



Privacy Commissioner
Te Mana Matapono Matatapu

Position Description

Position Details

Position Title:	Assistant Commissioner (Policy and Operations)
Reports to:	Privacy Commissioner
Location:	Wellington
Date Issued:	November 2014

Background

The Office of the Privacy Commissioner is an independent Crown entity established by the Privacy Act 1993. The Privacy Commissioner reports to Parliament through the Minister of Justice (or Associate).

The main purpose of the Privacy Act 1993 is to promote and protect individual privacy. The Privacy Commissioner monitors, researches and reports on matters relating to privacy, and has an educational and outreach role in promoting the understanding, acceptance and protection of individual privacy. The Commissioner independently investigates, conciliates and deals with cases involving an interference with the privacy of an individual; scrutinises legislative and other proposals that may affect privacy; issues codes of practice; and assesses and monitors authorised information matching and information sharing programmes. The Commissioner is required to have due regard for the protection of important human rights and social interests that compete with privacy, and to take account of international obligations accepted by New Zealand and international developments in privacy protection.

The work of the Office of the Privacy Commissioner is encapsulated in its mission statement:

“To promote and protect individual privacy by encouraging and sustaining a culture in New Zealand where personal information is protected and respected wherever it exists.”

The Privacy Commissioner has offices in Wellington and Auckland.

Purpose and Role

The purpose of the role of Assistant Commissioner (Policy and Operations) [AC(PO)] is to assist the Privacy Commissioner to undertake the statutory functions defined by the Privacy Act 1993 and to help achieve the objectives of the Commissioner’s office.

The role involves the effective leadership and management of the Commissioner's operational functions in policy, investigations and compliance. This requires the planning, development and implementation of appropriate strategies, policies and procedures to ensure the delivery of timely and high quality services, in keeping with the overall strategic objectives of the Commissioner's office. The key areas are:

- Policy advice and technology research/monitoring
- Data matching and information sharing
- Investigation and determination of complaints, with a particular focus on the use of alternative dispute mechanisms
- Public enquiry service and communications

These key areas are at the core of the Commissioner's operational functions and are resourced by the Commissioner's policy and investigations staff. The AC(PO) leads and manages these advisory staff in delivering their functions to the standards of quality and timeliness agreed with the Commissioner.

The office takes a cross functional approach to its work and the AC(PO) also manages, in consultation with other members of the Commissioner's Senior Leadership Team (SLT) and/or as directed by the Commissioner, the assignment of AC(PO) staff to special projects and ad hoc or other work led and managed elsewhere in the office. This includes the assignment of staff to help resource the office's legal advice and litigation work as led by the Assistant Commissioner (General Counsel) and its communications functions as led by the Public Affairs Manager. The AC(PO) also leads and manages special projects and ad hoc work across the Commissioner's office, as and when required.

The AC(PO) draws on the operational intelligence acquired from the performance of the Commissioner's core operational functions and the knowledge of the policy and investigations staff, to help identify, analyse and advise the Commissioner about responses/solutions to areas where the privacy of the individual may be at particular risk, where it might be desirable or necessary for the Commissioner to initiate an inquiry, and about trends or developments that the office might need to be responsive to strategically.

The AC(PO) is a member of the SLT and contributes to the wider objectives of the Commissioner's office, including its strategic and risk management. This requires an effective working relationship with other members of the SLT, and close collaboration and co-operation across all of the Commissioner's functions. It includes working closely with the Assistant Commissioner (General Counsel) about any new or potentially controversial legal issues.

Teamwork

All members of the Commissioner's staff are required to work co-operatively and collaboratively together as a team. In addition, as the Office of the Privacy Commissioner is a small one, there is not always a rigid demarcation of duties and, as with all other staff, the AC(PO) is expected to undertake such other duties and responsibilities as the Commissioner may reasonably request from time to time. This includes work that goes beyond, or cuts across, regular functional boundaries.

Principal Accountabilities

Accountability	Key Result Areas
Policy Advice and Technology Research/ Monitoring	<p>To lead and manage the development of well judged and legally sound policy responses to privacy related issues, for recommendation to the Commissioner, whether such issues are internally driven, relate to proposed legislation or government policy that may affect the privacy of the individual, or are otherwise externally driven.</p>
	<p>To lead and manage the research and active monitoring of technology related developments and/or practice that may affect the privacy of the individual.</p>
Data Matching and Information Sharing	<p>To lead and manage the Commissioner’s information matching and information sharing functions as defined by the Privacy Act 1993, including:</p> <ul style="list-style-type: none"> • To ensure that proposals for information matching programmes and authorised information sharing agreements (AISAs) are appropriately assessed • To monitor approved programmes and agreements for compliance by participating agencies • To help ensure that suitable guidance/information material is developed to promote compliance and to inform the public about information matching/sharing and their controls • To ensure that any issues with the operation of approved programmes/agreements are effectively addressed with the agencies involved
Investigations	<p>To lead and manage the investigation and resolution of complaints in close consultation with the Commissioner, and ensure that the Commissioner fulfils the statutory requirements prescribed by the Privacy Act 1993 in regard to that investigation and resolution.</p>
	<p>To facilitate the settlement of complaints and lead the use of alternative dispute mechanisms to resolve complaints wherever this would be more effective (e.g. by the use of mediation or compulsory conferences).</p>
	<p>As may be agreed from time to time with the Assistant Commissioner (General Counsel) who has overall responsibility for managing any litigation in which the Commissioner’s office is involved, to assist with and/or assign AC(PO) staff to litigation proceedings in the Human Rights Review Tribunal and/or the courts.</p>
	<p>To advise the Commissioner about the desirability or need to inquire into any particular circumstances, and lead and manage or assist in undertaking any Commissioner-initiated inquiry as may be agreed with or directed by the Commissioner – including to ensure that relevant information is gathered and analysed, the law is correctly applied, recommendations are well judged and legally sound, and the appropriate follow up action and effective</p>

Accountability	Key Result Areas
	communications are undertaken.
Public Enquiries and Communications	<p>To lead and manage the delivery of a timely and high quality enquiry service for members of the public on the provisions of the Privacy Act 1993.</p> <p>To support the delivery of the Commissioner's education seminar/workshop programme for private and public sector agencies as led by the Public Affairs Manager, including by assigning AC(PO) staff to resource the delivery of those programmes.</p> <p>To help ensure, in close consultation with the Assistant Commissioner (General Counsel) and Public Affairs Manager, the development of case notes and other communications material about the Commissioner's policy, investigations and compliance work and assign AC(PO) staff resources for the development of that material as required.</p> <p>To actively contribute to the Commissioner's wider communications functions and activities as led by the Public Affairs Manager, including assisting with drafting speeches and reports on behalf of the Commissioner, as required.</p>
Leadership and Management of AC(PO) Functions and Staff	<p>In consultation with other members of the SLT, to assign AC(PO) staff, as required or as directed by the Commissioner, to special projects and ad hoc or other work led and managed elsewhere in the office (e.g. for policy-related work, litigation, Commissioner-initiated inquiries, or communications) – the AC(PO) is required to recognise that AC(PO) staff may need to be assigned from time to time to support and/or resource the work of other SLT members.</p> <p>To lead and manage the development and implementation of appropriate strategies, policies and procedures to ensure the delivery of timely and high quality services that align with the Commissioner's wider strategic initiatives (as identified in the Statement of Intent).</p> <p>To seek the prior approval of the Commissioner before applying any new interpretation of the law, or significant departure from agreed policy or practice.</p> <p>To consult with the Assistant Commissioner (General Counsel) on the advisability or appropriateness of taking any formal enforcement action.</p> <p>To adopt a "no surprises" approach by alerting the Commissioner to any specific issue that may be of wider significance or concern to the Commissioner's office.</p> <p>In close consultation with the General Manager, to manage the recruitment and induction of new staff, their training and development (including in cross-functional projects), performance management and remuneration review, and such other requirements as relate to the management of staff.</p> <p>To manage effectively and cost efficiently the financial and other resources assigned to the AC(PO), within approved delegations,</p>

Accountability	Key Result Areas
	<p>in accordance with guidelines for budget holders, and in close consultation with the General Manager.</p> <p>To ensure that accurate and up-to-date records are created and maintained, to meet both the operational requirements and legislative obligations of the Commissioner's office.</p> <p>To provide the Commissioner with timely, accurate and high quality reports on the status, management and activities of the operational functions led by the AC(PO).</p>
<p>Wider Senior Leadership Responsibilities</p>	<p>To actively contribute as a member of the SLT to assist in the leadership and management of the Commissioner's office as a whole, including its strategic and risk management, the development of initiatives that support Better Public Services (in particular, Result Areas 9 and 10) and the effective use of its resources.</p> <p>To develop and maintain productive and effective stakeholder relationships and networks, in particular with key external stakeholders in both the public and private sectors, to promote and further the interests of the Commissioner's office.</p> <p>To represent the Commissioner's office externally either on behalf of the Commissioner or as a member of the SLT, by participating in industry interest groups, undertaking speaking engagements, and participating in other public forums as required.</p> <p>To ensure that any public statements made on behalf of the Commissioner's office are factually accurate, well judged, sensitive to the particular circumstances, reflect the Commissioner's views, and are within the parameters agreed with the Commissioner from time to time.</p> <p>To develop and maintain a thorough and up-to-date knowledge of the Privacy Act 1993, privacy law and such other acts, regulations or codes as might impact on the functions or operations of the Commissioner's office, and be able to advise the Commissioner accordingly.</p> <p>To maintain a close awareness of developments, legal, technological or otherwise, that might affect the privacy of the individual and be able to make an informed contribution to the formulation of appropriate responses by the Commissioner to such developments.</p> <p>To work collaboratively and co-operatively with other members of the SLT, and help promote harmonious and co-operative working relationships and open lines of communication across the entire Commissioner's staff.</p> <p>To set and model high standards of personal integrity and conduct.</p>

Delegations

Human Resources	Policy, technology, information matching/sharing, investigations and enquiries staff (17 as at November 2014)
Financial	As issued under OPC's financial delegations
Limits on Authority	No statement is to be issued to the news media or any information released to the general public without the prior approval of the Privacy Commissioner.
	Any significant departure from approved or accepted work practice or procedure is first to be discussed and agreed with the General Manager or Commissioner.
	There is no authority to enter into any ongoing contract that may in any way be binding on the Commissioner, without the prior approval of the Commissioner or the General Manager. The booking of venues, travel or accommodation must be in accordance with the policies, practices and procedures of the Commissioner's office.

Key Requirements

The AC(PO) will have a tertiary qualification, ideally in law, and/or career experience in law and/or policy at a senior level, in the private or public sectors. A working knowledge of government and business systems and processes, and a keen interest in, or understanding of, domestic and international privacy considerations is an advantage; likewise, experience in the interpretation and application of legislation and legal principles.

The office has an emphasis on the use of alternative dispute mechanisms to settle complaints wherever these methods can be more effective. The AC(PO) must have the knowledge, experience and ability to lead and develop the team's use of these alternative dispute resolution mechanisms.

The focus of the role is on leading and managing the Policy and Operations team. This calls for excellent team leadership and people management skills, with the ability to effectively plan, organise and manage work. It also calls for the ability to identify, analyse, and recommend solutions/responses to trends or developments that might have an impact on the privacy of the individual.

As a member of the Senior Leadership Team, the AC(PO) must have excellent leadership and management skills; the ability to help lead the Commissioner's office, including its strategic and risk management; strong analytical skills to be able to lead and manage complex inquiries; a high level communication skills, both oral and written; sound judgement; and the ability to work under pressure and manage competing priorities. It demands the highest standards of personal integrity and conduct.

The AC(PO) must be able to attain and maintain at least a Secret, and preferably a Top Secret, security classification.

Key Competencies

Leadership and Management Skills	Appreciation of public sector management as set out in the Public Finance Act 1989
	An understanding of good leadership and management practices and the ability to apply these effectively to achieve organisational goals and objectives
	Ability to lead, manage and motivate staff, and is a team player
	Ensures accurate records are created and maintained to meet both business and legislative requirements
	Manages resources effectively to ensure the efficient delivery of outputs
Analytical Skills	Applies intellectual rigour to researching and analysing complex issues systematically and comprehensively
	Identifies emerging issues early and proactively addresses them
	Provides robust, well thought out conclusions supported by relevant data
	Thinks laterally about issues and is innovative in problem-solving
Communication Skills	Communicates clearly and concisely, both orally and in writing
	Is an active listener
	Delivers presentations effectively and can use a range of presentation methods and media.
	Negotiates and mediates effectively, and can achieve co-operation and agreement where there are conflicting objectives
Professionalism	Displays highest standards of personal integrity, honesty and conduct
	Exercises discretion at all times, particularly in dealing with sensitive or confidential material
	Plans, organizes and prioritises work effectively, is motivated to find solutions to problems, is results-driven and works to deadlines
	Demonstrates collegiality through knowledge sharing and excellent work relationships
	Displays a positive attitude to change, adapts readily, and initiates changes as required
	Maintains and enhances knowledge by actively keeping up-to-date with developments
	Develops and maintains constructive working relationships with internal and external stakeholders, and networks of contacts
	Use of language, demeanour and personal presentation all reflect a professional outlook