

Draft

# PRIVACY 2.0 STRAW MODEL

Value chain

Workflow and initial structural considerations

Primary activities

23 October, 2019

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Strategy and Insights

Communication and Education

Advice and Advocacy

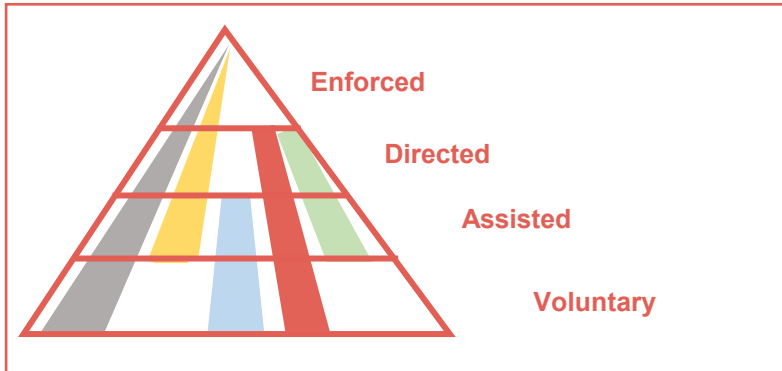
Enforcement and Compliance

Dispute Resolution

**Crosscutting initiatives**

# Primary activities of the OPC

**Theme:** Organising the primary activities around the mandates of the office and the according tasks that need to be performed.



Advantages	Challenges
Intuitive translations of functions into teams	Potentially overlooks outcomes for NZ citizens and businesses
Easy to understand activities behind functions (for staff)	
Objectives can be translated clearly into functional outcomes	

## Strategy and Intelligence

Advising the Commissioner on the best way to achieve the Office's mission as well as associated risks. Understanding trends and technological developments that will be relevant in the future. Using an evidence base to prioritise work and make decisions. Monitor success of strategies and initiatives.

## Compliance and Enforcement

Investigating individual complaints where dispute resolution is inappropriate. Identifying and assessing systemic issues, using the right tools to get the best privacy outcomes for New Zealanders, including: enforcing the Codes, assessing value of prosecution, following up on compliance work, referring cases to the Director and issuing compliance notices and access directions.

## Communication and Education

Informing people about their privacy rights. Promoting privacy understanding and competence, using media, opinion writing, stakeholder engagement. Producing material and resources to inform, guide and educate. Reduce the need for enforcement and dispute resolution through education.

## Advice and Advocacy

Research and analysis supports advice on privacy issues that is context aware, evidence based and clear and informed. Advice reflects diverse perspectives and recognises risks and competing interests. Effective interventions include the development of Privacy Codes, advise to government on the evolution of the Privacy Act and changes to other legislation. Advocate for privacy positive outcomes, including privacy by design.

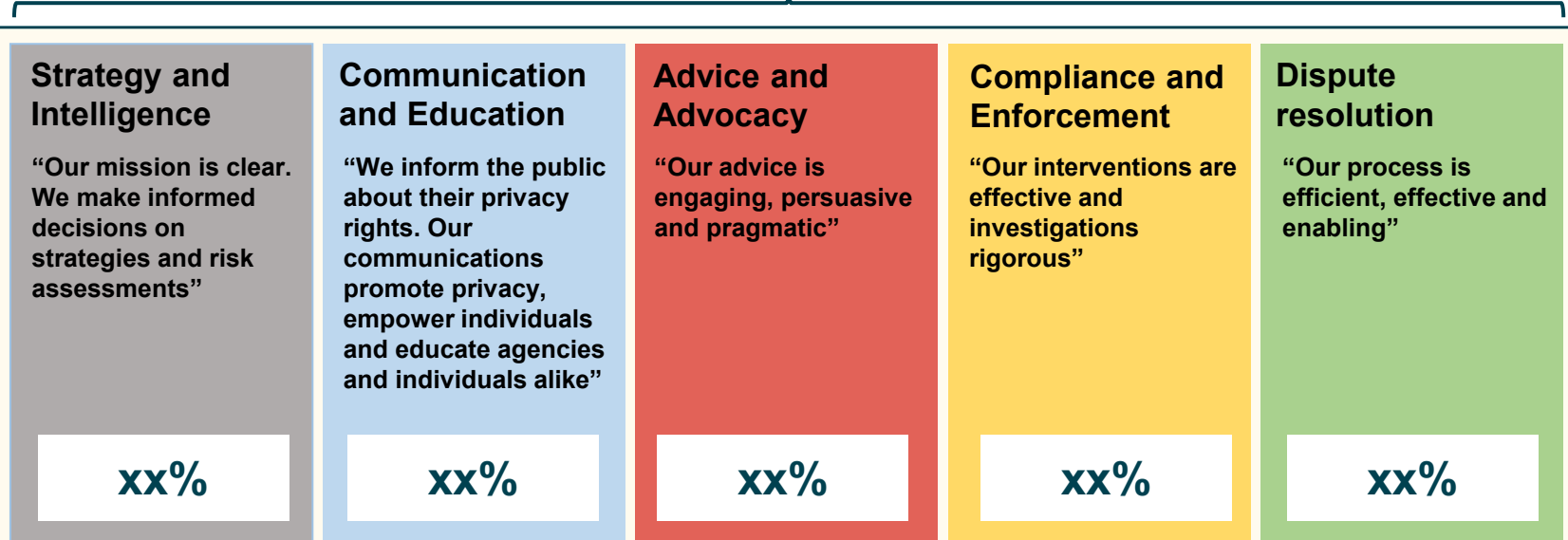
## Dispute Resolution

Working with parties to achieve a fair outcome using dispute resolution techniques.

# Value Chain

## Primary Activities

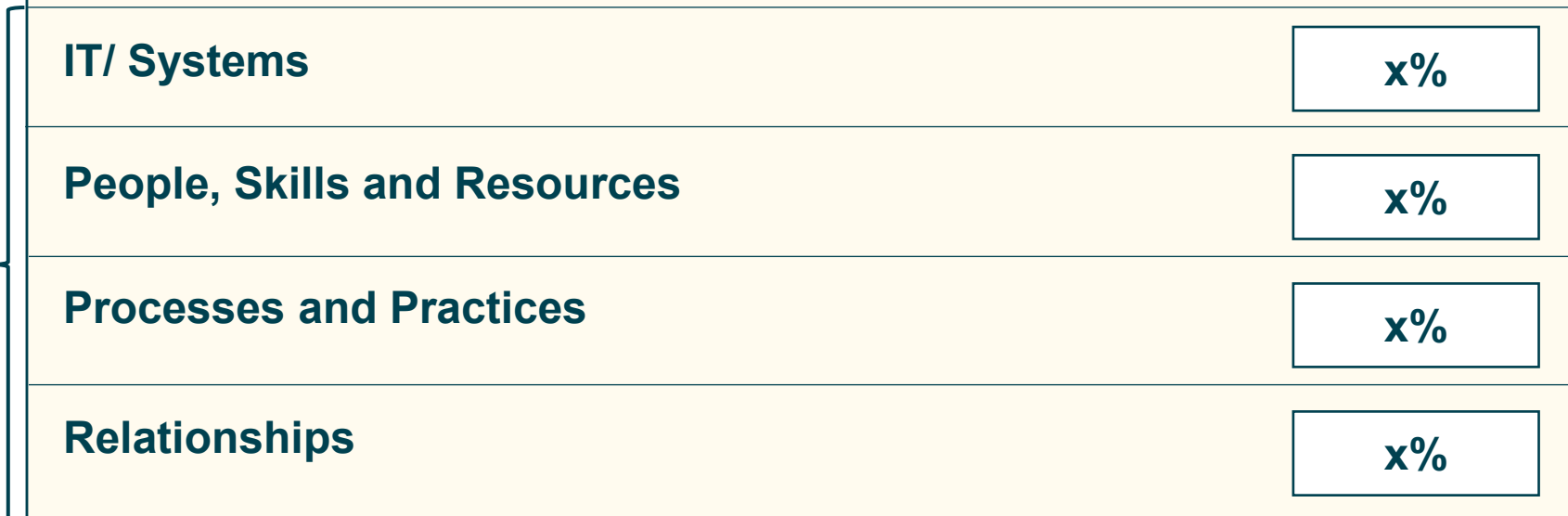
We are fair and responsive.  
We are influential.



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

## Support Activities

We have an empowering organisational culture and display operational excellence



# WORKFLOW AND FIRST STRUCTURAL THOUGHTS

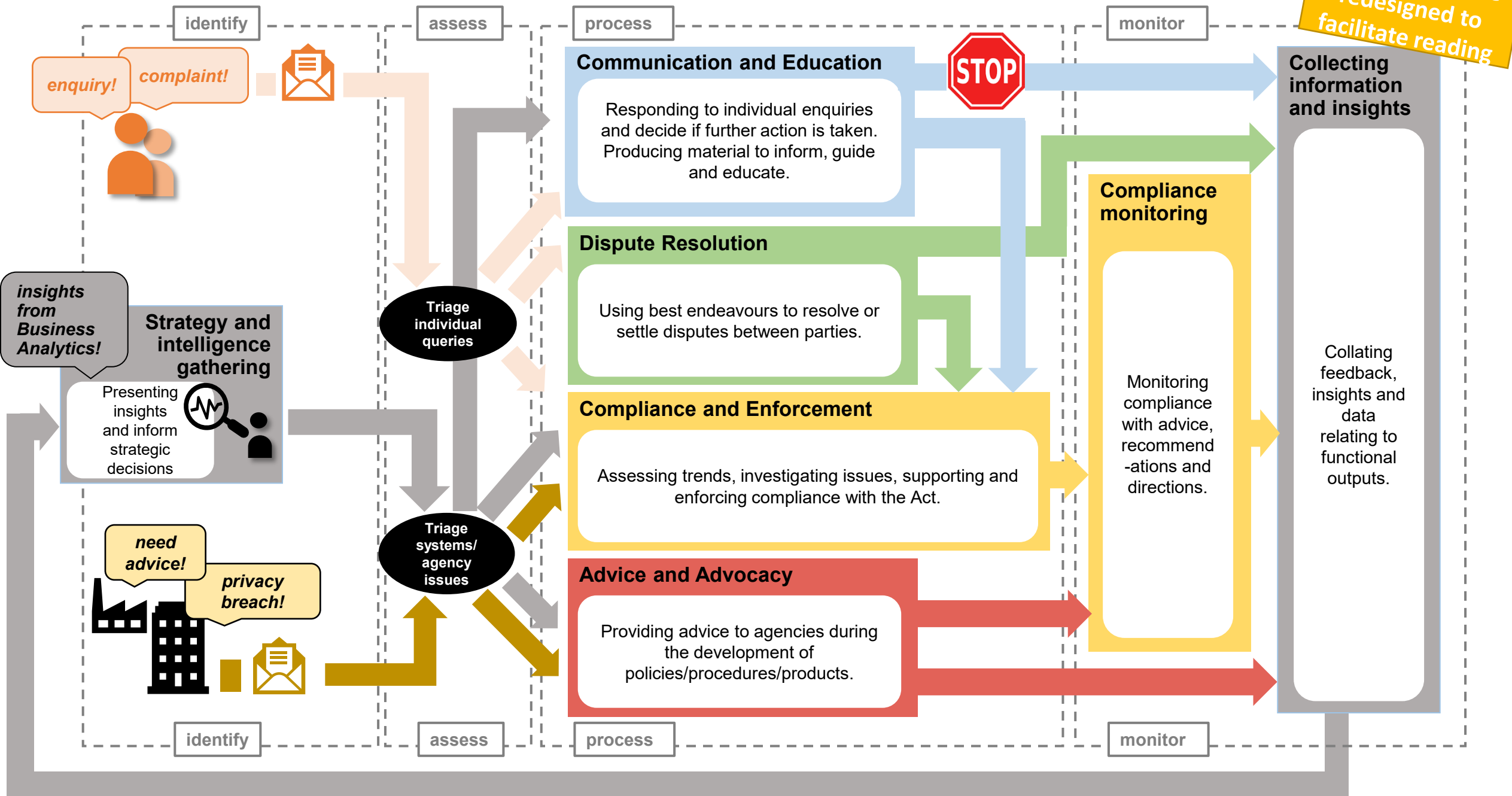
Workflow and triaging

Appreciating our organisational culture

First thoughts on structure

Exemplary customer journeys in new model

# Workflow



# Triaging incoming work

**Objective:** Assessing incoming enquiries and insights, orchestrating the flow of work, establishing transparency, having the finger on the pulse of relevant topics for citizens and agencies.

**Triage individual queries**

**Triage systems/ agency issues**

How could this work?		
	Triage individual queries	Triage systems/ agency issues
<b>Philosophy</b>	Early resolution.	Informed and targeted advice that helps lift system capability and provide assurance.
<b>Incoming work</b>	<p>Categorised at a single point in the Office (eg. self-prescribed enquiries go to Communications, complaints go to dispute resolution) and possibly get redirected, if necessary.</p> <p>Triaged within the function to decide for appropriate actions.</p>	<p>Categorised at a single point in the Office (eg. self-prescribed enquiries go to 'Communication and Education', requests for policy and systems advice go to 'Advice and Advocacy', all other requests are triaged in the 'Compliance and Enforcement' team) and possibly get redirected, if necessary.</p> <p>Triaged within the function to decide for appropriate actions.</p>
<b>Activities</b>	Assess level of response needed.	Assess level of response needed.
<b>Outputs</b>	Initiate appropriate action eg email response, complaint notification or Stop and log.	Initiate appropriate action eg email response, provide advice or Stop and log.

# The way we do things around here

Our organisational culture is our treasure. We aim to take conscious steps to encourage mindsets and behaviours that will help us deliver on our objectives.

We can have all the plans and strategies in the world, but we need to work together effectively to carry them out.

Both, internal and external feedback has underlined: The people working for the OPC are passionate about privacy and we are proud of our organisational culture.

To make privacy 2.0 a success, we want to take a conscious approach that:

- **facilitates cross-functional teamwork** to achieve shared objectives,
- **increases clarity and alignment,**
- **reduces complexity,**
- supports **continuity** and
- **helps employees identify with our Office** and what we stand for.





# The way we do things around here

We need to continue to deliver on our mandate in a robust and reliable way while exploring new ways to achieve the best 'system outcomes'.

## Operational excellence and efficiency

The Office has a reputation for quick and high-quality responses to individuals as well as agencies.

Clear guidance material and training enables great service levels.

Clear sign-out processes ensure the quality of work, especially when it's 'high-stakes'.

**The Office needs to continue to provide quality advice in a timely manner.**



## Agile and outcomes-focused work

The Office has a role in achieving good privacy outcomes in a dynamic environment.

Technology and consumer concerns are constantly evolving.

Agencies want to understand how they can improve their privacy maturity within their unique circumstances, instead of responding to individual concerns.

**The Office is increasingly asked to give quick, tailored and informed expert advice and guide the thinking in the privacy space for New Zealand.**

# The way we do things around here

We have identified a number of shifts that will support the outcomes-focused culture we want to encourage more.

## Less of

## More of



### Doing the same work faster

- Focusing on working to absolute efficiency.
- Over servicing clients/stakeholders



### Finding targeted solutions with the biggest impact

- Turn down work when appropriate
- Take a strategic approach to engaging with others
- Investing time in compliance and enforcement work, where this will yield measurable (system) impact



### Relying on proven (cookie-cutter) solutions

- Overly restrictive policies/procedures that encourage box ticking or formulaic responses
- Micromanaged projects and lack of strategic direction



### Tailoring responses to the unique environment

- Encourage staff to think 'out of the box' in clearly marked areas of their work
- Employ a 'tight-loose-tight' approach to achieve key results in unique environments



### Having expert kingdoms

- Prioritising team deliverables over broader organisational needs



### Employing networked ways of working

- Enable more transparency and share knowledge
- Establish cross-functional teams
- Define shared objectives



### Making decisions on an ad hoc basis

- Making decisions with immediate outcomes in mind
- Being driven by 'BAU'

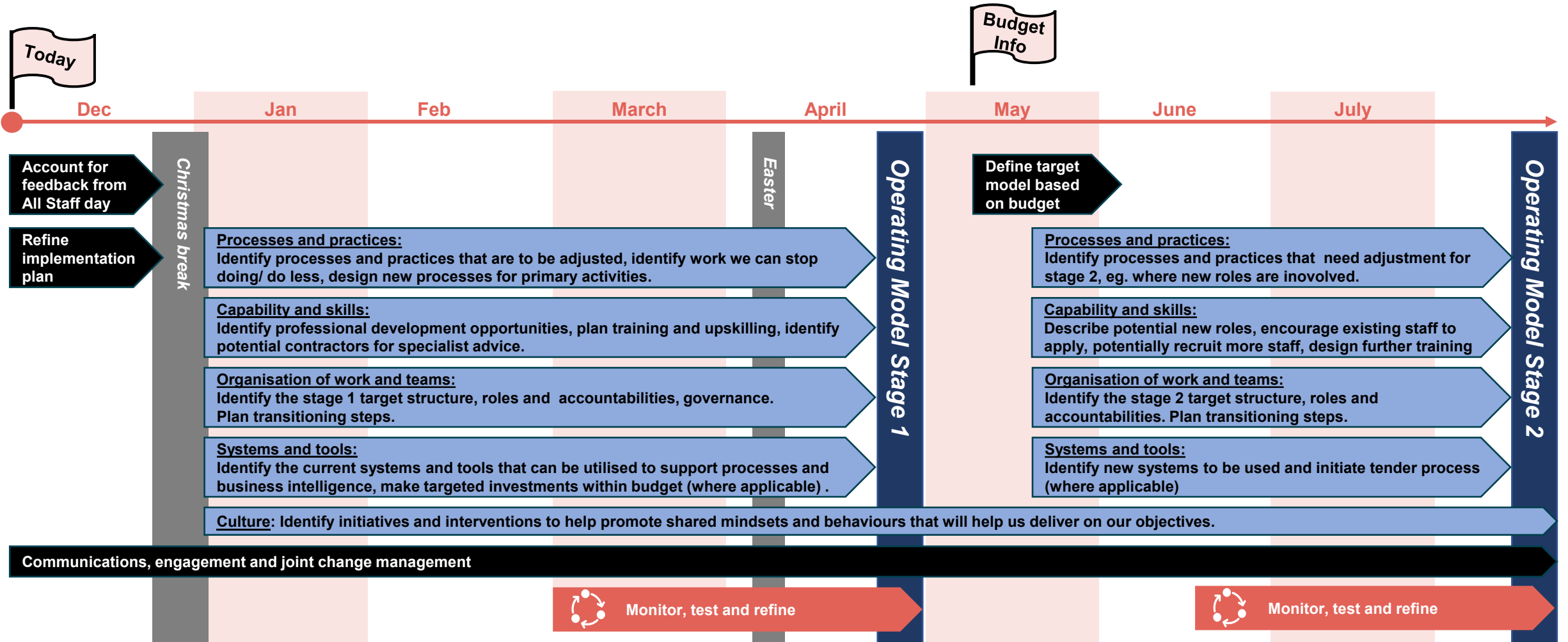


### Keeping the 'direction of travel' front of mind

- Advocate for Privacy Rights and (better) Privacy legislation
- Liase internationally on global challenges and find collective responses
- Assess long-term/system benefits of policy decisions

# Timeline

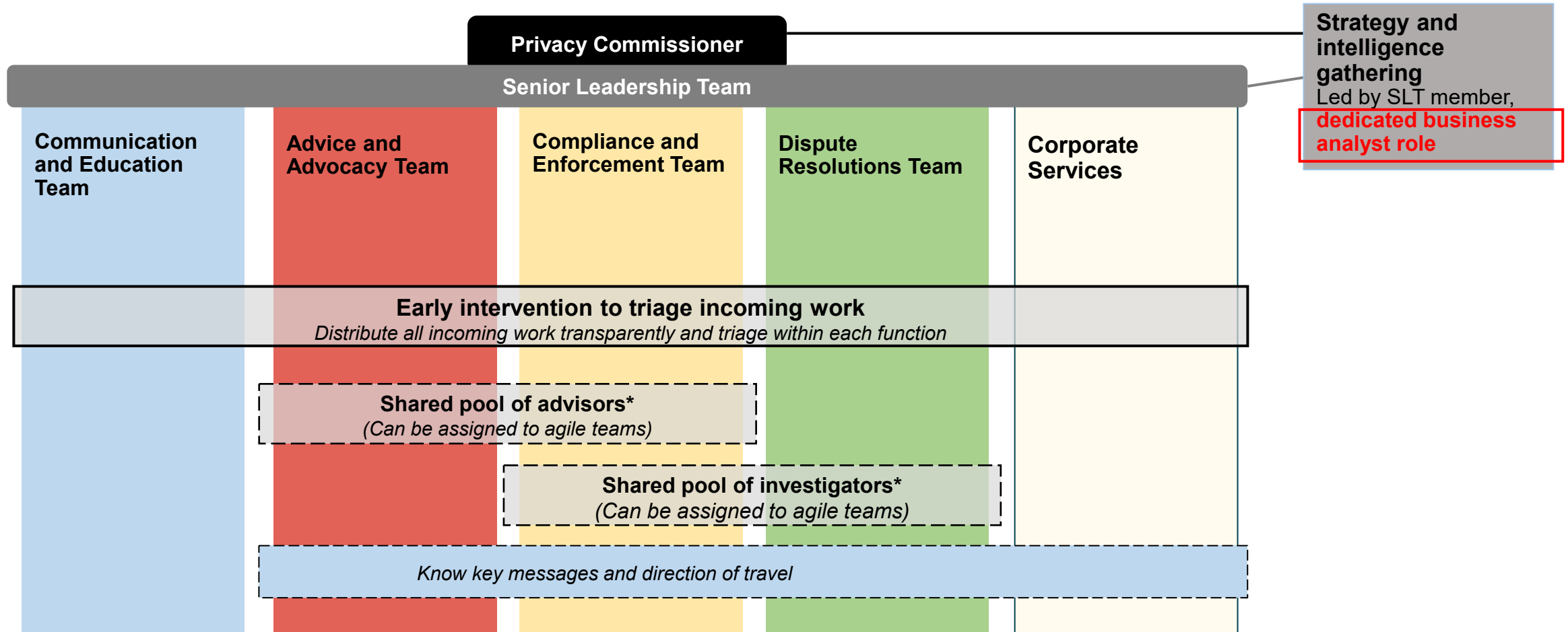
We suggest to follow a staged model.



# First thoughts on structural implications

In stage 1 we start giving effect to functional teams.

In the next months, we aim to review the way we prioritise work, and identify activities we can stop doing or do less of to find capacity for more strategic work. We'll recruit a business analyst role we have in our current budget.



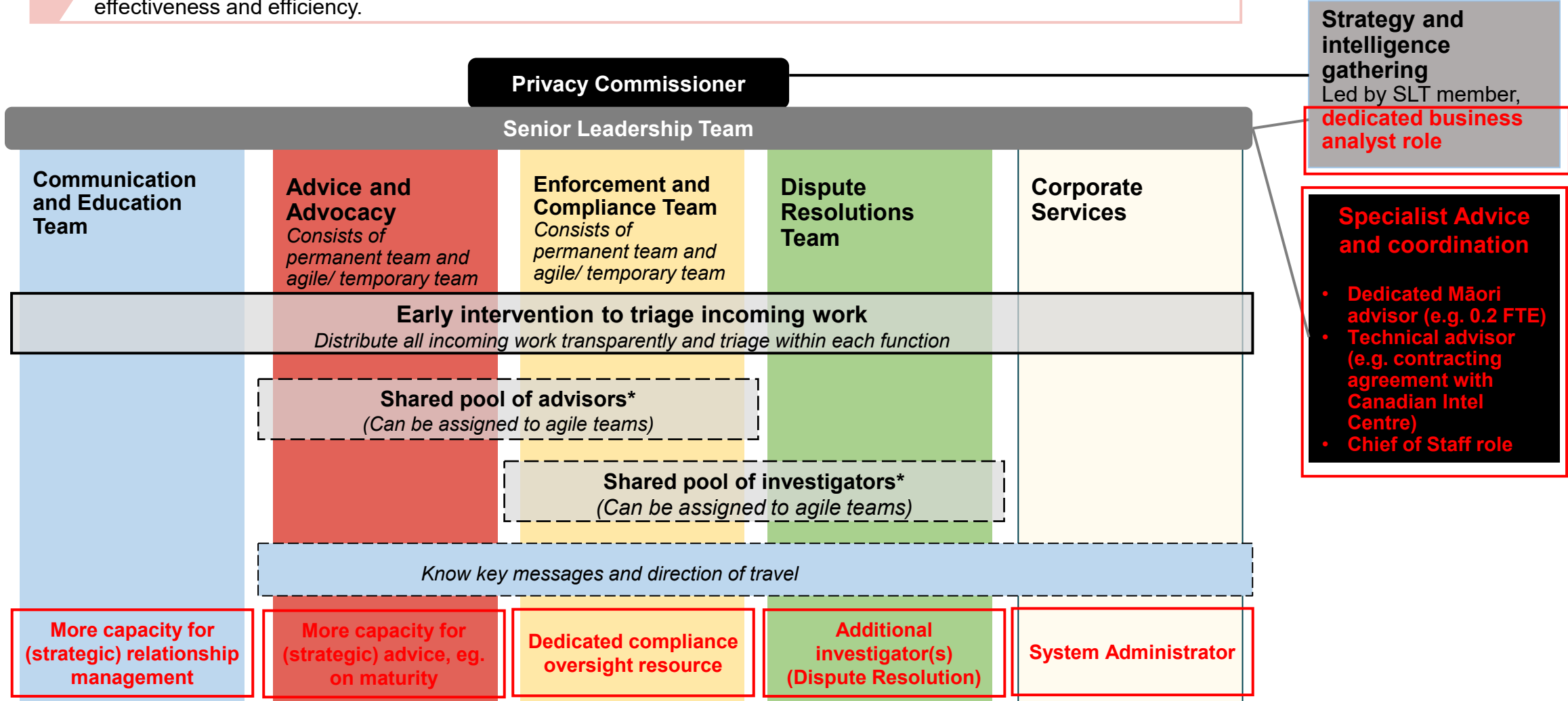
\*The degree to which staff will work primarily in permanent teams or primarily in agile/ cross-functional teams is still to be determined.

# First thoughts on structural implications

Scenario: The office gets maximal funding to invest in HR and IT

**Draft until we know budget**

Once we know what our budget will be, we will assess which key roles we can add to the functions that will get us the most 'bang for buck' in improving system performance. We will also investigate how IT investments could support our effectiveness and efficiency.



\*The degree to which staff will work primarily in permanent teams or primarily in agile/ cross-functional teams is still to be determined.

# Customer Journey - Citizen



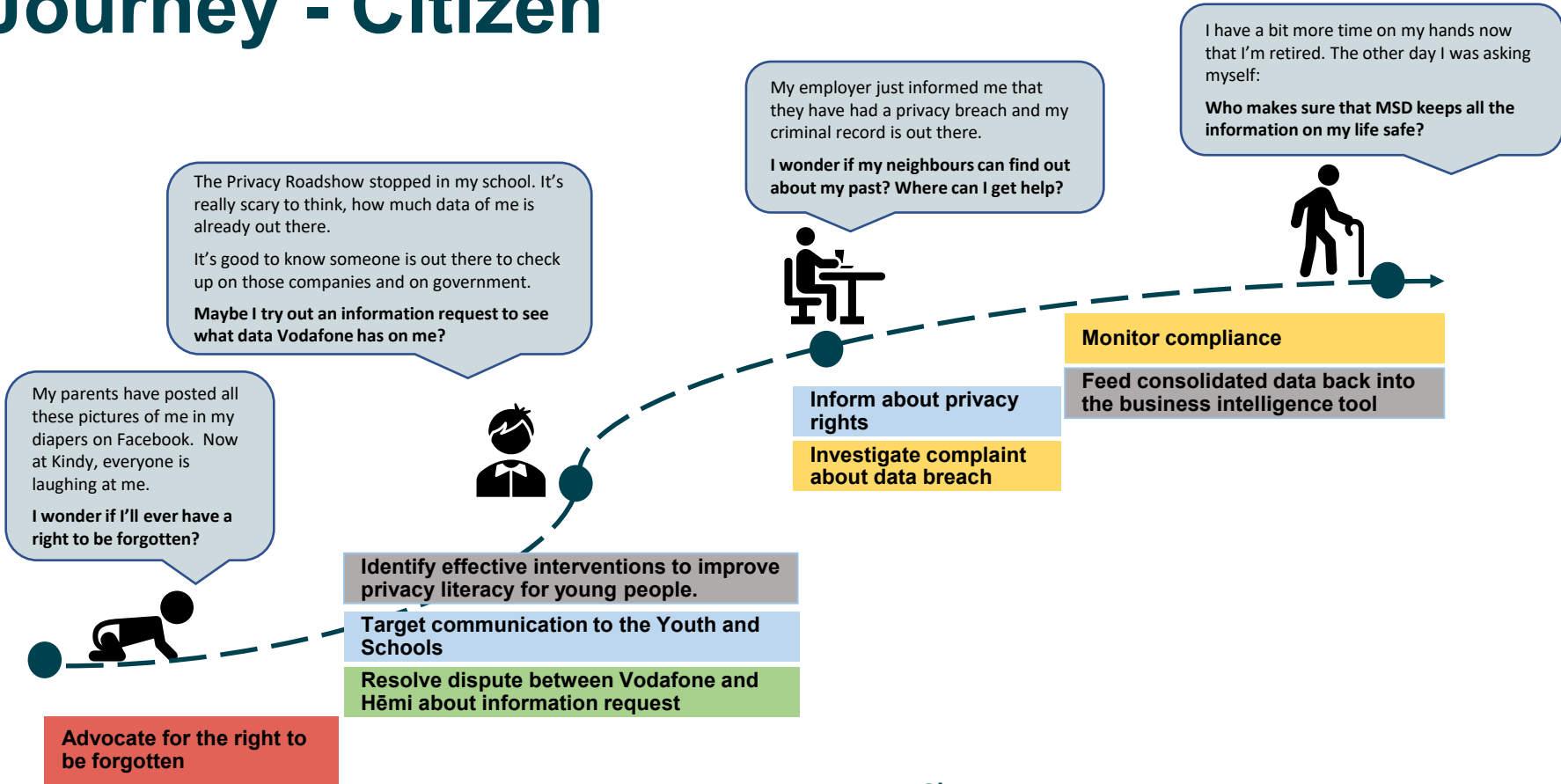
**Hēmi Ngeru**  
NZ citizen

**I hope the government takes care of my data!**

<p><b>Expects</b></p> <p>To know who holds his data and why.</p> <p>His privacy to be protected against any harm.</p>	<p><b>Experiences</b></p> <p>Lack of transparency of how different platforms and apps use and share his data</p>
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**Thinks & feels**

To live a normal life, I have to share my data with heaps of government agencies and companies like AirNZ. I don't understand all the terms and conditions I'm signing.



**Glossary**

- Strategy and Insights
- Communication and Education
- Advice and Advocacy
- Compliance and Enforcement
- Dispute Resolution

# Customer Journey – Public sector



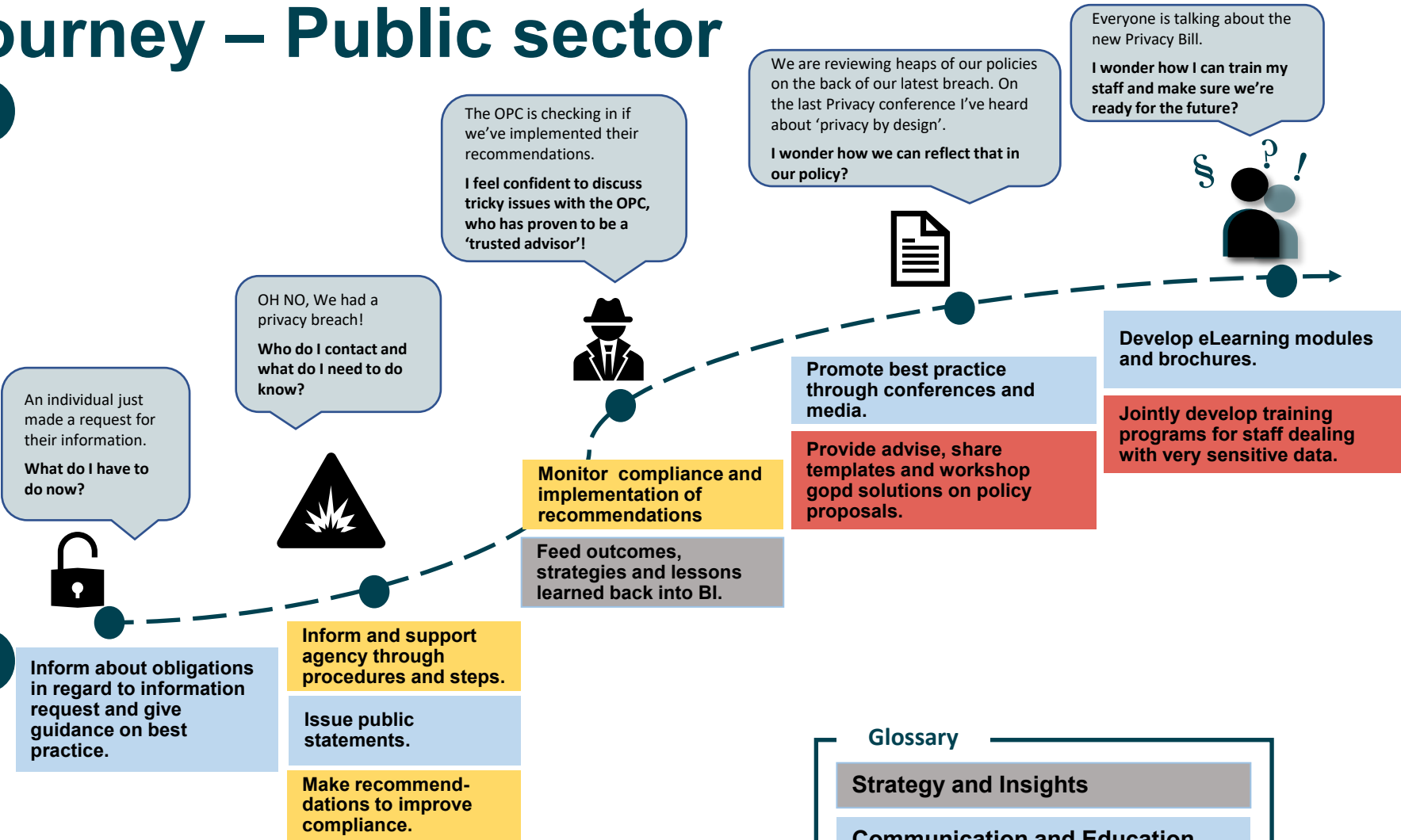
**Ministry of Vulnerable Humans**  
Public Sector Agency

I'll take all the help I can get to make sure our policies and practices are sound.

**Expects**  
OPC and GCPO to work together and help me improve my organisations privacy maturity.

**Experiences**  
It's really hard to get privacy experts to join the team.  
We'll need to invest in informing and educating our team.

**Thinks & feels**  
We had a pretty bad privacy breach last year. We were in the media for weeks and got a lot of heat from our Minister. I don't ever want to experience that again.



**Glossary**

Strategy and Insights
Communication and Education
Advice and Advocacy
Compliance and Enforcement
Dispute Resolution

# Customer Journey – Big business



**Kiwi Business Legends Inc.**  
*Large corporation*

**We've grown a lot in the past years. Our policies and practices need to reflect our role in the NZ economy.**

**Expects**

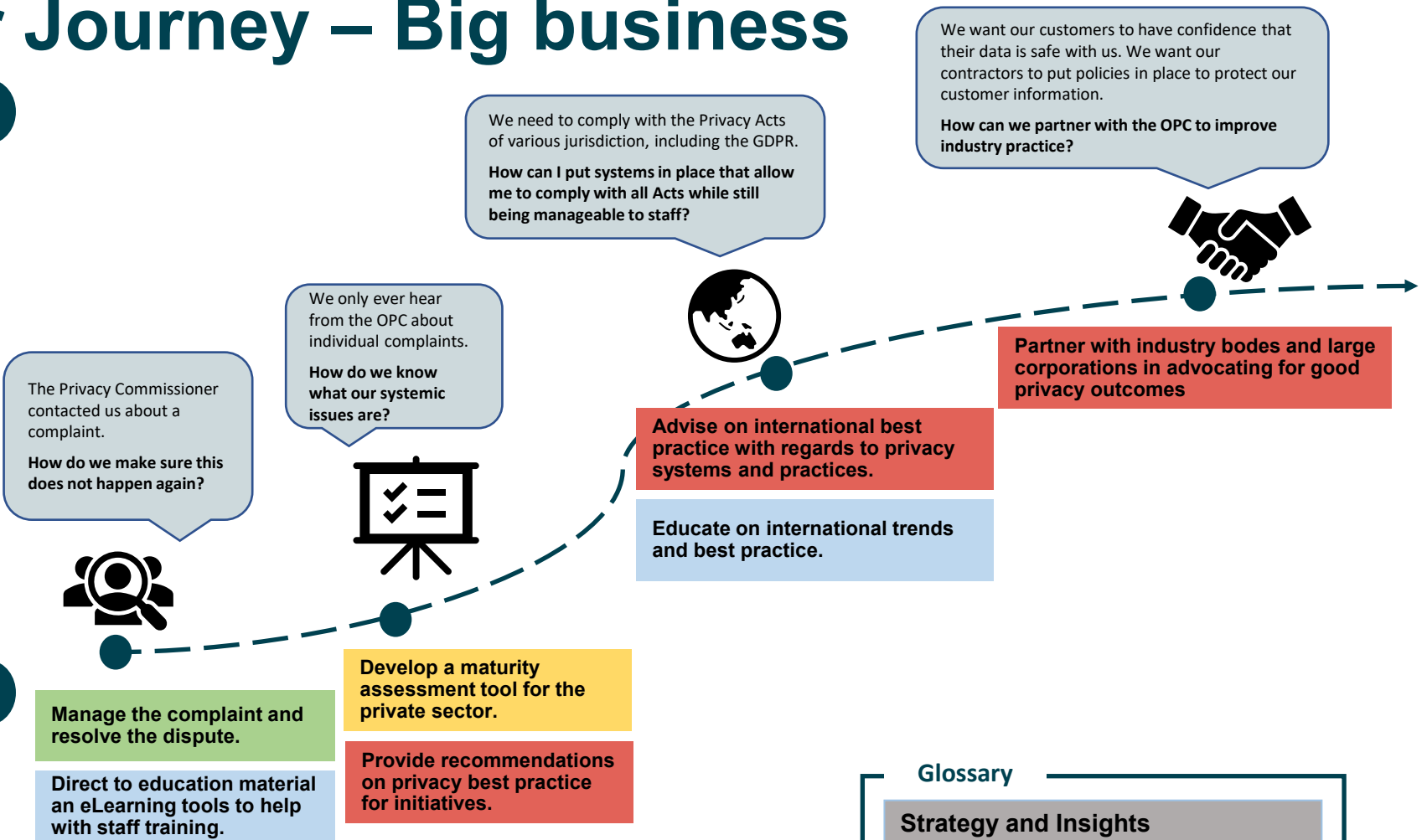
The OPC to assess our privacy maturity and give advice how we can improve on a systems level.

**Experiences**

We operate in different jurisdictions and only hear about individual issues. It's hard to understand the big ticket items we need to address on an enterprise level.

**Thinks & feels**

We are a big organisation and have a responsibility to both, our employees and our customers, to handle their information with care. We have an image to protect!



Glossary	
Strategy and Insights	
Communication and Education	
Advice and Advocacy	
Compliance and Enforcement	
Dispute Resolution	



# Customer Journey – Small organisation



**Good kittens scratching**  
*Local NGO*

I need an easy-to-understand guide on privacy and someone to talk to when I'm unsure about the right way.

**Expects**

Easy to understand and accessible guidance.

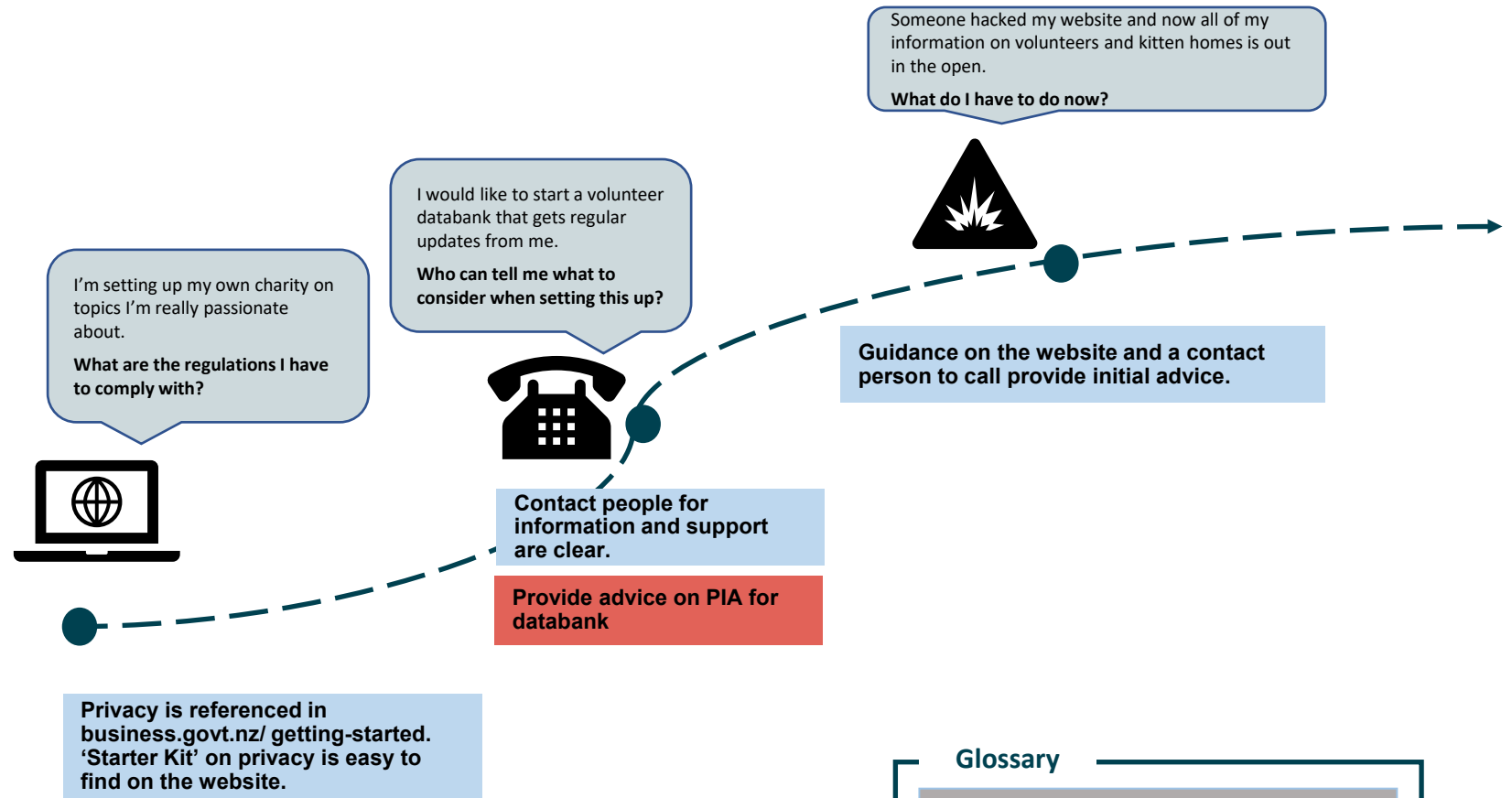
Know where to find the right people when I have a privacy problem.

**Experiences**

I have limited time and resource to spend. eLearning modules and Podcasts are my main way of education.

**Thinks & feels**

I don't want to let anyone down, but I don't have the time to become an expert or the resources to invest in fancy privacy tools.



**Glossary**

Strategy and Insights

Communication and Education

Advice and Advocacy

Compliance and Enforcement

Dispute Resolution

*Not for staff day*

# ADDITIONAL READING

**First thoughts about people and skills**

**Primary activities**

- Mandate
- Description
- Delivery
- Measures of success

**Cross-cutting initiatives**

# People, skills and capabilities

## Identified needs

Capability needed	Potential training/ upskilling/ role shifting	Contracting opportunities	Potential future role
<b>Business analytics</b>	Limited (Currently no staff with right skill set)	Limited (Possibly for discrete pieces of work)	Yes Business Analyst to support future Strategy and Intelligence gathering function
<b>Strategic relationship management</b>	Yes (Employ further communications staff to free up time for team to engage in more strategic engagement)	No	Yes The role should support the comms team
(Further) <b>dispute resolution</b> capability	Yes (Existing investigators could be upskilled)	Yes	Yes Employ more investigators with focus on dispute resolution
<b>Advice on Māori matters</b> (eg. community engagement, communications and weaving tikanga Māori into practices and policies)	Limited (Existing staff should also be upskilled, but in addition the Office might need specialist advice)	Yes Māori Advisor to support the Office (eg. agreed contingent of days/ quarter)	Yes Employ Māori Advisor to support the Office in a part-time capacity
<b>Technical advice</b> (to understand the privacy dimension of new technologies)	No	Yes (The Canadian OPC has offered to partner on tech assessments)	Limited The Office is too small for an effective tech intel team.
<b>Executive support</b> Supports prioritising incoming work for the Commissioner, keeping an overview of work under way and monitoring and communicating back on progress	Yes (Existing staff could be upskilled. This might require other positions to be backfilled)	Limited (Possibly for discrete pieces of work)	Yes Personal secretary role to support the Commissioner

# Strategy and Insights

“Our mission is clear and our decisions informed”

## Mandate

The Office is expected to monitor trends, develop insights, conduct research and report back on it. (Section 13(1) (j, k, m, n, q))

## Description

**Advise the Commissioner on the direction to achieve the Office’s mission as well as associated risks. Understanding trends and technological developments that will be relevant in the future. Using an evidence base to prioritise work and make decisions. Monitor success of strategies and initiatives.**

## Delivery

- SLT member to lead function
- Data analysis and information gathering (business analyst)
- Interpretation and evidence based decision making (SLT)
- Prioritisation, strategy development, communication and implementation (SLT)

Measure of success	IT/ System/ Tools	People/ Skills	Processes and practices	Relationships
The <b>mission is clear</b> and <b>strategic decisions are made consistently</b> .			<ul style="list-style-type: none"> <li>• The mission and purpose of the office are clearly formulated and static. The best strategy to deliver on the mission will be plastic and able to take shape in the way the best uses existing resources to deliver outcomes. Strategic priorities are regularly reviewed.</li> </ul>	<ul style="list-style-type: none"> <li>• The office makes a public commitment to its strategy, encourages ownership and accountability and transparently reports back on progress.</li> </ul>
The office <b>identifies developing trends</b> in a timely manner.	<ul style="list-style-type: none"> <li>• Build a repository and put technology and systems in place to allow for data collection and analysis (including making sure we use existing systems effectively and identifying system gaps).</li> <li>• Identify ways to use existing systems better (eg. improve data quality)</li> </ul>	<ul style="list-style-type: none"> <li>• Develop analysis capability, by creating an overview of skills needed</li> <li>• Put training and/ or recruitment initiatives in place</li> <li>• Tweak position descriptions to account for the role of a business analyst.</li> </ul>	Put processes in place to collect, manage and interpret quantitative and qualitative information, including: <ul style="list-style-type: none"> <li>• Develop a ‘business case’ for data use (strategy informs the data gathered to avoid unstructured data lakes)</li> <li>• Identify data sources,</li> <li>• Scan the environment and survey stakeholders (starting by identifying key sources, conduct an initial stocktake, implement isolations strategy)</li> <li>• Collect and compile data,</li> <li>• Analyse and interpret data</li> <li>• Compile insights documents</li> <li>• Ensure business analytics are reflected in our BAU processes</li> <li>• Identify and manage key risks arising from trends</li> </ul>	
Both, the leadership team and staff engage in <b>evidence-based decision making</b> . Incoming work is prioritised logically and based on the strategic objectives. Model good regulatory stewardship.			<ul style="list-style-type: none"> <li>• Identified trends and other insights are tested against the Offices key activities to understand effects and plan work in a holistic way.</li> <li>• New work is sized, resource allocation is structured and deliberate and reflects the strategic priorities. The efforts are focussed on where the office gets the most ‘bang for our buck’.</li> <li>• Well articulated intervention logic model for decisions.</li> <li>• Define, what good regulatory stewardship looks like and review regularly.</li> </ul>	

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- Data analysis and information gathering (business analyst)
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- Prioritisation, strategy development, communication and implementation (SLT)

Measure of success	IT/ System/ Tools	People/ Skills	Processes and practices	Relationships
Diverse <b>teams and functions</b> are <b>coordinated</b> and joined up.		<ul style="list-style-type: none"> <li>• The organisational structure enables agility. Flexible elements within the structure help the Office to deliver cross-functional initiatives and projects. KPIs support objectives, not undermine them.</li> <li>• Staff are trained and enabled to engage in agile ways of working.</li> </ul>	<ul style="list-style-type: none"> <li>• Processes and procedures are structured in a tight-loose-tight manner allowing for flexible approaches to issues.</li> </ul>	
We are committed to <b>monitor outcomes</b> . Strategic success is measured within the broader community, including internationally.	<ul style="list-style-type: none"> <li>• Implement systems and processes to improve reporting practices.</li> </ul>		<ul style="list-style-type: none"> <li>• Measuring and monitoring success becomes an integral part of all team processes.</li> </ul>	
We proactively drive the agenda and <b>partner effectively</b> .		<ul style="list-style-type: none"> <li>• A stakeholder management role is reflected in one or more job positions.</li> <li>• We have a clear purpose and know why we are doing things. Staff can articulate clearly what the office does.</li> </ul>		<ul style="list-style-type: none"> <li>• The Office leverages its partnerships and relationships effectively to achieve good privacy outcomes across the economy.</li> </ul>

# Communication and Education

“Our communications promote privacy and empower individuals”

## Mandate

The Office has a role in educating both agencies and individuals about privacy good practice. The Office also has a role in promoting privacy positive behaviours and technology. Section 13(1)(a, g, h, n)

## Description

**Inform people about their privacy rights. Promote privacy understanding and competence, using media, opinion writing, stakeholder engagement. Produce material and resources to inform, guide and educate. Reduce the need for enforcement and dispute resolution through education**

## Delivery

- SLT member to lead T-shaped function
- Communication and education strategy and implementation to be developed and overseen by dedicated team
- Key messages and opinions are known and shared to all staff

Measure of success	IT/ System/ Tools	People/ Skills	Processes and practices	Relationships
The <b>messaging is harmonised</b> internally.	<ul style="list-style-type: none"> <li>• The Office has access to a central repository of knowledge and resources, giving both, the Office and the general public, an easy to access overview of past decisions. (Good data allows for a 'single source of truth'. )</li> </ul>		<ul style="list-style-type: none"> <li>• Ensuring our values and objectives are clearly defined.</li> </ul>	
<b>Communication activities are planned and prioritised</b> to achieve maximum impact. <b>Communications target the right people at the right time.</b> The Office seizes on opportunities to tell good, useful stories. There are high levels of voluntary engagement eg attendance of events, use of education tools	<ul style="list-style-type: none"> <li>• The Office utilises tools to gather evidence/data to inform the prioritisation of communication resource (repository)</li> <li>• Education tools for agencies</li> <li>• E-learning modules</li> </ul>		<ul style="list-style-type: none"> <li>• A communication strategy and review cycle support the structured assessment and planning of sector specific and cross-cutting initiatives.</li> </ul>	<ul style="list-style-type: none"> <li>• Central messages and pieces of advice are maximized by alignment with other agencies and organisations, by utilizing existent channels and establishing new and targeted mechanisms.</li> </ul>
Strategy and consistent key messages are communicated internally. <b>Teams and staff are empowered to develop a response to strategic challenges and opportunities.</b>		<ul style="list-style-type: none"> <li>• Leadership facilitates team discussions of the strategic direction and <b>encourage/ empower teams to address the strategic objectives</b> as they see fit. The role of leadership is to make sure, objectives and desired outcomes/ key results are clear and the teams are enabled to work on them (eg. through capacity and resource, training, skills, advice)</li> </ul>	<ul style="list-style-type: none"> <li>• The leadership team puts mechanisms in place to ensure <b>strategic decisions are communicated consistently.</b></li> </ul>	<ul style="list-style-type: none"> <li>• .</li> </ul>

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Measure of success	IT/ System/ Tools	People/ Skills	Processes and practices	Relationships
The mandate and functions of the OPC are well understood. <b>The public is privacy literate</b> – they understand their rights and know where to go to get privacy info.	<ul style="list-style-type: none"> <li>• A website refresh makes the structure more intuitive and easier to navigate.</li> </ul>	<ul style="list-style-type: none"> <li>• Contact people for different topics are clear and communicated.</li> </ul>	<ul style="list-style-type: none"> <li>• The resources, advice and guidance of the OPC are easily accessible. The Office utilises diverse communications mechanisms and takes a flexible approach to writing.</li> <li>• Find new channels for the engagement with the youth/ young adults and schools (eg. by working with education specialists)</li> </ul>	<ul style="list-style-type: none"> <li>• Good relationships to media outlets facilitate accurate and favourable comms</li> </ul>
The office engages in more targeted education efforts for industries, agencies and different types of organisations (eg. SME, Corporate, NGOs)	<ul style="list-style-type: none"> <li>• Use eLearning modules more.</li> <li>• Put systems in place that allow the Office to identify systemic issues.</li> </ul>		Put processes in place to: <ul style="list-style-type: none"> <li>• Inform organisations about their systemic issues.</li> <li>• Providing maturity self-assessment tools for the private sector</li> <li>• Give guidance on ‘how to run privacy at scale’</li> <li>• Conduct more research to help agencies understand what is important to consumers</li> </ul>	
Enquiries are handled swiftly.			<ul style="list-style-type: none"> <li>• Processes encourage online-first responses (e.g. AskUs)</li> </ul>	
The office engages effectively with Maori		<ul style="list-style-type: none"> <li>• People are trained in engaging with Maori and build networks to discuss the focus and tone for messaging</li> </ul>	<ul style="list-style-type: none"> <li>• Targeted channels and messages are developed as part of OPC communications where appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• Relationship management strategy with iwi and hapū</li> </ul>

# Advice and Advocacy

“Our advice is engaging, persuasive and pragmatic”

## Mandate

The Office has a role in advising on draft legislation and advocating for privacy good practice in both government’s and the private sector’s policy proposals. (Section 13(1) (f, j, k, l, o, q, r) and Section 26)

## Description

**Research and analysis supports advice on privacy issues that is context aware, evidence based and clear and informed. Advice reflects diverse perspectives and recognises risks and competing interests. Effective interventions include the development of Privacy Codes, advise government on the evolution of the Privacy Act and changes to other legislation. Advocacy for privacy positive outcomes, including privacy by design.**

## Delivery

- Manager or SLT member to lead function
- Advice and advocacy strategy and implementation to be developed and overseen by dedicated team

Measure of success	IT/ System	People/ Skills	Processes and practices	Relationships
<b>Advice is impactful</b> and makes agencies adapt a privacy friendly approach to their activities. Advice supports compliance.			<ul style="list-style-type: none"> <li>• Processes allow time for proactive work.</li> <li>• Strategic priorities are clear and allow staff to prioritise work</li> <li>• Staff are enabled to work flexibly</li> </ul>	
The OPC has a <b>high brand recognition</b> across sectors, recognised expertise and mana. Leaders are asked to attend international forums / contribute to publications. The office has <b>international influence</b> and is sought out by international partners for advice.			<p><b>Mechanisms and engagement strategies</b> are put in place to <b>allow the Office to anticipate relevant challenges and trends</b>. The anticipated issues of importance will inform agenda-setting activities of the Office to make sure privacy remains a top-level agenda item. The Office communicates a <b>clear strategic direction</b>. Special initiatives emphasise and support the Commissioner in building his high public profile.</p>	
The office is <b>well connected</b> to government, private sector industries and the general public. <b>Relationships are managed and developed consciously</b> . Sector and target group insights inform targeted communications and advice.		The resourcing for proactive communications will be reviewed. Make relationship management part of roles (where applicable).	Establish a <b>relationship management strategy</b> .	
<b>High engagement</b> from agencies with the Office. Office views and advice are sought after.			Relationship management strategy.	



# Enforcement and Compliance

“Our interventions are effective and investigations rigorous”

## Mandate

The Office has a role in supporting and where necessary enforcing compliance with its Codes, notices, directions, information sharing programs and principles. The Office also has a role in conducting inquiries and investigations into matters affecting the privacy of individuals. (Section 13(1) (b, k, m, s), 96W, 96 X, Part 8 and new Bill clauses)

## Description

Investigating individual complaints where dispute resolution is inappropriate. Identifying and assessing systemic issues, using the right tools to get the best privacy outcomes for New Zealanders, including: enforcing the Codes, assessing value of prosecution, following up on compliance work, referring cases to the Director and issuing compliance notices and access directions.

## Delivery

- Manager or team leader to lead semi-permanent function
- Small permanent team to lead the identification, triaging and monitoring of investigations
- Temporary ‘task forces’ with the right experts are established based on the needs of the case

Measure of success	IT/ System/ Data	People	Processes and practices	Relationships
<b>Detecting issues</b> before complaints or media requests are raised	<ul style="list-style-type: none"> <li>• Better tools for searching data and recording issues</li> <li>• Better data about agencies/ sectors</li> </ul>		<ul style="list-style-type: none"> <li>• Assessment criteria to prioritise where to focus (which industries/ sectors/ agencies)</li> </ul>	<ul style="list-style-type: none"> <li>• Good/successful use of partnering to achieve compliance eg other oversight bodies</li> </ul>
<b>Impacting change</b> at economy / sector level.		<ul style="list-style-type: none"> <li>• Staff understands different sector realities and displays situational awareness in their approach.</li> </ul>	<ul style="list-style-type: none"> <li>• Identify industries and critical components of a sector that will lead to most ‘bang for buck’</li> </ul>	<ul style="list-style-type: none"> <li>• Good/successful use of partnering to achieve compliance (eg other oversight bodies)</li> </ul>
Using individual <b>complaints as a mechanism to achieve compliance</b> with Privacy Act 1993 and 2020 (regardless of settlement)	<ul style="list-style-type: none"> <li>• Complaints Management System</li> </ul>	<ul style="list-style-type: none"> <li>• Empowering staff to be flexible with the tools and processes that they use (tight-loose-tight)</li> </ul>	<ul style="list-style-type: none"> <li>• Triage process of issue/complaints –Intuitive pathway system to allow for individuals to raise different types of issues e.g. compliance issue complaint</li> </ul>	<ul style="list-style-type: none"> <li>• Buy in and engagement with stakeholders to comply with our compliance legislation</li> </ul>
Using the <b>right tools at the right time</b> and become more deliberate, innovative and comfortable in the approach to enforcement.		<ul style="list-style-type: none"> <li>• Training for staff to triage and use compliance tools in accordance to principles and guidelines.</li> <li>• Empowered staff (re risk escalations), that is encouraged to act principles based and flexible</li> <li>• Clear ownership and responsibilities between the compliance and enforcement function and the dispute resolution.</li> </ul>	<ul style="list-style-type: none"> <li>• Design processes to allow for innovative and thoughtful use of tools in use of various mechanisms to encourage/achieve compliance</li> <li>• Clear policies and good procedures manual on how to use tools and when to use them</li> <li>• Principles and clear assessment criteria to guide assessments</li> <li>• There are clear processes to support and align with the dispute resolution process</li> </ul>	<ul style="list-style-type: none"> <li>• Be transparent and develop good comms – across enforcement mechanisms (targeted to drive compliance and better behaviour in the future)</li> </ul>

# Enforcement and Compliance

“Our interventions are effective and investigations rigorous”

## Mandate

The Office has a role in supporting and where necessary enforcing compliance with its Codes, notices, directions, information sharing programs and principles. The Office also has a role in conducting inquiries and investigations into matters affecting the privacy of individuals. (Section 13(1) (b, k, m, s), 96W, 96 X, Part 8 and new Bill clauses)

## Description

Investigating individual complaints where dispute resolution is inappropriate. Identifying and assessing systemic issues, using the right tools in our toolbox to get the best privacy outcomes for New Zealanders. Including, enforcing the Codes, assessing value of prosecution, following up on compliance work, referring cases to the Director and issuing compliance notices and access directions.

## Delivery

- Manager or team leader to lead semi-permanent function
- Small permanent team (2 FTEs) to lead the identification, triaging and monitoring of investigations
- Temporary ‘task forces’ with the right experts are established based on the needs of the investigations case

Measure of success	IT/ System/ Data	People	Processes and practices	Relationships
The <b>right expertise</b> is brought in to best address the challenges of individual investigations.		<ul style="list-style-type: none"> <li>• Establish and resource a dedicated compliance team (permanent and temporary members)</li> </ul>	<ul style="list-style-type: none"> <li>• An agreed process to identify and ‘borrow’ staff for task forces is in place/. Staff that has handled an unsuccessful dispute resolution process will take part in further compliance activities, where possible.</li> </ul>	

# Dispute Resolution

“Our process is efficient, effective and enabling”

## Mandate

This Office has a strong dispute resolution mandate to both attempt to resolve disputes prior to investigation and to make best endeavours to settle complaints if they have merit. Section 74 and 77.

## Description

**Work with parties to achieve a fair outcome using dispute resolution techniques.**

## Delivery

- Manager or team leader to lead function
- Team of dispute resolution staff
- Strong alignment with compliance and enforcement function

Measure of success	IT/ System	People	Processes and practices	Relationships
Decide to engage in dispute resolution, when this is the right tool			<ul style="list-style-type: none"> <li>• Super- charged, intuitive triage system</li> <li>• Provide and plan for alternative pathways/mechanisms for individuals to raise concerns</li> </ul>	
Good outcomes for parties (a solution that addresses their grievances) and good natural justice (give effect to complainants and respondents needs)		Provide formal training (more certified dispute resolution mediators) Allow for enough time to run good process (resource sufficiently)	<ul style="list-style-type: none"> <li>• Employ quality assurance processes</li> </ul>	
Efficient delivery, transparent processes, keeping parties looped in	Complaints management system	More resources to get to the disputes quickly		
Provide consistency in the end-to-end process from the complainants perspective		Conscious assignment of staff to cases, ideally allowing for the same person to handle an entire process.		

## Crosscutting initiatives

1. Some **processes** should be clarified and streamlined, eg.with regards to sign-off processes or internal communication on cross-cutting prioritisation (e.g. OMs)
2. The Office could do more to understand the **cultural dimension** of our work and to communicate in a more inclusive way. Build **community engagement** capability and work on Maori engagement expertise
3. **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.
4. The office should strengthen **technological expertise** both, as a whole (understand the privacy dimension to technology) and through explicit resource/ expertise (to assess particular technologies). **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.
5. **Empowerment** of staff is key to allow for an innovative and fit-for-purpose use of compliance and enforcement tools as well as enabling a layered relationship management strategy and communications. To achieve empowered staff, strategic direction and expected outcomes must be very clear, and the development of solutions and initiatives in teams is facilitated. (tight-loose-tight)