Ministry of Health



**Information Gathering and Use**

**Purpose**

This policy establishes the framework for the gathering and use of information pertaining to the Ministry’s regulatory compliance, enforcement, protective security, and national security functions (the Framework Activities).

**Policy statement**

All Ministry employees must be vigilant in how they exercise the significant responsibilities and powers entrusted to them by New Zealanders. This is fundamental to the integrity of both the public service and the health and disability sector. Ministry employees must ensure that the way in which they collect, create, store, disseminate, exchange and dispose of information is not only lawful, but that it also maintains public trust and confidence.

When undertaking Framework Activities, the Ministry will collect, create, store, disseminate, exchange and dispose of information in accordance with the following legislation and guidance:

* Evidence Act 2004
* Health Act 1956
* Health Information Governance Guidelines
* Health Information Privacy Code 1994
* Health Information Security Framework
* New Zealand Bill of Rights Act 1990
* New Zealand Combined Law Agency Group, Crown Law Office, Departmental Prosecutions Forum, Guidelines on using Open Source Data in Evidence 2017\* \*Controlled document – Health Legal
* New Zealand Public Health and Disability Act 2000
* New Zealand Protective Security Requirements
* Official Information Act 1982
* Privacy Act 1993
* Public Records Act 2005
* Search and Surveillance Act 2012
* State Services Commission Code of Conduct
* State Services Commission – Conflicts of Interest
* State Services Commission - Model standards for information gathering associated with regulatory compliance, law enforcement, and security functions.
* State Services Commission. Pre-employment checks: Guidance on establishing identity in recruitment processes (October 2013) dated 25 October 2013

**Scope**

This policy applies to all Framework Activities where information gathering and use occurs pertaining to the Ministry’s regulatory compliance, enforcement, protective security, and national security functions.

**Principles**

The following principles will guide how the Ministry collects, creates, stores, disseminates, exchanges and disposes of information in the conduct of the Framework Activities.

* Information is only to be collected by Ministry employees or a third party acting on behalf of the Ministry for lawful purposes in the conduct of their official duties to:
	+ protect the health and wellbeing of all New Zealanders;
	+ ensure statutory and regulatory compliance;
	+ ensure contractual compliance with Crown Funding Agreements, Service Agreements and Advice Notices (as provided in the New Zealand Public Health and Disability Act 2000);
	+ detect and prevent criminal offending;
	+ protect staff, contractors, and visitors; or
	+ protect official information, assets, and resources.
* The extent of the information collected will only be that information necessary to meet these purposes.
* The manner in which the information is collected will:
	+ be proportionate and reasonable in terms of the Ministry responsibility being discharged; and
	+ not intrude to an unreasonable extent on the personal affairs of the individual concerned.
* Information collected, created or exchanged under the auspices of this policy will be appropriately classified, stored, disseminated, exchanged and disposed of.
* Access to information collected, created or exchanged under the auspices of this policy will be tightly controlled. Only those Ministry employees or third parties who have a legitimate requirement to access this information in the course of their official duties will be permitted to do so.
* Information will only be exchanged with other government agencies or responsible authorities under the following circumstances:
	+ there is legislative authority to do so;
	+ sharing the information is one of the reasons the information was collected for;
	+ the person that the information is about authorises the disclosure;
	+ the disclosure is necessary to prevent or lessen a serious threat to:
		- public health or public safety; or
		- the life or health of the individual concerned or another individual;
	+ the information is necessary to enable an intelligence and security agency to perform any of its functions;
	+ to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences;
	+ for the enforcement of a law imposing a pecuniary penalty;
	+ for the protection of the public revenue; or
	+ for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation).
* All requests to exchange information between the Ministry and any other government agency or responsible authority will be recorded on a register for that purpose. This will be reviewed on a regular basis.
* The Ministry will exercise appropriate governance and oversight to ensure compliance with this policy directive.
* Any complaints that this policy is not being adhered to will be investigated and resolved in a timely manner.

**Roles and responsibility**

* *Director-General of Health*

The Director-General of Health is accountable for the Ministry’s performance in respect of this policy.

* *Deputy-Director General Corporate Services*

The Deputy Director-General Corporate Services is responsible to the Director General of Health for implementing and ensuring compliance with this policy and its associated Standard Operating Procedures.

* *Ministry personnel*

This policy and its associated procedures are mandatory and apply Ministry-wide.

**Related policies and documents**

*Standard Operating Procedures (SOP): Information Gathering and Use*

* The Ministry’s SOP Information Gathering and Use details the processes and procedures that are to be followed in the implementation of this policy.

*Transparency Statement: Information Gathering and Use*

* The Transparency Statement is published on the Ministry’s public facing website. It explains how the Ministry collects, uses and shares information for its regulatory compliance, enforcement, protective security and national security functions. It also details how a member of the public can enquire about the policy or lodge a complaint.

**Policy details**

Owner: Deputy Director-General Corporate Services

Approver(s): Operational ELT

Review: Biannual

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