



22 September 2020

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Kia ora Shane

Thank you for your email of 7 July 2020 to the Ministry of Education (the Ministry) requesting the following information:

Please provide copies of all Memorandum of Understanding (MOU's) signed in the last five years related to the sharing of data to organisations outside your organisation.

Your request has been considered under the Official Information Act 1982 (the Act).

The Ministry has a centralised information sharing team that has oversight of information sharing agreements between the Ministry and other organisations. The Ministry maintains a centralised Information Sharing Catalogue as part of its overall management of these agreements. All information sharing agreements are subject to robust governance and privacy processes, and are approved and signed off by the Ministry's Chief Data Steward.

An information sharing Memorandum of Understanding (MOU) is not an authorising document, but rather a document that records the legal authority for the sharing and the agreed controls and processes required to ensure that the transmission, use and security of the information shared is compliant with the Privacy Act. In some cases we have not been able to locate fully signed copies of the MOU's. These MOU's are still operational/were operational within the last five years, so we have included them in our response.

Approved Information Sharing Agreements (AISA's), primarily developed in partnership with other government agencies, are subject to mandatory development processes including public consultation, prior to sign-off through formal Cabinet processes.

We have identified copies of 51 Memorandums of Understanding (MOUs) signed in the last 5 years relating to the sharing of information by the Ministry. These are detailed in **Appendix A** attached along with our decisions on release.

We are releasing 43 documents in full, withholding one in full and releasing the remaining three documents in part under the following sections of the Act:

- 6(c) as *the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; and*
- 9(2)(a), *to protect the privacy of natural persons.*

Where applicable, we consider that in this particular case the need to withhold information under sections 9(2)(a) of the Act is not outweighed by any other considerations under section 9(1) of the Act.

The Ministry is a party to four Approved Information Sharing Agreements (AISAs), detailed in **Appendix A**, which are an instrument for sharing personal information under Part 9A of the Privacy Act 1993. We are therefore refusing this part of the request under section 18(d) of the Act as the information is publicly available on the Office of the Privacy Commissioner's website at the following link:

<https://privacy.org.nz/privacy-for-agencies/information-sharing/approved-information-sharing-agreements/>

You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Alex Brunt
Acting Deputy Secretary
Evidence Data and Knowledge