



**Te Pūkenga**

Level 2, Wintec House  
Cnr Anglesea and Nisbet St.  
Hamilton 3204

0800 86 22 84  
info@tepūkenga.ac.nz  
tepūkenga.ac.nz

19 February 2024

Nikau W

By email: [fyi-request-25446-2853ecc3@requests.fyi.org.nz](mailto:fyi-request-25446-2853ecc3@requests.fyi.org.nz)

Tēnā koe Nikau

### **Request under the Official Information Act 1982**

Thank you for your email of 19 January 2024, requesting the following information from Open Polytechnic | Te Pūkenga – New Zealand Institute of Skills and Technology (Te Pūkenga):

*in your Ngā herenga me ngā (Terms and conditions of enrolment) document ... [here you provided a link to our Open Polytechnic | Te Pūkenga Terms and conditions of enrolment webpage] ... it states*

*"6.3. The Polytechnic will not transfer your information to an overseas service provider unless we are satisfied that the service provider is obliged to protect your information in ways that are comparable to the protection afforded by the New Zealand privacy law."*

*Could you please provide me with:*

*Any documentation around how the polytechnic decides they are satisfied that the service provider will provide these protections.*

*A list of parties storing or transmitting information overseas who the polytechnic has provided student information too, indicating whether the above identified procedures were followed.*

*Could you please provide me that information both for as the information stood before open polytechnic started to merge into the pukunga [sic] and as it is for today*

This letter provides a formal decision on your request under the Official Information Act 1982 (OIA).

### **The decision**

Your questions and Open Polytechnic | Te Pūkenga response is set out below.

#### Question one

*Any documentation around how the polytechnic decides they are satisfied that the service provider will provide these protections.*

If an overseas service provider is to collect ākongā (student) information, the usual process is to review that service using the Government Cloud Risk Assessment (CRA) framework. It requires the

purchaser and service provider to discuss many aspects of the service in question. The CRA framework is publicly available and can be found through the Government’s Pae Hōkōhoko Marketplace website at: <https://marketplace.govt.nz/assets/SupplierFormAssets/Cloud-Risk-Assessment-Tool-v1-1-1-v100.xlsx>

The CRA framework has a large number of questions about data, data use, and data controls within the matrix. Once the CRA is completed, we assess what risks are presented through the analysis and mitigate any we think are of concern, or share those risks with the specific steering group concerned for their decisions.

In addition, prior to our adoption of the CRA, we have used a Non Functional Requirements (NFR) analysis. The NFR touches on matters of compliance with the Public Records Act 2005 and Privacy Act 2020. With a NFR process we assess what quality measures a new service should meet. We look at around 20 items such as supportability, maintainability, performance, integrity and compliance. The CRA has gone some way to replacing this process, and it is important to note that the CRA has more requirements that need to be met than the NFR, so adds a layer of robustness.

Question two

*A list of parties storing or transmitting information overseas who the polytechnic has provided student information too, indicating whether the above identified procedures were followed.*

We have interpreted your wording “parties storing or transmitting information overseas” to be for overseas service providers to whom the Open Polytechnic | Te Pūkenga has provided ākonga information as part of using their platforms.

The table below provides a list of overseas service providers, currently used, who have been provided ākonga information. The table also lists the status of CRA and NFR completion for each.

**Table One**

Service provider	Cloud Risk Assessment (CRA)	Non Functional Requirements (NFR)
Silverstripe	No (all of government provider) *	Yes
Azure	No (was implemented prior to CRA)	Yes
Stacks	Yes	Yes
Ubiquity	No (was implemented prior to CRA)	No (was implemented prior to NFR)
Helperbird	Yes	Yes
Mandrill	No (was implemented prior to CRA)	No (was implemented prior to NFR)
Urkund/Ouriginal	No (was implemented prior to CRA) **	No (was implemented prior to NFR)
iQualify	Yes	Yes
Filestack	No (was implemented prior to CRA)	No (was implemented prior to NFR)

\* Please note this was the government choice and hosting platform for web services.

\*\* We note at contract review this provider was found to have high strength privacy and security adherence and General Data Protection Regulation (GDPR)<sup>1</sup>.

<sup>1</sup> Further information about GDPR can be found at: [www.digital.govt.nz/standards-and-guidance/privacy-security-and-risk/privacy/public-sector-responsibility/general-data-protection-regulation-gdpr/](http://www.digital.govt.nz/standards-and-guidance/privacy-security-and-risk/privacy/public-sector-responsibility/general-data-protection-regulation-gdpr/)

Question three

*Could you please provide me that information both for as the information stood before open polytechnic started to merge into the pukunga [sic] and as it is for today*

We are not aware of any changes to this process since Te Pūkenga was established.

You have the right to make a complaint to the Ombudsman under section 28(3) of the OIA if you are not happy with this response. Information about how to do this is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by calling 0800 802 602.

Ngā mihi

A handwritten signature in black ink, appearing to read 'Gus Gilmore', with a large circular flourish above the name.

Gus Gilmore  
**Tumuaki Taupua** | Acting Chief Executive