

Toitū te Whenua Privacy Assessment

SouthPAN (SBAS) project

About this assessment

Privacy law and public expectations require Toitū te Whenua LINZ to treat personal information with care; dealing with personal information appropriately is essential to maintaining public trust in Toitū te Whenua LINZ and our services.

One of the best ways we can make sure we treat personal information with care is to carry out a privacy assessment before getting stuck into any new project, procurement, system or process change, or significant activity.

This report contains the results of an assessment prepared by s9(2)(a) in the **Legal Services** team using the Privacy Assessment tool offered by Legal Services.

Overall results and approval process

No personal information will be collected, used, stored or disclosed as a result of the SouthPAN (SBAS) project. Accordingly, this assessment has not been reviewed by a member of the Legal Services team and does not require any formal approval.

What personal information is involved?

Information that we hold is personal information if the information is **about** a person, the person is an **individual** (rather than a company, or other legal entity), and the individual is **identifiable**.

In respect of SouthPAN (SBAS) project, the following personal information is involved:

(no personal information)

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Issue-by-issue assessment

Information privacy principle 1 – purpose of collection of personal information

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in the collection of personal information.

Information privacy principle 2 – source of personal information

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in the collection of personal information.

Information privacy principle 3 – transparent collection

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in the collection of personal information.

Information privacy principle 4 – manner of collection of personal information

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in the collection of personal information.

Information privacy principle 13 – unique identifiers

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in the creation or use of a unique identifier.

Information privacy principle 5 – storage and security of personal information

Assessment:

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in the storage of personal information.

Information privacy principle 9 – Agency not to keep personal information for longer than necessary

Assessment:

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in LINZ holding personal information.

Information privacy principle 6 – access to personal information

Assessment:

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in the storage of personal information.

Information privacy principle 7 – correction of personal information

Assessment:

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in the storage of personal information.

Information privacy principle 8 – Accuracy of personal information to be checked before use or disclosure

Assessment:

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in LINZ using personal information.

Information privacy principle 10 – Limits on use of personal information

This information privacy principle does not apply, as SouthPAN (SBAS) project does not result in LINZ using personal information.

Information privacy principle 11 – Limits on disclosure of personal information (keeping information confidential)

This principle does not apply as SouthPAN (SBAS) project will not involve the disclosure of personal information outside of LINZ.

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Information privacy principle 12 – Limits on disclosure of personal information (keeping information confidential)

Information privacy principle 12 is triggered when a person seeks to rely on one of the **exceptions** in information privacy principle 11. It therefore does not apply in respect of SouthPAN (SBAS) project

? Going beyond the information privacy principles, do you consider that there are any 'social licence', 'right thing to do', or 'expectation of the public service' risks involved in SouthPAN (SBAS) project?

Assessment:

Yes. s9(2)(a) and s9(2)(a) previously consulted with the Office of the Privacy Commissioner in relation to potential third-party privacy implications of an SBAS. See objective reference: A3693401, Privacy Commissioner

Advice from the Office was as follows:

"I note that last year our Office recommended that LINZ conduct a brief privacy analysis for each of the use cases. Having reviewed the paper, it does not appear that the SBAS involves the collection, use or disclosure of any additional personal information at this early stage. Accordingly we no longer consider this necessary, but recommend you bear privacy implications in mind throughout the process. "

In addition to providing a copy of a Cabinet paper from 2019, s9(2)(a) specifically drew the Office's attention to the prospect that "The SBAS will vastly improve the accuracy of GPS positioning, and we thought the OPC might like to comment – especially in relation to privacy concerns."

The Office did suggest that we bear privacy implications in mind throughout the process. We have therefore decided to carry out a fresh Privacy Assessment.

Although none of the information privacy principles are triggered, we do recognise that there are some potential third-party privacy impacts. These kinds of impacts are not unusual – our LDS, for example, enables people to do things with data that we might not approve of. Although we have some limited contractual controls there (and which we can't have in respect of SBAS, which will just be a signal that anyone can access), the main way that risk is regulated is by privacy law directly regulating the use of that data by LDS users themselves. There is, of course, value in a fairly blue-sky bit of work on this – but those risks are likely to be quite speculative, and probably beyond the set of risks for which we are legally and socially responsible.

Improving the accuracy of publicly-accessible GPS signals may enable third parties to do some things that have negative impacts on the privacy of other persons. **However, those risks are likely to be quite speculative, and probably beyond the set of risks for which we are legally and socially responsible.** Rather, the responsibility rests with users of SBAS signals to ensure that they comply with their obligations under the IPPs. As noted in notes from a meeting between LINZ and the Office in 2018, "A privacy impact assessment should be constructed by any party using SBAS to deliver apps (particularly govt.) guidance on this can be found on privacy commissioner website."

While there is some identifiable social licence risk, the Office of the Privacy Commissioner has

previously agreed that the responsibility to manage that sits primarily with people using SBAS in a way that creates privacy impacts. Moreover, by having consulted twice with the Office of the Privacy Commissioner, any social licence / expectation of LINZ risk has been nearly entirely mitigated.

We will provide a copy of this assessment to the Office of the Privacy Commissioner, and will also offer a briefing on SBAS technology.

? Going beyond the information privacy principles, do you consider that there is any prospect that SouthPAN (SBAS) project may, in relation to privacy, breach our obligations under Te Tiriti o Waitangi?

Assessment:

I note that we currently do not have internal guidance on how to assess privacy impacts on Māori / compliance with our duties under te Tiriti and tikanga Māori in relation to data specifically about Māori and personal information generally.

That said, there are no obvious adverse impacts on Māori in relation to privacy.

I also note the SBAS Project Stakeholder Engagement Plan (A4264741, SBAS Project Stakeholder Engagement and Communication Plan_V1.0) notes that Te Puni Kokiri will be informed about SBAS.

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