



**14 MAY 2018**

Mr John Edwards  
Privacy Commissioner  
Office of Privacy Commissioner  
PO Box 10-094  
Wellington 6143  
By email: [john.edwards@privacy.org.nz](mailto:john.edwards@privacy.org.nz)

Dear Mr Edwards,

## **Annual Letter of Expectations for 2018-19**

Thank you for the work that you, your Assistant Commissioner and staff have undertaken this year.

I note a significant amount of work has been carried out in 2017, including engagement with the International Conference of Data Protection and Privacy Commissioners, the Asia Pacific Privacy Authorities Forum, and the Global Privacy Enforcement Network (GPEN).

I am writing to convey my portfolio priorities and your role in achieving these priorities, along with my expectations for the Privacy Commissioner for 2018/19.

The Government is committed to major investments in housing, health, education, police and infrastructure, with a clear focus on sustainable economic development, supporting regional economies, increasing exports, lifting wages and reducing inequality. The Government's priorities are to put the wellbeing of people and the environment at the centre of what it does, and to introduce policies that will allow the economy to work smarter and make better use of our resources, and to ensure that the benefits of growth are spread more evenly across society.

### **Justice priorities and what this means for the Privacy Commissioner**

The Ministry of Justice's priorities are to support a safe and just New Zealand. Its vision is for safer communities with increased trust in the justice system, and for the integrity of our constitutional arrangements to be maintained. I see the Privacy Commissioner's functions as important to an efficient economy, by ensuring confidence and trust in information privacy and data protection in the public and private sectors. Your support to preserve the rule of law by promoting and protecting people's privacy and their right to privacy of personal information is appreciated.

### **Specific expectations for the Privacy Commissioner**

I would like you to continue your good work over the coming year that builds on ensuring good privacy practices and effective regulation. The introduction of the Privacy Bill this year is an important milestone for your office and I thank you for your office's collaboration with my officials to develop this Bill.

In the next financial year, I would like you to begin planning for the new Bill coming into force, such as developing guidance about new privacy mechanisms, e.g. mandatory breach notification and new safeguards for cross-border data flow, and starting to identify prescribed countries for cross-border disclosures.

### **General expectations and good governance**

As part of your role in governing an agency, I expect you to:

- maintain an effective board
- be the primary monitor of the entity's performance and maintain effective relationships with my advisors in the Ministry of Justice
- be a good employer
- operate a 'no surprises' approach
- focus on achieving results
- collaborate, and
- function with openness and transparency

Additional information on these expectations are set out in more detail in the **Annex** to this letter.

### **Reporting**

Thank you for providing me with your Statement of Performance Expectations (SPE).

As responsible Minister, I will be looking to ensure that the SPE provides annual information on each class of outputs and their cost structure, an explanation on what each class of outputs intends to achieve, an assessment of performance, and forecast financial statements.

This document is a key instrument, and serves to set out an agency's performance intentions to the House of Representatives. It is important that it reflects well on the work that the Privacy Commissioner and Office of the Privacy Commissioner undertakes and the intended contribution to New Zealand's constitutional arrangements for the foreseeable future.

### **Appropriation - schedule of payments**

You will note that this year my letter does not include reference to the appropriation schedule of payments, as has occurred in previous years. A schedule of payments under the appropriation for 2018/19 would be best suited to a Funding Agreement. The Ministry of Justice is currently developing such an agreement, which will be provided in early June.

## Next steps

I intend to send a letter to you with comments on the draft SPE by **21 May 2018**.

If you have any queries about this letter please contact the monitoring unit at the Ministry of Justice by emailing [justice.crown.entity.monitoring@justice.govt.nz](mailto:justice.crown.entity.monitoring@justice.govt.nz).

Yours sincerely



Hon Andrew Little  
**Minister of Justice**

Copy to: Gary Bulog  
General Manager  
Office of Privacy Commissioner  
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## **Annex 1: General expectations and good governance**

**Effective boards:** Ensuring that you, as corporation sole, remain high-performing is essential. There are many tools to help a self-assessment and improve performance. I expect you to undertake an annual self-assessment, and to advise me and the Ministry of Justice of the result, including any steps, that may be needed to respond to the findings.

Your input into succession planning is also sought. I expect you to provide the Ministry of Justice with your view of the competency mix that is needed to work well as a corporation sole.

**Effective monitoring of entity performance by boards:** In addition to setting and driving a strategy that delivers on Government priorities, you are the most important monitor of entity performance. I expect you to provide me with high quality information and analysis on entity performance, implications for future performance, and risks and opportunities facing the entity.

As with all other Justice sector Crown entities, and as is your current practice, I expect you to produce three performance reports over the financial year, by 30 November (July to October), 31 March (November to February) and 31 July (March to July).

**Be a good employer:** Crown entities must comply with the good employer provisions set out in section 18 of the Crown entities Act and maintain standards of integrity and conduct set out in the code of conduct for the State Services at “[www.ssc.govt.nz/code](http://www.ssc.govt.nz/code)”. I also expect you to take account of the Government’s expectations for Pay and Employment Conditions in the State Sector.

**“No surprises”:** The Government has a ‘no surprises’ approach. No surprises means that the Government expects you to:

- be aware of any possible implications of their decisions and actions for wider Government policy issues.
- advise the responsible Minister of issues that may be discussed in the public arena or that may require a ministerial response, preferably ahead of time or otherwise as soon as possible.
- inform the Minister in advance of any major strategic initiatives.

I also ask you to avoid ‘pre-judging’ my potential responses to risks and opportunities. I expect to hear about emerging issues and what major actions you are considering. My reactions will be based on a range of factors, including the benefits of new initiatives and of taking different approaches to achieve our goals.

**Collaboration:** Crown-funded entities should continue looking for new and better ways of working together. I expect you to work with other agencies, especially if it involves procurement, on shared services (where applicable) and delivering results that maximise system wide efficiencies and effectiveness.

**Openness and transparency:** Where appropriate, the Government expects Crown entities to publish non-sensitive information on their website in a timely manner.