



GPA Global Privacy and Data Protection Awards 2021

Entry Form

To submit an entry to the GPA Global Privacy and Data Protection Awards please complete and email this form to secretariat@globalprivacyassembly.org no later than **14 June 2021**.

Note: GPA member authorities can submit as many entries as they wish, but a separate form should be used for each different entry, submitted by the deadline above.

Languages: The GPA documentation Rule 6.2¹ applies.

1. CONTACT DETAILS FOR THIS ENTRY

Privacy/Data Protection
Authority:

Office of the Privacy Commissioner, New Zealand

2. ELIGIBILITY

By submitting this entry, I confirm that (*please tick all boxes to confirm*):

- The Authority is a member of the Global Privacy Assembly
- The initiative described in this entry was undertaken since January 2020.
- I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the GPA Secretariat.

3. CATEGORIES

Please indicate which category you wish to enter.

*Please tick **one**; please use a separate form for each category you wish to enter:*

- Education and Public Awareness
- Accountability
- Dispute Resolution and Enforcement
- Innovation
- People's Choice

4. DESCRIPTION OF THE INITIATIVE

a. Please provide a brief summary of the initiative (no more than 75 words)

As COVID-19 emerged in New Zealand in early 2020, the Ministry of Health entered into arrangements of sharing COVID-19 patient information with emergency services. This

¹ [GPA Rules and Procedures](#), Rule 6.2 'Assembly documents':

Without prejudice to section 4.2, Assembly documents, including accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other Assembly documents such as the Assembly Rules and Procedures.

Inquiry assessed whether those arrangements were compliant with New Zealand privacy laws, specifically focusing on:

- The Ministry of Health's disclosure of COVID-19 patient information to emergency services, including Police; and
- Police's access to and use of that COVID-19 patient information.

b. Please provide a full description of the initiative (no more than 350 words)

In April 2020, the Commissioner received complaints indicating Police's vetting service were disclosing information about patients who had tested positive for COVID-19 to potential employers. Later in July 2020, there was a leak of COVID-19 patient information to media. An [independent investigation](#) confirmed the information had initially been transferred from the Ministry to an emergency service organisation and then to media, and that two political figures were the source of the leaks.

These circumstances prompted the Commissioner to launch a formal inquiry to establish what, when and how information about individuals diagnosed with COVID-19 were shared between the Ministry and emergency services, and to review the rationale and legality of such arrangements.

The Inquiry involved conducting interviews with staff of the Ministry and Police, reviewing correspondence both within the Ministry and between the Ministry and other agencies, and reviewing how internal Ministry policies developed over the course of the pandemic response to allow for these information sharing arrangements. The Commissioner also received submissions from individual members of the public whose COVID-19 status had been leaked to media.

Ultimately the Commissioner found:

- The Ministry had a clear and measured rationale for sharing COVID-19 patient information to emergency services, particularly at a time where New Zealand's level of community transmission was at its peak; and
- Police had legitimate reasons to collect COVID-19 patient information from the Ministry, however it should have continually reviewed its need for that information throughout the pandemic response. Further, while it was appropriate for frontline Police staff to access and use COVID-19 patient information to carry out their pandemic management duties, Police's use of that information as part of its vetting function was inappropriate.

The Commissioner made a series of recommendations, including among other things that:

- The Ministry assist health agencies administering COVID-19 tests to ensure people being tested are informed about what will happen with their information;
- The Ministry develop memoranda of understanding with emergency services to set clear expectations about the use of COVID-19 patient information;

Police develop its own internal policy on staff access and use of COVID-19 patient information.

c. Please explain why you think the initiative deserves to be recognised by an award
(no more than 200 words)

This inquiry was triggered because there was a lack of transparency in New Zealand around what was happening with COVID-19 patient information. There was also high public interest in the topic with the leak of patient details to the media. The Inquiry helped bring some assurance to the public that the information sharing arrangements between the agencies were appropriately scrutinised by the Commissioner.

The rapidly evolving nature of the pandemic response in New Zealand meant the Inquiry needed to be completed at speed. To this end the Commissioner formally launched the Inquiry in August 2020, and released his final report in September 2020. This ensured the agencies who were subject to the Inquiry received observations and feedback that were relevant, of use, and that they could implement immediately.

The Commissioner anticipates the value of the findings and recommendations of the Inquiry will not be limited to the COVID-19 response last year; rather they will also be applicable to guide the responses of these agencies for future COVID-19 outbreaks, or indeed future pandemic responses.

d. Please include a photograph or image, if you wish *(This will be published with your entry on the GPA website. The image can be pasted into the box below, be sent as an attachment or a link may be provided)*

e. Please provide the most relevant link on the authority's website to the initiative, if applicable *(The website content does not need to be in English)*

<https://www.privacy.org.nz/assets/DOCUMENTS/Inquiry-into-Ministry-of-Health-Disclosure-of-Covid-19-Patient-Information.pdf>

f. Please provide any other relevant links that help explain the initiative or its impact or success *(e.g. links to news reports or articles):*

See Commissioner's media release here:
<https://www.privacy.org.nz/publications/statements-media-releases/privacy-commissioner-releases-report-into-ministry-of-healths-use-of-covid-19-patient-information/>