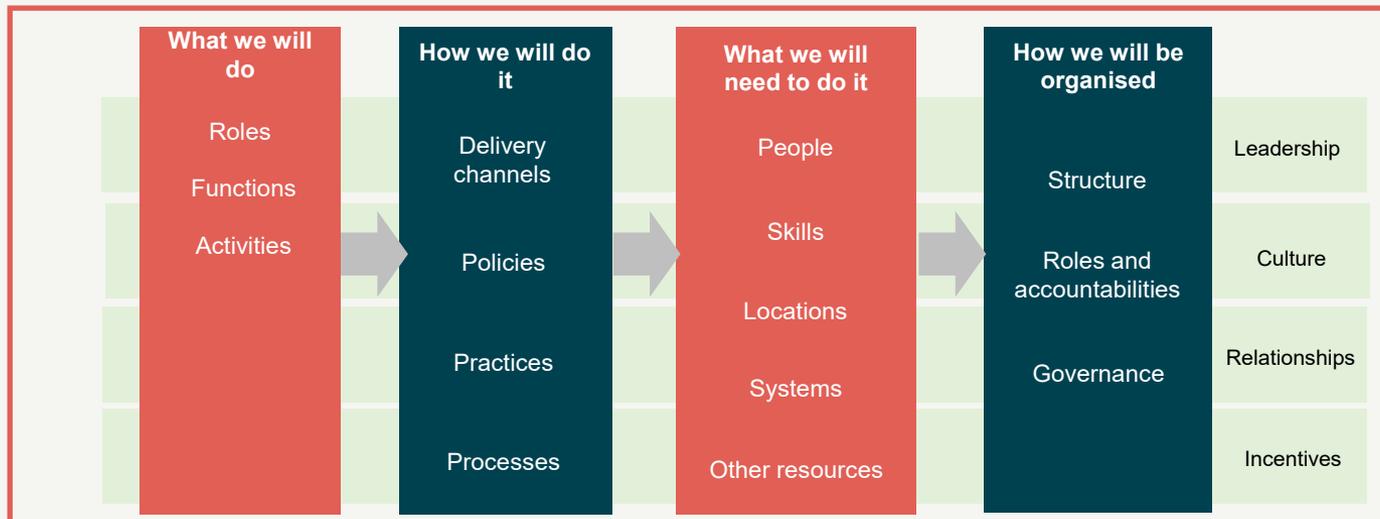
Key theme

Continue to stay relevant by engaging effectively. Build internal technical expertise. Advocate for legislative amendments where necessary.

NEXT STEPS

Developing and testing the target operating model

Next steps: Develop a high level target operating model (until end of October)



Outlook:

Phase 2: Test and iterate the model with internal and external stakeholders and identify the strategic gap (mid November)

Phase 3: Implementation