

Towards new data and statistics legislation:

Summary of submissions on 2018 consultation

April 2019





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Purpose

Towards new data and statistics legislation: Summary of submissions on 2018 consultation summarises the feedback received from the public consultation. This feedback will inform the development of policy for new data and statistics legislation.

Introduction to the consultation

In September 2018, the Minister of Statistics and the Government Statistician released *Towards new data and statistics legislation: Public discussion document* (the discussion document). The discussion document presented high-level proposals for new data and statistics legislation that would provide a consistent approach to the production of official statistics, and the safe management and use of government data for research and analysis. It also discussed effective governance of the data system and outlined roles for carrying out governance functions.

A short online poll was available at www.stats1975.nz (now closed) and social media posts were made to Stats NZ on Facebook and Twitter.

The discussion document included a range of questions grouped around key topics. The topics are listed below with a summary of the questions.

New data and statistics legislation

- What are the right outcomes for new data and statistics legislation to guide how government collects, manages, and uses data?
- How can the Treaty of Waitangi and the interests of iwi and Māori be recognised when collecting, managing, and using data?

Collecting the data New Zealand needs

- What functions are needed for leading the official statistics system?
- How important are professional independence and ministerial oversight?
- Should the public have input into New Zealand's most important statistics (Tier 1)?
- How can the best survey and administrative data be provided?
- Should the public be consulted on changes to census topics?

Making better use of data

- What should be considered when making government data open and accessible?
- What is important when data is shared across government and with government (by those outside of government)?
- What should inform decisions about accessing government-held data for research and analysis?

Safeguards and protections

- What factors need to be considered for de-identification and confidentialisation?
- What are the issues around approving international users and secure access?
- What requirements about transparency should there be?
- How appropriate are offences and penalties?

Summary of submissions

The consultation period closed on 9 November 2018. During the consultation Stats NZ heard from close to 600 people through formal submissions (28) and the online poll (567, with 116 of those also answering the optional free text 'tell us anything' question). Comments were also received on Stats NZ social media channels.

New data and statistics legislation

Purpose and scope

The discussion document noted that the primary focus for new data and statistics legislation would be the production of official statistics, supported by a clear framework for sharing and accessing government-held data for research and analysis. It also noted that the new legislation would sit alongside other legislation including the Official Information Act 1982, the Privacy Act 1993, and the Public Records Act 2005.

Two submitters commented on how government was defined. One submitter suggested that the distinction between local and national government needs to be made clearer, while another submitter asked whether government includes universities, as they are covered by the State Services Commission's definition of the wider state sector. This submitter suggested that the new legislation should consider publicly funded research data as part of the strategic data asset.

One submitter highlighted the importance of ensuring consistency with the Bill of Rights Act 1990 and the Privacy Act 1993 / Privacy Bill 2018.

Outcomes for data and statistics legislation

The discussion document proposed that new legislation should reflect high-level outcomes to guide how we collect, manage, and use data. Comment was sought on the following outcomes:

- Government-held data is a strategic asset when used safely and responsibly to improve the lives of all New Zealanders.
- Iwi and Māori rights and interests are actively protected when collecting, managing, and using data.
- Official statistics are relevant, reliable, and impartial.
- The independence and integrity of official statistics are actively protected and promoted.
- Government has ongoing access to the data it needs.
- The burden of supplying data is minimised for individuals, organisations, and businesses.
- Data is made open (anyone can freely access, use, and share it), whenever possible, to maximise value and access. When data can't be made open, but can be safely shared through controlled access, it will be.
- Privacy, confidentiality, and transparency underpin collection, management, and use of data.
- Governance and accountability arrangements ensure safe and appropriate use of data to create value, while maintaining New Zealand's trust and confidence.

Question 1: Do you think these proposed outcomes are the right ones for new data and statistics legislation? Please comment on any of these outcomes, and/or list any other outcomes you think should be considered.

Most submitters indicated general support for all or most of the proposed outcomes. One submitter emphasised that the outcomes should permeate the entire legislative regime, so that all aspects of the system are designed to achieve them.

Two submitters commented on the potential for discord or conflict between different outcomes, and that new legislation should provide a framework for balancing outcomes and resolving any conflict. An example is where there is a need to collect and use data about small populations like whānau, hapū and iwi, but this means an increased burden on respondents and increased likelihood of re-identification.

Where submitters commented on specific outcomes, these comments are summarised below.

Government-held data is a strategic asset when used safely and responsibly to improve the lives of all New Zealanders.

Some submitters commented on the wording of this outcome. One submitter suggested rewording the outcome to emphasise the need to understand the significant value of data assets that must be collected, managed, and used safely and responsibly. Another suggested that the phrase “when used....to improve the lives of all New Zealanders” could mean that data is not a strategic asset when used to improve the lives of only some New Zealanders. This submitter suggested data should be viewed as a renewable raw material in an innovation ecosystem, alongside skills, applications, and investment.

Several submitters reflected on the concept of value, with one submitter suggesting that value includes cost effectiveness, affordability, and utility, and another that data should be used in a way that maximises value for money. Another commented on the value of providing data in formats that can be used by machine learning applications.

Another submitter recommended that, in addition to improving the lives of all New Zealanders, government needs to assess how data is used to reduce or eliminate inequities, and monitor whether collection, management, and use of data contribute to inequities. One submitter noted the cost of not using all available data, for example in poor policy decisions.

Iwi and Māori rights and interests are actively protected when collecting, managing, and using data.

While submitters indicated support for the intent of this outcome, several were uncomfortable with the wording “Iwi and Māori rights and interests”. Two submitters considered it divides the Māori world view and suggests iwi rights are somehow different to Māori rights. One suggestion for rewording included: focusing on the rights and interests protected under the Treaty of Waitangi, and how these are actively protected when collecting, managing, and using data to meet whānau, hapū, iwi, Māori and government data and information needs.

One submitter suggested that new legislation and processes should not preclude respecting the rights and interests of other groups such as Pasifika populations.

Official statistics are relevant, reliable, and impartial.

One submitter considered the wording of this outcome did not adequately reflect the need for robust methods and data collection.

Government has ongoing access to the data it needs.

Several submitters suggested that the public be protected from potentially inappropriate government pursuit of data. One submitter noted that legislation should consider the power imbalances between government agencies collecting the data, and individuals and communities providing the data. Other suggestions included rewording the outcome to assure the public that checks and balances are in place, and that nobody would be harmed by the collection of official statistics. One submitter suggested that free, prior, and informed consent should underpin data collection and use for official statistics.

The burden of supplying data is minimised for individuals, organisations, and businesses.

One submitter suggested the government considers implementing an integrated, all-of-government approach to stewarding public data, to remove data silos and enable citizens to tell government once, like the system used in Estonia.

Data is made open (anyone can freely access, use, and share it), whenever possible, to maximise value and access. When data can't be made open, but can be safely shared through controlled access, it will be.

One submitter emphasised that sharing data openly and accessibly is only appropriate for some datasets. In some cases, data will be subject to constraints relating to ethical approval, informed consent, and expectations of interest groups such as iwi.

Three submitters were concerned that making data open without appropriate constraints may result in inappropriate use. One submitter suggested that data should be shared through controlled access to ensure the safe use of data and protect the rights and interests of Māori. Another submitter noted that a lack of analytical expertise could lead to inaccurate conclusions and suggested that data users be required to publish their analytical methodologies. One submitter proposed that Māori should decide the protocols and policies for Māori data (eg identifiable iwi data), including when data could be made open or access restricted.

Two submitters emphasised the importance of making open data accessible so that it can be used by a wide range of users. Another suggested that important market and social data be published more quickly.

Governance and accountability arrangements ensure safe and appropriate use of data to create value, while maintaining New Zealand's trust and confidence.

Two submitters emphasised the importance of Māori governance across all stages of the data life cycle, that is, data collection, management, and use. One submitter noted that Māori governance would help ensure that data is used safely and responsibly, in a way that upholds the dignity of Māori and minimises harm to Māori collectives and individuals.

One submitter recommended that data governance arrangements include representation from a broad range of stakeholder groups in addition to government agencies.

Treaty relationship with Māori

The Statistics Act 1975 doesn't reflect the modern Treaty relationship between Māori and the Crown – it doesn't mention the Treaty or the interests of Māori in collecting, managing, and using data. The discussion document sought views on how new data and statistics legislation could recognise the Treaty relationship between Māori and the Crown, and iwi and Māori interests in collecting, managing, and using data.

Question 2: How do you think the Treaty of Waitangi should be recognised across the government data system?

Recognising the Treaty in new legislation

Submitters agreed that it was important to recognise the Treaty of Waitangi and the relationship between Māori and the Crown in new legislation. Several suggested that new legislation reflect te Tiriti (Treaty) principles including:

- protecting Māori rights and interests in data
- recognising data as a taonga
- requiring the Crown to engage with Māori as a partner including when significant decisions are made about Māori data.

Other Treaty principles referenced by submitters included reciprocity, autonomy (self-determination), equity, and equal treatment.

Submitters thought it was important to reflect the Treaty and relevant principles throughout the legislation because of their wide-reaching impact on the data system including governance, collection, management, and use of data.

One submitter said it was important to reference the articles in te Tiriti, not just principles, to reaffirm the spirit of the exchange of kāwanatanga for the protection of rangatiratanga. Another submitter suggested that entities responsible for collecting, managing, and using data should be required to give effect to the principles of the Treaty. One submitter suggested a provision that nothing in the Statistics Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi.

Two submitters recommended that new legislation also reflect obligations under relevant international conventions and declarations, for example the [United Nations Declaration on the Rights of Indigenous Peoples](#), in particular Article 31:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Some submitters suggested that new legislation should reflect Māori data sovereignty principles including rangatiratanga (authority), whakapapa (relationships), whanaungatanga (obligations), kotahitanga (collective benefits), manaakitanga (reciprocity), and kaitiakitanga (guardianship).

Submitters suggested that new legislation include provisions about:

- reflecting the Treaty partnership in structures, decision-making, and governance arrangements, for example through a Māori representative group
- giving priority to Māori data needs
- Māori rights and interests in data including the right of Māori to:
 - govern Māori data
 - make decisions about collection, management, and use of Māori data
 - lead data initiatives and access data to support economic, social, and cultural wellbeing
 - be informed about Māori data use
- iwi rights to collect, manage, and use data from them and about them, including free access to such data
- individual and collective rights to data and ensuring they are balanced
- monitoring Treaty compliance and accountability for ensuring Māori data needs are met, including regular reporting on the adequacy of statistics for Māori and any planned changes over the next five years.

One submitter noted that Māori rights and interests would depend on the nature of the data and this should be reflected in different levels of Māori involvement and control. For example, Māori may have control over data, be part of a partnership arrangement with the Crown, be consulted, or simply informed when Māori data is being used. This submitter also noted that Māori interests in data will need to be balanced against other interests such as the Crown's interest in using data to create public benefit.

Recognising the Treaty across the government data system

Several submitters emphasised the importance of recognising the Treaty across the government data system. One submitter stated that if the Treaty is to be honoured in a meaningful way, then it needs to include Māori sovereignty over data – ownership and custody – where sovereignty covers the rights of iwi as Treaty signatories, the rights of hapū and whānau, and Māori as individuals. Another said that there should be explicit recognition that some data related to Māori is a taonga.

Submitters noted that all government agencies need to work closely and collaboratively with Māori and one suggested they should be required to follow protocols when working with data about Māori. One submitter noted that this would require ongoing, often complex and/or difficult discussions, and that the government will need to be willing to listen and take real action.

Several submitters stated that the Crown must engage with Māori as a Treaty partner, where the partnership:

- includes an obligation to act reasonably, honourably, and in good faith
- is founded on duties of reciprocity and mutual benefit
- involves wide and ongoing consultation with Māori
- has a kaupapa relevant to Māori and includes Māori data sovereignty
- is based on shared values for achieving economic, environmental, social, and cultural outcomes for Māori and all New Zealanders
- means co-design of all aspects of legislative development, implementation, monitoring, and accountability

- means Māori are involved in developing the measurement tools, and assist with reporting and measuring Treaty compliance
- recognises iwi and Māori interests through Māori involvement at governance level – Māori governance, including Māori ethical frameworks and practices, is particularly important when free, prior, and informed consent is not present
- means iwi and Māori determining, co-leading, or negotiating the type of data collected, and management and use of data
- includes training and resources to enable effective Māori participation.

Question 3: How do you think iwi and Māori interests in collecting, managing, and using data should be recognised?

Data and statistics for, and about, iwi and Māori

Several submitters raised the importance of data and statistics that meet the needs of Māori and reflect Māori worldviews, values, and realities. Two submitters recommended that government partner with iwi to recognise iwi and Māori interests, and respond to Māori data needs, aspirations, rights, and interests. Another suggested that appropriate weight needed to be given to data importance and interest by Māori when developing statistical priorities. One submitter noted that the data needs for whānau, hapū and iwi development and planning may be different to the data needs of government for Māori public policy.

Specific suggestions to improve Māori data included:

- collecting ethnicity, Māori descent, iwi, hapū, and whānau data
- recognising iwi, hapū, and whānau as statistical units and statistical classifications
- recognising Māori institutions within Māori society, groups, and communities
- using definitions, classifications, and standards developed for and by Māori
- producing and managing statistics and statistical sources for Māori as a distinct population
- creating a separate Māori domain determined by Māori
- mitigating difficulties associated with missing iwi data, intense policy interest in Māori, and a small and difficult-to-survey population.

Submitters suggested that data and statistics were needed on the Māori economy and Māori interests in tourism.

Use of data / access to data

Several submitters talked about increasing use of data to advance iwi and Māori economic, social, and cultural wellbeing.

Several submitters emphasised the importance of iwi data being accessible to iwi. Iwi need this data to be informed of the position of their people, create measurable targets, and appropriately manage and monitor development.

One submitter talked about iwi being entitled to access and control data about them and their environment, including iwi data and generic data that informs positive iwi outcomes. One submitter suggested there may be some data that should only be accessed by Māori. Another said that the Crown has a responsibility to ensure data is only used in a positive way to advance and benefit Māori.

One submitter emphasised the importance of understanding iwi concerns about presentation and access to sensitive data. Another submitter thought that iwi, hapū, and whānau should have sovereignty over their own data as this would mean privileged access to rich demographic data as well as reducing the risk of misuse (through safe checks, authorities, and limitations) by non-iwi commercial entities, media outlets, and political organisations.

One submitter noted that data needed to be managed in a way that protects cultural sensitivities and acknowledges that Māori data is taonga. Another submitter said it was important to understand the context for Māori data. They suggested that consultation should be undertaken to agree how such data can be managed and made available. One submitter suggested that data should be disseminated in collaboration with the communities it represents.

Increasing capability and capacity

Two submitters talked about the need to increase Māori capability and capacity in using data and statistics. Other suggestions for development included aspects of the data system such as rights and interests, governance and access, storage and security.

Two submitters talked about lifting system capability and capacity to meet Māori needs.

Process of developing legislation

Several submitters made suggestions about the process government should follow when developing new legislation including:

- co-design or partnering with Māori and involving a wide range of Māori stakeholders – close engagement and collaboration between the Crown and Māori in design and implementation of new legislation is crucial
- working with iwi to identify areas that do not align with their expectations about member data
- embracing and empowering Māori self-determination.

One submitter said it was important for the Crown to understand the views of Māori, particularly those views about data sovereignty and governance.

Another submitter suggested that existing obligations and programmes should be mapped out in the development of legislation, for example Environmental Reporting Act 2015 requirements to report on the impact of state of the environment, and any changes on te ao Māori (Māori world view), post-settlement data, and reporting obligations.

Collecting the data New Zealand needs

Official statistics

The discussion document stated that for users to have trust and confidence in official statistics, the statistics should meet the following criteria: independent, relevant, accurate, transparent, coherent and comparable, interpretable, and timely. The discussion document did not include any proposals or questions in this subpart.

One submitter agreed with these criteria, stating that they highlight the importance of a Treaty partnership with Māori so that statistics about Māori are relevant, accurate, and reflect the Māori world view. Another submitter commented that official statistics must provide real, meaningful benefits to Māori individuals and collectives.

Other submitters suggested that official statistics should:

- be qualitative as well as quantitative
- reflect the needs of the government but also the wider public, who are increasingly relying on data and research being made available
- underpin government discussions and be used in a way that does not disenfranchise or discourage people from engaging in those discussions
- be accurate, not slanted to say what a specific organisation wants.

Leading the Official Statistics System

The discussion document proposed that legislation should clearly set out the Government Statistician's functions, duties, and powers for leading and coordinating the Official Statistics System. This includes being able to:

- set standards and issue directives for producing and publishing official statistics
- undertake monitoring and assurance reporting, against the standards, with tools to support this
- influence the design and quality of administrative data collected by government to ensure its fitness for statistical (and research and analysis) purposes
- delegate functions, duties, and powers across the Official Statistics System, when it is in the public interest, and if required, with Ministerial approval.

Question 4: Do you agree or disagree with the proposed functions, duties, and powers of the Government Statistician listed above? Please comment.

Eight submitters agreed with the proposed functions, duties, and powers of the Government Statistician. Several submitters supported the Government Statistician leading and coordinating statistical activity across government, given the importance of data as a strategic asset. One submitter commented that leadership was essential for increasing use of administrative data. Another suggested that the leadership role across the Official Statistics System be made explicit.

Two submitters noted that the Government Statistician's power to set standards and issue directives for official statistics would help ensure continuity of data and quality of statistics. Another proposed that they be binding in practice as well as in legislation. One submitter noted that the quality of ethnic data is variable despite standards for collecting such data. They suggested that the Government Statistician must have greater power to review and report findings, identify any fiscal or resource barriers to ethnic data collection, and implement an agreed plan to improve the quality of data collection and reporting.

One submitter suggested that there should be appropriate protections for any delegation of functions, duties, and powers across the Official Statistics System.

Two submitters commented that the functions, duties, and powers in legislation need to be flexible to allow for changes in best practice over time.

One submitter was concerned about administrative burden for organisations associated with the Government Statistician's power to issue directives about producing and publishing official statistics, and undertaking monitoring and assurance reporting.

Another noted that additional resources would be required for effective leadership of the Official Statistics System for several reasons including the different context for operational agencies and diverse statistical capabilities.

Question 5: Do you think there are any other functions, duties, or powers for leading and coordinating the Official Statistics System the Government Statistician needs to have?

Two submitters said the Government Statistician should have relationships with Māori. One said that a strong, co-governance relationship with Māori as a Treaty partner was needed and this should include a Māori Data Steward role. The other submitter suggested a function about working with Māori to establish processes for consulting Māori and managing Māori data.

One submitter proposed that the functions, duties, and powers of the Government Statistician include standards on methodological integrity and transparency of methods. Another submitter noted that there are few incentives to improve quality of government data, while another thought there should be more effort to ensure quality data is also timely.

One submitter suggested that much more needs to be done to combat myths based on single-variable simplistic analysis, and suggested that research and analysis should consider the impact of key contributors, for example socio-economic status, isolation, education, and ethnicity.

One submitter suggested that the role of the Government Statistician in stewarding data produced by research organisations outside government should also be recognised. They suggested that any such stewardship would need to recognise different data types (eg survey, administrative, observational) and any constraints relating to ethical approval and informed consent.

Other additional functions proposed for the Government Statistician included addressing ethical use of data and leading work to create a national unique identifier for all New Zealand residents.

One submitter said that the role the Government Statistician would play for organisations that do not produce official statistics (eg Crown Research Institutes) was not clear.

Professional independence and ministerial oversight

Professional independence is critical to transparency, trust, and integrity in the production of official statistics. It ensures that official statistics are developed, produced, and provided free from political and other interference. It also ensures the high quality of statistics through adherence to statistical best practice.

The discussion document noted that the principle of independence should apply to all official statistics whether produced by Stats NZ or another agency. It proposed that requirements for independent production and dissemination of official statistics should apply to all agencies producing official statistics.

Question 6: What are your suggestions for ensuring transparency, trust, and integrity in the production of official statistics across government?

Submitters supported the Government Statistician having professional independence, with oversight from the Minister of Statistics. Four submitters emphasised that decisions about what statistics to collect should be a politically independent process. One suggested that the Government Statistician should have the power to note, if not comment, when statistical reality is ignored for political convenience.

Four submitters commented on the importance of legislative protection of the professional independence of the Government Statistician and in the production of official statistics. One submitter said that the accountability model to produce official statistics needs to build on the enduring strengths of the legal infrastructure, institutional assurances of independence of the official statistics system, the long history of operating transparently, and mechanisms to design coherence and integration for complex derived outputs. Similarly, another submitter said legal and structural protections to ensure the professional independence of the statistical office is essential to the production of trusted official statistics.

Four submitters commented specifically on how to ensure transparency, trust, and integrity in the production of official statistics relating to iwi/Māori. Submitters proposed Treaty-based partnership structures, Māori governance over Māori data, and individual and collective consent. Another submitter noted the need to have clear processes to guide collection, use, and management of information relating to iwi/Māori, and that Māori must be consulted if there are proposed changes.

One submitter noted that some research datasets may be voluntarily placed under the Government Statistician's stewardship. It was important that the Government Statistician's independence should not preclude the Government Statistician from agreeing on shared governance and access criteria with those data providers.

Three submitters supported the proposal that independence and transparency should apply to all government producers of official statistics. One submitter noted this is particularly important for Māori data. Another submitter thought it would be difficult to extend requirements for independent publication of statistics to other agencies, because of the political wish to manage such releases.

Three submitters suggested an advisory board to the Government Statistician, and one submitter an independent auditor to help ensure that production of official statistics adheres to best practice. One of these submitters suggested that such a board should include representation from a broad range of stakeholder groups, not just government.

Seven submitters commented on processes for collecting, managing, and using data for research and analysis. Suggestions included:

- accessible information about how data is collected, stored, and used (eg data source, sample design, analytical tools including algorithms)
- keeping data safe, and protecting privacy and confidentiality with particular attention to sensitive data, for example data about vulnerable people
- quality assurance from data providers and using specialist analytical skills to process data when required
- requiring all public sector agencies to adopt Stats NZ's independent release practices for official statistics, with impartial experts available to comment on findings
- reporting regularly on coverage of the [Social Investment Agency Hub](#), a repository for New Zealand government social science research.

One submitter suggested that there should also be a government-wide protocol for release of irregular research and analytical reports.

Two submitters suggested establishing processes enabling protected disclosure of statistical misuse or interference with the integrity of statistics. Another suggested there should be government obligations and accountability when harm results from misuse of government-held data (in line with the principles of whanaungatanga, kotahitanga, and manaakitanga).

New Zealand's most important statistics

The discussion document proposed that new data and statistics legislation should:

- ensure important official statistics meet the highest quality requirements and make it clear which statistics must meet those requirements
- include opportunities for public input when determining New Zealand's most important statistics
- allow a way to recognise high-quality, reliable, and trustworthy statistics produced outside government.

Question 7: Do you think there should be an opportunity for public input when deciding on New Zealand's most important statistics? Please explain.

Submitters agreed that there should be an opportunity for public input when deciding on New Zealand's most important statistics. Submitters noted that public input was important because statistics need to measure what is important to New Zealanders, including those not well represented in government, and communities use statistics to make decisions.

Submitters suggested that New Zealand's most important statistics need to include better measures on sustainable development, environment, social issues, wellbeing, disability, and imports and exports.

Several submitters emphasised the importance of engaging with Māori, with some referencing the Treaty and the UN Declaration on the Rights of Indigenous Peoples. One submitter suggested that there should be embedded, consistent processes for ensuring Māori input into decisions about official statistics. Submitters noted that Māori input is essential for ensuring robust and accurate statistics that meet the needs of Māori. One submitter noted that social statistics often portrayed Māori negatively, and positive social and economic aspects should be included in statistical frameworks. Similar concerns were raised about data about Pacific peoples.

Submitters noted that how the input is gathered needs to be relevant, and the views of the public need to be balanced with views of other stakeholders (eg industry, technical experts). Two submitters recommended establishing an advisory board to provide expert advice.

Question 8: Do you agree that high-quality statistics produced outside of government should be able to be recognised as reliable and trustworthy? Please explain.

Most submitters agreed that high-quality statistics produced outside government should be able to be recognised as reliable and trustworthy. Submitters considered that such statistics could improve New Zealand's wellbeing, by offering access to more data to inform policy development and decision-making.

One submitter suggested that statistics from publicly funded organisations might inform government policy and measure success, while another commented that non-government organisations will likely be a source of more accurate and timely information than government. One submitter questioned the appropriateness of data having public benefit being privately produced. Another submitter suggested extreme caution with statistics produced or funded by commercial entities.

Submitters proposed developing recognition frameworks, criteria, standards, and safeguards, including how conflicts of interest would be managed. Some submitters suggested that Stats NZ

should accredit external organisations that met certain requirements, while others suggested that additional methodological and statistical information would need to be provided.

Two submitters did not agree that statistics produced outside government should be recognised as reliable and trustworthy. One submitter thought that it would be too difficult for government to monitor the reliability of data generated by external organisations and manage conflicts of interest.

Survey and administrative data

The discussion document proposed that new legislation:

- gives positive, clear assurance that it is appropriate and safe to provide data for official statistics
- enables the Government Statistician to collect data from the most appropriate data source to produce official statistics regardless of whether the data source is a survey or administrative data
- enables the Government Statistician to influence the design and quality of administrative data collected by government to ensure its fitness for statistical (and research and analysis) purposes
- requires government agencies, other public authorities, businesses, and other organisations to provide administrative data; except where another law requires the data to not be shared at all.

Question 9: What do you think about the Government Statistician being able to choose the best data source (administrative data or survey data) and require the data to be provided?

Most submitters agreed that the Government Statistician should be able to choose the best data source and require the data to be provided. Submitters commented that using administrative data would reduce financial pressures on the government, improve the quality of administrative data, and reduce the burden of supplying data. One submitter noted that increasing integration, access, and use of administrative data is likely to increase risks of statistical misadventure and public misunderstanding.

Some submitters raised concerns about the ability of individuals to choose whether to provide information and the possible impact of using administrative data on willingness to provide information. One submitter was concerned that agencies may collect more information than they needed to fulfil their statutory function.

One submitter suggested that agencies should be able to challenge any requirement to provide data if they consider it is inappropriate.

Question 10: Do you have any suggestions about what the Government Statistician should consider when deciding the best data source needed to produce official statistics?

Submitters suggested that, when deciding the best data source for official statistics, the Government Statistician should consider:

- privacy and commercial sensitivity
- the purpose of data collection
- relevance and accuracy, including ability to report on small populations

- the cost of maintaining and supplying quality data
- ongoing certainty of data supply
- advice from external technical experts.

Several submitters proposed that the Government Statistician be required to engage with Māori as a Treaty partner to choose the best data source to meet the needs of Māori and reflect Māori worldviews. One submitter suggested that any decision must balance government data priorities with Māori data rights. Another submitter proposed that any decisions to use administrative data collected by iwi and Māori organisations must be with the cooperation of those groups, and their interests must be actively protected when collecting, managing, and using such data.

The Census

The discussion document proposed that new legislation require that:

- the Government Statistician and Stats NZ conduct the official count of the population and dwellings for New Zealand
- the Census is conducted at least every five years
- the New Zealand public is notified when the Census is to take place and how it will be conducted
- public consultation is undertaken before decisions are made on changes to Census content
- new content in the Census must be in the public interest.

Question 11: Do you think public consultation should be required before decisions are made on new or altered content for the Census? Please give reasons.

Most submitters thought public consultation should be required before decisions are made on new or altered content for the Census. Some submitters thought that public consultation would ensure that Census information accurately reflected contemporary issues for all sectors of the population and would meet the needs of a wide range of stakeholders and data users. Others suggested that consultation would improve Census processes, leading to increased trust, participation in the Census, and confidence in the derived information.

Several submitters commented on the need for the Crown to engage with Māori as a Treaty partner because the Census is a vital data source. Working in partnership would ensure effective data collection and accurate Māori data.

Two submitters considered that public consultation was not required. One submitter suggested that consultation should be limited to specific stakeholders with the appropriate level of technical expertise. The other submitter considered that the Census was primarily a tool for government use, and that the public should be advised when changes are made.

Several submitters commented on the classifications or categories used in the Census, particularly around the importance of having input into gender and sexual orientation. Another submitter proposed that Māori descent should be mandatory, and consideration given to also making iwi affiliation mandatory.

One submitter said it would be useful if the timing of the New Zealand Census was aligned with the standard international census cycle, where censuses are held on years ending in 1 and 6.

Making better use of data

Open data

The discussion document proposed that new legislation should support proactive release of data, whenever possible, to maximise value and access to that data.

Question 12: What things do you think are important when deciding to make data open?

Most submitters supported proactive release of data whenever possible, although one submitter proposed that the appropriate place for an open data requirement was the Official Information Act 1982.

Submitters commented that making data open would help local government, businesses, non-government organisations, and individuals use data to meet their obligations, and use data in innovative ways to create positive outcomes for New Zealanders. One submitter noted that the risks of sharing data needed to be balanced against the potential public benefit of making data more open.

Submitters emphasised that open data should be clean and accurate, with good-quality metadata (information about the data and how it was gathered). Data should be made available to data users by well-designed user interfaces that are easily searchable, and accessible even to those unfamiliar with technology.

Some submitters expressed conditional or limited support for making data open. Submitters emphasised the need to establish robust and effective safeguards before deciding to make datasets open (eg ensuring data was appropriately de-identified or confidentialised). Several submitters also commented on the need to respect undertakings of privacy, confidentiality, and data use given when the data was collected.

Some submitters raised concerns about the increased risk of re-identification, with one submitter suggesting that new algorithms and data technology could make re-identification more likely. Two submitters questioned how liable agencies would be if they released confidentialised data that was subsequently re-identified. One suggested there should be good-faith immunity for data that had been confidentialised to an appropriate standard.

Other submitters suggested that making data open increased the possibility of inaccurate or misleading interpretation. One submitter said that researchers and analysts may use poor methodologies that could lead to inaccurate conclusions. Another submitter suggested developing a data access policy that required data users to disclose their methodologies.

Several submitters commented on the need for safeguards to protect Māori knowledge and culturally sensitive information including taonga, wāhi tapu and intellectual property. Submitters proposed that Māori should make decisions about when data could be made open or have access restricted.

Submitters identified other considerations when deciding to make data open, such as national security, commercial sensitivity, and the cost of preparing data (eg cleaning and confidentialising the data, making it available in an accessible format).

Using data for research and analysis

The discussion document stated that research and analysis are used to generate knowledge about groups of individuals, households, or organisations, and the relationships between different factors and how they change over time. Research and analysis are used by government, individuals, households, and organisations, to inform decision-making, develop policy, improve service design and delivery, and better understand what works and what needs improvement.

The discussion document did not include any proposals or questions in this subpart.

Sharing data for research and analysis

The discussion document proposed that new data and statistics legislation should clarify that data can be safely shared across government and linked so it can be used for research and analysis. It also proposed that new legislation should clarify the protections and safeguards that apply, including when organisations outside government want to combine their data with government-held data for research and analysis.

The discussion document noted that data shared under the new legislation should not be able to be used to make decisions about an individual without the consent of that individual. Permission of agencies to share or use identifiable information for those purposes should continue to be provided by the agency's own legislation or overarching legislation such as the Privacy Act 1993.

Question 13: Do you agree or disagree that new data and statistics legislation should clarify that data can be shared across government so that it can be used for research and analysis, with appropriate safeguards and protections? Please give reasons why or why not.

Most submitters agreed that new legislation should clarify that data can be shared across government for research and analysis. Submitters identified a range of benefits including: increasing transparency, increasing data available for research and analysis, better informing policy development, and making government more efficient by reducing duplication. One submitter noted that sharing data will help provide a more complete picture of people and communities.

Three submitters supported data sharing only if safeguards and protections for Māori data recognised Treaty obligations, for example through Māori governance.

Several submitters emphasised the importance of protecting privacy. One submitter noted the importance of being clear about data ownership when data is shared, and another noted the risk that data may be poorly analysed.

Several submitters noted the importance of informing people about sharing when data is collected. Two submitters were uncomfortable about data being shared without an individual's consent.

Sharing identifiable data

Two submitters supported sharing identifiable data in a civil disaster.

One submitter suggested that identifiable data should be able to be used to support delivery of services and programmes in specific circumstances, for example sharing smoking status with health professionals. Another submitter proposed that Stats NZ should be able to provide identifiable data where sharing or use of such data was permitted in other legislation. However, one submitter was

concerned that Stats NZ's impartiality would be undermined if it provided identifiable data to other agencies.

Other submitters commented on the importance of not sharing or using identifiable data without consent. However, one cautioned against relying on consent at time of data collection as new uses for identifiable data may arise in the future.

Question 14: What protections and safeguards do you think should apply when organisations outside government want to combine their data with government data for research and analysis?

Submitters suggested a range of protections and safeguards when organisations outside government combined their data with government data. Several submitters noted the importance of privacy and suggested removing identifiers, assessing the risk of re-identification, and considering rights of the individual in the Privacy Act 1993.

Some submitters suggested developing a set of standards that would apply, including standards relating to access, secondary use, and ongoing availability of data. One submitter suggested that data should only be used for the purpose it was collected for. Two submitters suggested a review process to assess the benefits of combining data, for example review by a committee with government and non-government representatives.

Several submitters commented on the quality of data provided by organisations outside government and suggested a clear distinction between government and non-government data, and any resulting research and statistics. Submitters said it was important to be able to trace all data to its original form and know the purpose of the original data collection, how data was collected and analysed, and how accurate it was.

Some submitters talked about protecting the integrity of externally provided data, and suggested that bespoke safeguards and protections could be needed to protect the interests of research participants and other interest groups (eg iwi). Two submitters talked about accessing Māori data that was culturally sensitive, with one suggesting that sharing Māori data may require consent, consultation and/or notification, for example consent is likely to be required for Māori data that is commercially sensitive or has intellectual property value.

One submitter suggested that Māori shouldn't be classified as outside organisations, as they were Treaty partners, and this relationship would change the way in which iwi could use their own data.

Access to government-held data for research and analysis

The Statistics Act requires the Government Statistician to consider the public interest when deciding whether to allow access to Stats NZ-held data for research and analysis. The discussion document proposed that new data and statistics legislation should clarify 'public interest test' considerations for access to government-held data and provide guidance when making data accessible for research and analysis.

Question 15: Do you agree, or disagree, that new data and statistics legislation should clarify the public interest test considerations for access to government-held data for research and analysis? Please give reasons for your answer.

Twelve submitters agreed that the public interest test should be clarified in legislation. One submitter thought it would help those holding the data to make better and quicker decisions about

data access. Another suggested that more transparency would enable the public to have a say and reduce likelihood of harm from data use.

Two submitters thought it would be difficult to clarify the public interest test in legislation, and that any provisions would need to allow for future developments. Another said that the factors would need to be carefully chosen to avoid unintended consequences.

Some submitters gave reasons for not clarifying the public interest test in legislation. One submitter said that compliance costs would be too high and that proposals should be reviewed by a formal ethics and scientific committee instead. Another submitter thought it would disrupt current institutional rules for appropriate use of data.

Several submitters commented on the process for assessing public interest. Three submitters said that the public interest test must account for Māori rights and interests. Another submitter suggested that data guardians (eg research institutes and iwi) should be consulted, while one proposed that the Government Statistician be required to take advice and explain how that advice informed decisions.

One submitter suggested that the Government Statistician be required to audit approved applications to assess data controls and compare expected and achieved public benefit. They suggested that approval for access should be revoked if there were insufficient controls or public benefit. One submitter suggested a mechanism to review policy decisions that cause harm, to prevent similar decisions being made in the future.

Question 16: Data sensitivity, likelihood of harm, and public expectations are three possible factors to consider when assessing the benefits and risks of research or analysis using government-held data. What other factors do you think should be considered and why?

Submitters suggested other factors that should be considered when assessing the benefits and risks of research and analysis including the:

- validity and robustness of proposed research or analysis
- integrity of the data, purpose of data collection, level of consent, and restrictions around future use
- rights of cultural groups including whānau, hapū, and iwi, and cultural sensitivity of the data, for example wāhi tapu and other cultural preferences
- level of benefit for smaller or disadvantaged populations
- impact on reputation of organisation(s) or level of public trust, as this may affect future data collection.

Two submitters talked about types of harm. One noted that harm needs to include both current and possible future harm. The other submitter talked about harm from using Māori data to stigmatise and perpetuate deficit thinking.

Five submitters raised issues about the commercial use of data. Three said that data should not be used for commercial gain and another suggested that people should have input into whether commercial organisations can access their data. One submitter proposed that iwi should have the right to commercialise data that belonged to them.

Safeguards and protections

Right safeguards and protections

The discussion document noted that the right safeguards and protections must be in place to keep data safe, and protect privacy and confidentiality. It also noted that data use must be appropriate and meet New Zealanders' expectations. The discussion document did not make any proposals or ask any questions in this subpart.

Several submitters emphasised the importance of new legislation protecting the privacy of individuals, businesses, and organisations. Some submitters discussed the balance between the value of increasing data use and keeping data safe from unauthorised access or misuse. Two submitters suggested that privacy and security should be prioritised to maintain public trust. One submitter stated that there needed to be a balance between the right to opt into or out of providing data and the benefits of data sharing.

De-identification and confidentiality

The discussion document proposed that de-identification and confidentiality settings in new legislation should reflect the sensitivity of the data, and the likelihood and impact of re-identification. It proposed that settings for specific types of data should be informed by a robust risk-management approach, and that new legislation could provide for de-identification and confidentiality standards.

Question 17: Do you agree or disagree with introducing a risk-management approach to confidentiality settings, balancing benefits against likelihood and potential impact of identification? Please give reasons why or why not.

Almost all submitters agreed with a risk-management approach to confidentiality settings. Submitters noted that different types of data have different levels of sensitivity, sensitivity is dependent on context, the risks and cost of disclosure are not uniform, there may be greater risk with linked or integrated data, and risks may change over time with new technologies. One submitter agreed that address data should be able to be disclosed through a statistical (location) register. One submitter suggested that a risk-management approach would take the guesswork out of applying confidentiality settings and reduce the risk of harm.

One submitter suggested that de-identification controls should be strengthened, not weakened. This submitter recommended that re-identifying de-identified data should be strictly prohibited, with effective oversight and significant penalties.

One submitter supported the current approach of not keeping identifiers with unit record census data or other linked data.

Prohibiting re-identification was raised by three other submitters. One submitter suggested that if confidentiality settings were breached, then action should be taken to prevent re-occurrence without imposing significant restrictions on data availability.

Two submitters recommended that the risk-management approach take account of Māori interests and the Crown's Treaty obligations. Another submitter noted that a broad approach to confidentiality limited the use of small-population data (eg iwi and Māori data) and ability to disaggregate. They suggested that any considerations should be balanced against need, in discussion with relevant individuals and groups.

One submitter specifically mentioned the usefulness of providing de-identification and confidentialisation standards in new legislation.

How assessment is done

Several submitters made suggestions about the process for determining confidentiality settings. Submitters recommended a systematic approach for balancing benefits against likelihood of identification, with one submitter suggesting that the balance should always be towards weighting risk of harm over benefits. Another submitter suggested that qualified individuals (eg ethicists, statisticians) should undertake the assessment. One noted that it would be time and cost prohibitive to evaluate each individual project and recommended assigning usage to broad categories to minimise costs.

One submitter suggested a measured approach to implementation with settings applied to less-personal data first to build community confidence, along with a comparison of expected and actual benefits.

Question 18: Apart from sensitivity of data, what factors do you think should be considered when assessing the potential harm from releasing less-confidentialised data?

Several submitters noted that data relating to collectives (eg whānau, hapū, and iwi) may be sensitive and harm to collectives as well as individuals needs to be considered. Some data may also be culturally sensitive. One submitter suggested that more robust processes could be developed if the Crown worked with Māori to understand these sensitivities and cultural values.

Submitters suggested a range of factors that should be considered when assessing potential harm including:

- rights of individuals about their information
- extent to which unknown information will be revealed
- type of survey, for example full-count survey such as a census or sample survey
- age of the data – over time data may become less accurate or sensitive and/or it may become harder to identify individuals
- potential uses of data or findings
- impact on reputation or trust in government management of data
- commercial interests.

One submitter noted that time-specific embargoes will also have an impact on data release, for example research data may not become available for others to use until a specified period has elapsed.

Approving users and providing secure access

The discussion document proposed that new legislation:

- continues to provide for approved users and clarify that this includes international users
- sets out additional considerations for data labs outside New Zealand
- enables provision of data to reputable international organisations (eg national statistical offices) for ongoing use, provided certain protections and conditions are met.

Question 19: What do you think are the issues, if any, of allowing access to data by international researchers? How might these be addressed?

Question 20: What do you think are the issues, if any, of approving data labs outside of New Zealand? How might these be addressed?

Question 21: What do you think are the issues, if any, of providing data to reputable international organisations for their ongoing use? How might these be addressed?

Submitters raised a range of issues and opportunities with access, provision, and use of New Zealand data by overseas researchers, at overseas data labs, or by reputable international organisations.

Jurisdictional issues

Eleven submitters stated that jurisdictional issues arise when allowing access or providing data to international researchers or institutions. Submitters were concerned that the laws of other countries may not align with New Zealand's and some countries may have less-robust statutory regimes governing privacy and confidentiality of sensitive information. Submitters also noted that New Zealand laws were not enforceable overseas.

Submitters proposed that international researchers or institutions be subject to requirements, equivalent to New Zealand legislative requirements, through licence agreements, international information-sharing agreements, and agreements on rights and ownership of data.

Safeguards and protections

Twelve submitters commented on the need for enforceable safeguards to protect New Zealanders (eg rules, standards, and peer review). Submitters thought that the same protections and safeguards that exist in New Zealand should be applied to international researchers. One submitter considered that international researchers should not be treated any differently and the primary considerations were the sensitivity of the data and risk of harm.

One submitter emphasised the importance of buy-in from stakeholders as the proposed data use may be different from the original purpose for data collection. Another submitter noted that the level of discomfort would likely increase for those who objected to original data collection.

Data security

Ten submitters commented on data security issues.

Four submitters noted potential data security risks of providing New Zealand data to international researchers and institutions. One was strictly opposed to storing information overseas due to security issues. Another submitter noted that the significant public benefit needed to be balanced against risks to individual privacy from compromised international data security.

Three submitters were less concerned about security risks associated with providing data to trusted overseas partners. Submitters noted that technological progress has allowed for secure access to data by international researchers, and that many comparable countries have provided data to international organisations (eg [LIS Cross-National Data Center](#) (formerly known as the Luxembourg Income Study) and [Integrated Public Use Microdata Series – International](#)) with no record of inappropriate disclosure or breaches of confidentiality.

Two submitters noted inefficiencies with providing data through approved data labs outside New Zealand and suggested either providing safe versions of data or establishing cooperative agreements for safe access through a trusted partner's network of data labs.

Several submitters noted that the key consideration for data labs outside New Zealand was the security of Māori data. One submitter suggested that security and control were more important than physical location, and it was better to have data stored securely in a nearshore location with comparable privacy legislation and appropriate protections than for it to be insecurely stored in New Zealand.

One submitter did not support international access to Māori data and considered that the principle of rangatiratanga (authority) was best served by local (onshore) management, storage, and control of Māori data.

Governance of Māori data and awareness of Māori values and practices

Several submitters noted that Māori rights and interests needed to be protected. Some submitters recommended a partnership approach and Māori involvement in governance of data.

Some submitters noted that international researchers and institutions may be unaware of Māori cultural practices regarding data. Submitters suggested that international researchers would need to be educated about the important cultural context for Māori data and the Crown's Treaty obligations. One submitter suggested that iwi be notified if their data was made available to third parties, so they could help researchers understand the Māori world view (te ao Māori).

Transparency

The discussion document proposed that new data and statistics legislation should require government agencies to publish information about what data is being shared for research and analysis, who is accessing that data, and for what purpose. The discussion document also proposed that researchers and analysts should be required to publish results from their research and analysis, including methodology.

Question 22: What information about access to government-held data for research and analysis do you think should be made publicly available? Please give reasons.

Most submitters supported increased transparency about access to government-held data. Submitters considered that transparency was important to maintain social licence and ensure broader public benefit. One submitter emphasised the importance of informing Māori about any research or analysis involving Māori data. Another suggested that the processes for accessing Māori data and reasons for specific processes or restrictions should be clear.

There was a strong emphasis on who was accessing the data and how it was being used, for example rationale, methods, results, and conclusions. Two submitters noted it was not always possible to publish results but was still important to know who was accessing the data and for what purpose. One submitter suggested that those accessing open data should also be encouraged to release such information.

Two submitters noted that a register of those who have accessed government-held data would be difficult to manage and one suggested there could be value in exploring links with other information systems (eg MBIE's [New Zealand Research Information System](#)). One submitter proposed that the Government Statistician be required to provide an annual report on applications to Parliament.

Two submitters did not think transparency was necessary if users passed a background check, or referenced the data used.

Question 23: Are there other aspects of data collection, management, and use that you think government agencies should be more transparent about? Please give reasons.

Submitters suggested several other areas that government agencies should be transparent about, including what data is there, when it is updated, what it is being used for, what data is being shared across government or linked, where it is being stored, for example locally or internationally, and data security policies and practices including any auditing reports.

Several submitters suggested more transparency when data was being collected, including whether data would be shared or linked, potential uses of the data, how long data would be retained, and controls around access.

Two submitters suggested that roles to monitor and ensure compliance with best practice in data collection, management, and use were necessary to improve transparency. Submitters thought that such roles would also help maintain integrity of the data system and ensure data was being actively protected under the Treaty.

Another submitter suggested a contact person to answer data-quality queries.

One submitter proposed that, when the Government Statistician grants prior access to official statistics, details must be published, for example on the [Stats NZ](#) and the [New Zealand Gazette](#) websites.

Offences and penalties

Ensuring effective compliance with legislative requirements for collecting, managing, and using data is important for achieving value, keeping data safe, protecting privacy and confidentiality, and making sure data is used appropriately.

The discussion document proposed that new data and statistics legislation will maintain current obligations to provide information to produce official statistics and to protect the confidentiality of information, with the mechanisms for enforcing obligations proportionate to the nature of non-compliance.

Question 24: Apart from the two existing broad obligations – to provide information to produce official statistics, and to protect confidentiality of information – are there any other obligations you think should be able to be enforced?

Two submitters suggested that enforceable obligations needed to recognise the rights of Māori and protect collective rights (eg whānau, hapū, and iwi). This would include obligations to appropriately access and use Māori data, with sanctions for inappropriate use.

Three submitters suggested that re-identifying data that has been de-identified and/or confidentialised should be prohibited. Other suggestions for enforceable obligations included obligations related to transparency about data sharing and access, appropriate and accurate data use, using data to improve publicly funded services, releasing data collected for official statistics, data preservation and digital continuity, and reporting of data breaches.

One submitter did not support any further enforceable obligations in the interests of focused and minimalist legislation.

Question 25: Do you think the two broad types of obligations should be treated with the same level of seriousness? In other words, is failing to provide information as serious as failing to protect confidential information?

Seven submitters said failing to protect confidential information should be treated more seriously than failure to provide information. One submitter noted that failing to protect confidential information is likely to lead to irreparable harm.

Three submitters noted that the level of seriousness for breaching an obligation depended on multiple factors, for example the extent of the breach, the context, and potential consequences or outcomes of any actions related to the breach. One submitter suggested that the obligations needed to reflect the relative power of the Government Statistician, government agencies, and the public.

One submitter said that the two obligations should be treated with the same level of seriousness. This was supported by another submitter who noted that while 'confidential' is the first principle of official statistics production, failing to provide data can have equally damaging consequences.

Penalties

A few submitters commented that penalties for breaching obligations needed to reflect differences in circumstances, severity, and consequences. For example, submitters said the level of penalty for failing to provide information should consider the person's or organisation's circumstances, their practical ability to comply, and different motivations for failing to provide information (ie, the penalty for conscientious objectors should be much less than that for large corporations).

One submitter suggested increasing the current financial penalty for failing to complete Stats NZ surveys, and another suggested on-the-spot infringement notices and increased fines for repeat offenders.

Governance

Governance of the data system

Governance of the data system is the framework of arrangements, responsibilities, and processes to ensure the strategic direction, effectiveness, oversight, and overall accountability for the data the government holds on behalf of New Zealanders. It is about having the right set of mechanisms to make decisions balancing maximising value for New Zealanders from data use, with keeping New Zealanders' data and the use of that data safe (eg privacy, confidentiality, and ethics). Governance is also about supporting the Treaty relationship between Māori and the Crown in relation to data, including mechanisms for recognising Māori interests in governance.

The discussion document noted that, alongside the Government Statistician, a range of roles already carry out governance functions in New Zealand's data system, including the Privacy Commissioner, the Ombudsman, the Auditor General, the Chief Archivist, the Government Chief Data Steward, the Government Chief Digital Officer, and the Government Chief Privacy Officer.

The discussion document did not make any proposals or ask any questions in this section.

Ten submitters provided feedback on governance. Two submitters supported the need for strong governance and the importance of defined responsibilities for governance.

One submitter commented that the New Zealand statistical system relies too much on interaction with, and reference to, the Minister of the day and too little on ‘soundings’ from key stakeholders (users, respondents, other producers and interested parties from iwi, business, etc). Another submitter said that New Zealand should develop its own model for holding the statistical system to account on behalf of citizens, including State obligations to Māori. This submitter stated that the prime focus of any accountability model must be challenging the Government Statistician and relevant agencies on data practices, including confidentiality, methodology, quality, and impartiality of release.

Several submitters commented on the ethical use of data for research and analysis. Suggestions included a clear ethical framework for data science and statistics in New Zealand, ethical review of data use, and ethical considerations throughout the entire process so that researchers and analysts were aware of the impacts of their research/analysis.

One submitter raised the possibility of combining existing agencies’ data-stewarding functions into a single ‘Ministry of Data’ with the power to mandate that all public data be placed into its stewardship, subject to appropriate safeguards and protections.

Further suggestions

Several submitters suggested improvements to the government data system that were outside the scope of the discussion document. These suggestions included:

- publishing and maintaining a catalogue of publicly owned and stewarded data
- offering incentives or gifts to survey respondents and using apps for surveys, while still ensuring those less-technologically savvy can participate
- increasing resourcing for technical infrastructure and staff
- assessing data skills across government and supporting recruitment and professional development of staff
- improving clarity on what the variables are measuring, for example ethnicity or race, and ensuring that data collected accurately reflects what is being measured
- a national unique identifier across government to improve data linkage and reduce administrative burdens including for those supplying data
- a cross-government independent data-matching function to minimise the burden on government departments
- involving the data industry, crowd-sourcing solutions, supporting innovation, and ensuring those affected are well informed and buy in to risks
- enabling access to data for organisations with resource constraints
- using RealMe as a portal to personal data, where individuals can decide who has access to what.

Online poll

The online poll asked what people thought were the most important outcomes for the new legislation based on the outcomes set out in the discussion document (see [Outcomes for data and statistics legislation](#) for the list of outcomes). The poll respondents said these three outcomes were the most important to them:

- government-held data being used safely and responsibly to benefit New Zealanders
- official statistics that are relevant, reliable, and impartial
- maintaining privacy, confidentiality, and transparency.

The poll also asked people to rate the importance to them of four matters relating to the production of official statistics and trusted use of data for research and analysis. The results from the 567 responses to the poll are set out in the table.

Relative importance of specified topics from the online poll				
High importance	Medium-high importance	Medium importance	Medium-low importance	Low importance
New Zealand has high-quality official statistics that can be relied on				
77.8%	18.2%	3.0%	0.9%	0.2%
The public can have a say on important changes to the data collected for official statistics				
36.2%	29.1%	26.8%	5.5%	2.5%
Government-held data can be safely shared and used for research and analysis to benefit New Zealanders				
69.3%	22.6%	5.3%	1.8%	1.1%
Information is available about what data is being shared for research and analysis, who is doing the research, and the purpose of that research				
52.0%	28.6%	13.2%	3.4%	2.8%

As discussed in the introduction to this summary report, the poll also invited people to tell us what other considerations we needed to think about. The answers to this question have been analysed and included under the relevant parts of the summary of submissions section.

Next steps

The feedback received will inform the development of policy that may be put into law as new data and statistics legislation. There will be further opportunity for public comment during the Select Committee process once a Bill is introduced to the House. If you need to contact Stats NZ about this work, please email stats1975@stats.govt.nz.