New Zealand Security Intelligence Service
Te Pā Whakamarumaru

DG meeting with Privacy Commissioner

Date	7 April 2021
Venue	DG Office, PHoP
Time	1430-1530
Attendees	John Edwards, Privacy Commissioner
	Liz MacPherson, Assistant Privacy Commissioner
	D, DI, GC, ADC, KM (all NZSIS)

Background

1. See meeting brief Preparatory briefing note to DG, outside scope of request

Purpose

2. We had requested the meeting to bring OPC up to date on the NZSIS data transformation ambitions, seek a closer working relationship with them and start to explore the best way to engage the wider public in the debate about appropriate agency powers in the era of privacy / big data.

Items Discussed

Item	Description
1.	OPC were keen to understand the nature and timelines of our 'data transformation' work (3-4 years at least). We explored for them what we mean by data-based discovery, s6(a) [redacted]. We described how some of our indicator frameworks would be released at UNCLASSIFIED, in the hope that they could help other organisations (and individuals) know the sorts of things we are interested in. Liz MacPherson commented that the extent to which we are able to make public our indicator frameworks as a way of addressing challenges of bias/profiling could be important.

2.	John Edwards raised the question about the willingness of private companies to engage voluntarily in a post-SNOWDEN world. s9(2)(ba)(i-ii) [redacted]
3.	s6(a) [redacted]
4.	The Privacy Commissioner remarked on the incremental nature of the ISA - how it doesn't appear to give the agencies much agility (citing in particular the Schedule 2 list of Direct Access agreements we are permitted to obtain).
5.	We raised the topic of data quality, and how it is not in our interests to hoard data. s6(a) [redacted]
6.	We briefly mentioned, then OPC picked up again, the topic of data retention, s9(2)(g)(i) [redacted] We agreed this is a difficult topic and spoke briefly of our current regime, and how new ways of using data are challenging this. s6(a) [redacted]
7.	We briefed on our Data Ethics work (quick recount of engagements with Stats NZ and the Data Ethics Advisory Board to date) and how we would like to share our thinking on ethics principles with the OPC and get advice on operationalising them.
8.	We also talked about Privacy Impact Assessments, and how we would like to seek advice from OPC about the best way to arrange PIA so it can be an iterative, evolutionary tool as you design new initiatives. This is something we are already considering but we now have a contact (see below) who can work with us. OPC also mentioned the PIA regime that they have designed with Ministry of Health around COVID tracing as a good example of this work in action. We described an intention to release PIAs at UNCLASSIFIED where we can, but noted that sometimes it will be necessary to go into detail and that PIAs will remain highly classified. The Privacy Commissioner agreed to this, pointing out that releasing a mysterious, detail free report that begs lots of questions about what you are hiding can be quite

	damaging to trust.
9.	s9(2)(g)(i) [redacted]
10.	Liz agreed to be the main contact point for us in OPC - there are some topics she herself will be well placed to engage on with us (especially data ethics, bias, etc). And for others she can direct our queries to the most appropriate colleague. s9(2)(a) [redacted]

Actions

Action	Description	Lead
1.	Make contact with Liz MacPherson as primary contact person in OPC for help exploring policy issues related to data and privacy (especially Data Ethics, Data Retention and Privacy Impact Assessments)	KM (with GC)
2.	Explore options to make contact with the Ministry of Health regarding the Privacy Impact Assessment regime used for COVID tracing initiatives (a good example of an iterative privacy impact assessment regime).	KM