



08 APR 2019

Mr John Edwards
Privacy Commissioner
Office of the Privacy Commissioner
PO Box 10 094
The Terrace
Wellington 6143
By email: john.edwards@privacy.org.nz

Dear Mr Edwards,

Annual Letter of Expectations for 2019/20

Thank you for the work that you and your office have undertaken this year. I note a significant amount of work has been carried out on various projects, including supporting the Ministry of Justice with the Privacy Bill, advising on policy proposals involving personal information, and participating in international events on privacy and data protection.

I am writing to convey my portfolio priorities and your role in achieving these priorities, along with my expectations for you in 2019/20.

The Government is committed to major investments in housing, health, education, police and infrastructure, with a clear focus on sustainable economic development, supporting regional economies, increasing exports, lifting wages and reducing inequality. The Government's priorities are to put the wellbeing of people and the environment at the centre of what it does, to introduce policies that will allow the economy to work smarter and make better use of our resources, and to ensure that the benefits of growth are spread more evenly across society.

Justice priorities and what this means for the Privacy Commissioner

The priorities of the Ministry of Justice are to support a safe and just New Zealand, and to progress a programme of reforms that improves the wellbeing of New Zealanders. Its vision is for safer communities with increased trust in the justice system, for the wellbeing of everyone to sit as a core priority for the justice system, and for the integrity of our constitutional arrangements to be maintained.

The Privacy Commissioner is important to the Justice sector as it focuses on the privacy of individuals and their data, which can be essential to confidence in New Zealand's Government and justice system.

Specific expectations for the Privacy Commissioner

Over the period 1 July 2019 to 30 June 2020, I expect that you will be:

- preparing to implement the new Privacy Bill, subject to discussions on how this will be implemented
- continuing to receive and help resolve privacy complaints

- continuing to develop guidance and education, and
- continuing to work with Justice officials on aspects of privacy law reform.

I expect you to continue your good work in disputes resolution, policy advice, and other work that involves the development and promotion of a culture in which personal information is protected and respected.

General expectations and good governance

As part of your role in governing a high performing agency, I expect you to:

- be the primary monitor of the entity's performance and maintain effective relationships with my advisors in the Ministry of Justice
- be a good employer
- operate a 'no surprises' approach
- focus on achieving results
- collaborate with other agencies, and
- function with openness and transparency.

Additional information on these expectations is set out in more detail in the **Annex** to this letter.

Reporting

You are required to provide me with a new Statement of Performance Expectations (SPE) **before or on 1 May 2019**.

As responsible Minister, I will be looking to ensure that the SPE provides annual information on each class of outputs and their cost structure, an explanation on what each class of outputs intends to achieve, how performance is to be assessed, when performance will be reported and forecast financial statements. Improvements to performance assessment may be made with reference to the recommendations made by the Auditor-General in the Audit for the Year Ended 30 June 2018, which have been discussed with you.

The most recent version of the Privacy Commissioner's Statement of Intent (SOI) was developed in 2017 for the period 1 July 2017 to 30 June 2021. The SOI is an enduring document with a four-year focus that must be updated at least once every three years. As part of your annual business planning I expect you to review the SOI to ensure the strategic intentions continue to align with the sector and Government's priorities. Such a review will re-confirm the document as fit for purpose, and assess whether it requires amendment(s) or replacing.

If your review identifies that an amended or new SOI is required, I would expect to receive the document **before or on 1 May 2019**. If your review does not identify a need for an amended or new SOI, then the existing SOI can remain in effect to 30 June 2020. Note that I would expect you to self-initiate a new SOI after the passage of the new Privacy Act.

Both of these documents are key instruments, and serve to set out an entity's performance intentions to the House of Representatives. It is important that they reflect well on the work that you undertake and the contribution you intend to make to develop and promote a culture in which personal information is protected and respected in the short to medium term.

Next steps

I look forward to receiving the SPE, and if applicable the SOI, before or on **1 May 2019**.

If you have any queries about this letter please contact the monitoring unit at the Ministry of Justice by emailing Crown.Entity.Monitoring@justice.govt.nz

Yours sincerely



Hon Andrew Little
Minister of Justice

Copy to: Gary Bulog
General Manager
Gary.Bulog@privacy.org.nz

Annex 1: General expectations and good governance

Effective boards: I expect you to undertake an annual self-assessment of your performance and advise me and the Ministry of Justice of your result, including any steps that you intend to take to respond.

Effective monitoring of entity performance: In addition to setting and driving a strategy, you are the most important monitor of entity performance. I expect you to provide me with high quality information and analysis on entity performance, implications for future performance, and risks and opportunities facing you.

As with all other Justice sector Crown entities, and as is your current practice, I expect you to produce three performance reports over the financial year, by 30 November (July to October), 31 March (November to February) and 31 July (March to June).

Be a good employer: Crown entities must comply with the good employer provisions set out in section 118 of the Crown entities Act and maintain standards of integrity and conduct set out in the code of conduct for the State Services at “www.ssc.govt.nz/code”. I also expect you to be cognisant of the Government’s expectations for Pay and Employment Conditions in the State Sector; these expectations are available on the State Services Commission website.

‘No surprises’: The Government has a ‘no surprises’ approach. No surprises means that the Government expects you to:

- be aware of any possible implications of their decisions and actions for wider Government policy issues
- advise the responsible Minister of issues that may be discussed in the public arena or that may require a ministerial response, preferably ahead of time or otherwise as soon as possible, and
- inform the Minister in advance of any major strategic initiatives.

I would like to hear about emerging issues that you are considering or when sensitive decisions are intended to be made public.

Collaboration: Crown-funded entities should continue looking for new and better ways of working together. I expect you to work with other agencies, especially if it involves procurement, on shared services (where applicable) and delivering results that maximise system wide efficiency and effectiveness.

Openness and transparency: Where appropriate, the Government expects Crown entities to publish non-sensitive information on their website in a timely manner.