

23 August 2023

Thomas Wilson

**By email only to:** [fyi-request-23743-842f4ef0@requests.fyi.org.nz](mailto:fyi-request-23743-842f4ef0@requests.fyi.org.nz)

Tēnā koe

**Official Information Act Request (Our Ref: OIA/0299)**

We refer to your Official Information Act request received on 9 August 2023.

You request:

1. Please detail your progress against each measure in your SPE for 2022/23
2. Please provide your current SPE and previous SPE and detail the specific differences between the two including specific detail of any changes in measures or new measures
3. Please provide all documentation and all correspondence in the past 12 months that demonstrate and detail the progress made on key priorities defined in your current statement of intent, SOI
4. Please advise the number of staff employed on a full time basis for each year covered over your last two SOI's (10 years?) and how these number support you SOI's goals or priorities over that period and if your SOI's resulted in an increase in staff
5. Please provide detail of your budget figures for the years covered by current and previous SOI's and explain major increases or decreases in budget over that period including how these assign with you SOI's priorities/goals
6. For the period of your current and previous SOI's what has been your spend broken down by department or business unit by year.
7. What organisational changes such as restructures have occurred in the periods covered by you last 2 SOI's, provide documentation relating to organisation changes, consultations, ministerial advice, briefing documents, plans, feedback/responses.

1. *Please detail your progress against each measure in your SPE for 2022/23*

Progress against each measure in our SPE's are provided in the section titled "Finance and performance report" in the Annual Report

The Annual Reports for each year are available on our website through the following link.

<https://privacy.org.nz/publications/corporate-reports/>

2. *Please provide your current SPE and previous SPE and detail the specific differences between the two including specific detail of any changes in measures or new measures.*

The current and previous Statements of Performance Expectations (SPE's) are available on our website through the following links:

SPE 2023-2024

<https://www.privacy.org.nz/publications/corporate-reports/statement-of-performance-expectations-2023-2024/>

SPE 2022-2023

<https://www.privacy.org.nz/publications/corporate-reports/statement-of-performance-expectations-1-july-2022-to-30-june-2023/>

<b>New Measures 2023-2024</b>	<b>Target</b>	<b>How it will be measured</b>
<b>Strategy and Insights</b>		
Conduct 2 assessments a year to gauge the privacy maturity or attitudes of agencies or individuals.	2	Copies of assessments conducted will be retained in the document management system.
<b>Communication and Education</b>		
Significant improvements made to digital service channels.	Achieved	Evidence of improvements made.
<b>Compliance and Enforcement Activities</b>		
Notified privacy breaches that are likely to cause serious harm, are followed up with the notifying agency within 10 working days of receipt.	100%	Evidence retained in the document management system.
The percentage of externally reviewed compliance investigations that are rated as 3.5 out of 5 or better for quality.	90%	Evidenced by report prepared by an independent evaluator.
Incoming compliance issues are risk assessed to determinate the appropriate response activity.	100%	Evidence retained in the document management system.
<b>Policy and Advocacy</b>		

<b>New Measures 2023-2024</b>	<b>Target</b>	<b>How it will be measured</b>
Undertake 2 projects relevant to setting privacy standards, expectations or guidance in the privacy system.	Achieved	Evidence retained in the document management system.
All externally reviewed policy files appropriately incorporate Treaty and Te Ao Māori analysis as necessary.	100%	Evidenced by report prepared by independent evaluator.

3. *Please provide all documentation and all correspondence in the past 12 months that demonstrate and detail the progress made on key priorities defined in your current statement of intent, SOI.*

Our current Statement of Intent (SOI) is for the period 1 July 2023 to 30 June 2027. There is insufficient reporting of progress for a one-month period.

The previous SOI and the SPE's that support it are reported on in our Annual Report. The latest Annual Report is for the period ending 30 June 2022 and can be found on our website through the following link.

<https://www.privacy.org.nz/publications/corporate-reports/annual-report/>

We are currently compiling our Annual Report for the period ending 30 June 2023. This will be posted on our website when submitted to Parliament for publication, late this year.

We post our Quarterly Reports to the Minister of Justice on our website. These demonstrate the progress made on key priorities, financial and non-financial performance.

<https://www.privacy.org.nz/publications/corporate-reports/quarterly-reports-to-the-minister-of-justice/>

4. *Please advise the number of staff employed on a full-time basis for each year covered over your last two SOI's (10 years?) and how these number support you SOI's goals or priorities over that period and if your SOI's resulted in an increase in staff.*

Notes to the response:

For the purposes of your request, I have assumed the last two Statements of Intent would be for the SOI 1 July 2020 to 30 June 2024 and the previous SOI 1 July 2017 to 30 June 2021 rather than our current SOI 1 July 2023 to 30 June 2027. A period of six years.

Full Time Equivalents (FTE's) year ending 30 June

<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
33.96	36.26	32.63	39.43	41.12	48.63

The increase in staff numbers was to manage increased demand and additional functions with the introduction of the new Privacy Act in December 2020. The new responsibilities post 2020 required new teams to be established and increased resourcing required across the office.

5. *Please provide detail of your budget figures for the years covered by current and previous SOI's and explain major increases or decreases in budget over that period including how these assign with you SOI's priorities/goals*

Notes to the response:

For the purposes of your request, I have assumed the last two Statements of Intent would be for the SOI 1 July 2020 to 30 June 2024 and the previous SOI 1 July 2017 to 30 June 2021 rather than our current SOI 1 July 2023 to 30 June 2027. A period of six years.

The budget increases were not assigned to our SOI's priorities/goals. The budget increase was to provide for new functions and other changes as a result of the new Privacy Act 2020.

<b>Year End</b>	<b>Budget (\$m)</b>	<b>Explanation</b>
30 June 2018	4.970	No change
30 June 2019	4.970	No change
30 June 2020	5.582	Provide for preliminary activities and planning required to support the planning and other materials required prior to the introduction of the new Privacy Act on 1 December 2020, and post implementation costs to year end.
30 June 2021	7.276	Provide for the new functions and other changes introduced with the Privacy Act 2020 for the first full year of introduction and to meet initial capability increases.
30 June 2022	7.392	Part of the Budget 2021 which provided a further increase to out-years to support the new functions other changes introduced with the Privacy Act 2020 as capability was increased.
30 June 2023	7.392	No change

6. *For the period of your current and previous SOI's what has been your spend broken down by department or business unit by year.*

The spends for each function are provided in the "Summary of Output Revenue and Expenses" within the respective Statement of Expectations for each year. They are available on our website using the link below:

<https://www.privacy.org.nz/publications/corporate-reports/>

7. *What organisational changes such as restructures have occurred in the periods covered by you last 2 SOI's, provide documentation relating to organisation changes, consultations, ministerial advice, briefing documents, plans, feedback/responses.*

We undertook a significant review of services to be delivered following the introduction of the new Privacy Act in December 2020 and the new responsibilities within the Act. We termed this review *Privacy 2.0*. The new services included increased capacity in some teams and the establishment of two new teams, the Strategy and Insights Team and the Compliance Team. The increase in capacity and capability was not a formal restructuring

and did not involve staff reductions. Further, under the Privacy Act 2020, we sought the statutory appointment of a Deputy Privacy Commissioner.

We maintain a continuous review of how we deliver our services and how we might make best use of available resources, making adjustments as identified. We have not extended this process of continuous improvement to a formal restructuring.

**Attached** are the organisational charts for 2019 and 2023 which show the organisational changes that have taken place over that period.

The Privacy Commissioner is an Independent Crown entity and is not subject to Ministerial advice other than the annual letter of expectations, which are **attached**.

Nāku iti noa, nā



Gary Bulog  
**General Manager**

**Encls.**