Independent
Children's
Monitor

The monitor
for the
Oranga Tamariki
system

# Caring for Data and Information Handbook

# Contents

# We are kaitiaki of data and information

## Poipoia te kahano kia puawai
## Nurture the seed and it will blossom

As an evidence informed organisation, the Independent Children's Monitor (the Monitor) collects, uses, shares and stores all sorts of data and information. We are committed to being a kaitiaki (steward) of that data and information. This means we collect, use, share and store it in respectful, ethical, transparent and trustworthy ways focused on upholding and improving the wellbeing of people through good stewardship of data and information. Being a kaitiaki is about how we make sure that what we do is ethical and legal, and that we met our obligations, including those under the Treaty of Waitangi, such as working partnership with Māori and Iwi on data issues that affect them and matter to them.

There are several laws and guidelines about data and information that the Monitor follows, including the Privacy Act and the Data Protection and Use Policy (Social Wellbeing Agency). Our Code of Ethics, Information Rules and Data Strategy are also road maps for our approach and the technological processes that sit behind it. There is more detail about these on page 13.

This handbook brings the requirements, concepts and principles of these laws and guidelines together so it's easy to see and understand our tikanga for caring for data and information. We also have some specific kawa (operational policy) that sits alongside this handbook.

### Acting as a kaitiaki is an important way to support tamariki and rangatahi

Data and information are powerful. The picture different types of data and information can help create, and how it's used in decision-making, can have long lasting and serious consequences. Why it's collected, what's collected, how it's used and protected, and how transparent that use is, all impact on how comfortable people feel sharing their data and information, and how much they trust those they share it with. This is especially true in the social sector where information can be sensitive or, if misused, could reinforce bias or prejudice.

For us, this means we need to do everything possible to uphold peoples trust in how we collect, use and protect data and information. Tamariki, rangatahi, whānau, caregivers, frontline staff, communities and agencies who share their stories and data with us need to know that we take our responsibility as kaitiaki seriously. We show this by the way we talk about data and information, how we keep it safe, how we collaborate around understanding it and how we use it respectfully.

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# Data, information and our values

Our values describe how we behave as kaitiaki of data and information.

## Kia Maia – We are courageous.

This means we:

- ask for the data or information that will best reflect the experiences of those we talk with, in particular; tamariki, rangatahi, whānau, caregivers and agencies
- raise any issues about data quality or validity if we see them
- share what we learn in easy to engage with ways that encourage people to think about how to make positive changes to the system
- support the use of quality data and information to reduce disparities affecting Māori tamariki and rangatahi.

## Manaaki – We are respectful.

This means we:

- We work with Iwi and Māori groups to identify the data and information that is important and useful to them, we acknowledge that for some people their data and information is a taonga to them.
- always keep the real person behind the data at the centre of our thinking; even when they can't be identified, data and information is still part of their history, story and experiences
- understand the context and sensitivity of any data and information, and how to protect and honour that
- work with others to make sure what we collect, and how we use it is fair, ethical and respectful; we check in with tamariki, rangatahi and others who share with us so they participate in how the story of the Oranga Tamariki system is told
- design our data requests to reduce the burden on those who respond to them.

## Kia pono, kia tiki – trustworthy.

This means we:

- are planned and purposeful about what we need, and explain transparently how collecting it will help us do our job, we aim for a "minimum required" approach; if data or information already exists that will work, then we won't collect it again
- give people as many choices as possible for sharing with us and let them know what information about them we will provide to others and why
- are proactive about people's rights to access information that can identify them

- use the most secure and reliable approaches and methodologies for collecting, processing, analysing and synthesising data or information; we validate it and use relevant peer review and quality assurance processes
- make sure our collection, use or sharing doesn't negatively impact on the relationship between tamariki, or rangatahi and their whānau, hapū, iwi, family group, caregivers and/or community.

Kia huritao – reflective.

This means we:

- listen to tamariki, rangatahi, whānau, caregivers and staff about how it feels to share their stories and experiences with us, so we are always learning how to make it a better process for them
- get advice and support around data or information issues when we need it
- ask how useful and engaging our reporting is and look for ways to improve it
- test new or different techniques of collecting or making sense of data and information if it will help us better understand how the system is doing.

# There are different types of data and information to care for

There can be a lot of jargon when it comes to data and information. It's important that we are clear about what it means when we talk about data and information. Being clear helps:

- us understand our obligations and what is tika and pono
- avoid confusion when we talk to each other
- transparency with others about exactly what's happening and why.

## We collect and use qualitative and quantitative data and information

We collect and use qualitative and quantitative data and information. "Qualitative" is often used to mean "words" and "quantitative" is often used to mean "numbers".
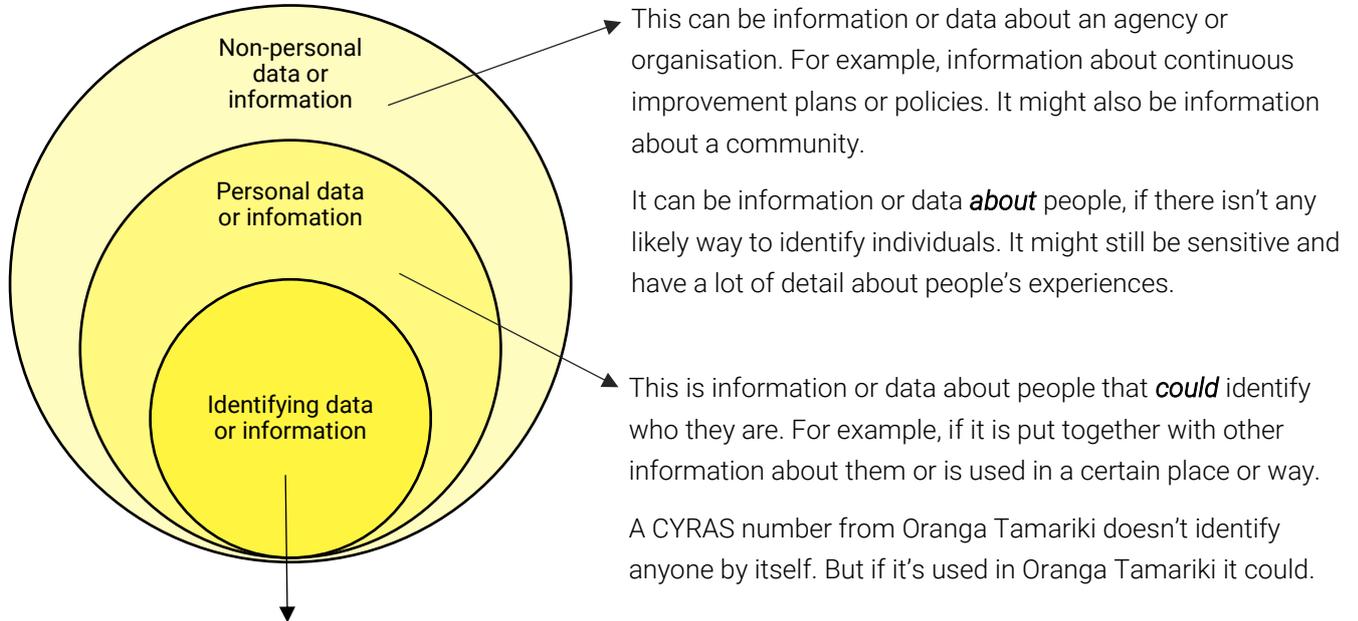
Focus on what's fit for purpose.

Neither is better or more robust than the other, and both give useful and powerful understandings of the Oranga Tamariki system. The most important thing is that we collect and use information that is fit for purpose and of good quality.

| Qualitative | Describes things like qualities, characteristics, opinions, thoughts. |
| --- | --- |
| | Sometimes it's called "stories", "narrative" or "lived experience". |
| | The focus is on understanding things that can be seen, felt and thought, but not easily measured in a consistent exact way every time. |
| | It's also about understanding the context of something and can often help us understand the "why" of a situation or issues. |
| | Can be reported as numbers, not just words. |
| Quantitative | About things that can easily be measured or counted (quantified) in a reliable, consistent way. |
| | Reported as numbers. |

## We gather and use personal and non-personal data and information

We can gather any kind of data and information, as long as it's needed for our job. Sometimes that will be information that shows who someone is, sometimes it's not about people at all.

Non-personal
data or
information

Personal data
or infomation

Identifying data
or information

This can be information or data about an agency or organisation. For example, information about continuous improvement plans or policies. It might also be information about a community.

It can be information or data *about* people, if there isn't any likely way to identify individuals. It might still be sensitive and have a lot of detail about people's experiences.

This is information or data about people that *could* identify who they are. For example, if it is put together with other information about them or is used in a certain place or way.

A CYRAS number from Oranga Tamariki doesn't identify anyone by itself. But if it's used in Oranga Tamariki it could.

This is information or data about people that *easily identifies* who they are. Things like names, addresses, phone numbers that could be written on interview notes or shared from agencies.

Personal data or information might be about staff and professionals, as well as tamariki, rangatahi, whānau or caregivers. Staff and professionals have the same rights to privacy as anyone else.

The Monitor will avoid collecting identifying data or information whenever it can and won't ever publish it.

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# We must always have a clear purpose for anything we collect or use

While we are to collect any type of data or information, we need to be clear about the purpose and how that helps us understand the parts of the Oranga Tamariki system we are overseeing. We have a legal and ethical obligation to avoid "over-collecting".

To think through whether there is a clear and reasonable purpose for any data or information we request or collect we think about three key questions:

- Will it help answer the questions about the Oranga Tamariki system that we need to know?
    - Do we know how this data or information will "roll up" into a system view?
    - Will not having this make it difficult for us to do our job?

- Do we need to collect it "new" ourselves or is there already something that will work? For example:
    - Do we need detail about caregiver training from every caregiver we interview or would gathering it from the agency be enough?
    - If another organisation has recently spoken to tamariki and rangatahi in a community about a topic the Monitor is looking at, can we ethically use that information rather than asking them again?

- How much do we need? For example:
    - What parts of a conversation with a tamariki need to be recorded and which parts may not need to be?
    - In a dataset, what pieces do we not need, like identifying information?

Sometimes it's obvious why we need to gather a piece of data or information. Other times it's not as clear; for example, dates of birth or ethnicity. Being clear is about believing that it is "reasonably necessary" to collect it, that we are quite sure it will help us in our work, and that we can explain and show how we think it's relevant to what we do. "Reasonably necessary" doesn't mean that something is collected because it might be interesting or just in case it might be needed at some stage.

> "Just in case" isn't an okay reason to ask for data or information.

# We have special obligations when we collect data or information about people

**When we talk to people and ask for their views, experiences and thoughts we are collecting personal information.**

We need to be transparent with them about several things which supports people to give informed consent to talking with us. We need to let them know:

- why we need it, how we will use it and if it will be recorded in a way that identifies them
- who will see it or get a copy of it (most of the time it will only be Monitor staff who need to for their jobs, but we might share some information with other agencies if there is a risk of harm to someone)
- that the Privacy Act allows us to ask for information and use it for our job, so will the Children, Young People's Commission and Oversight of Oranga Tamariki System Bill
- that they can choose to talk with us and if we quote them it will be anonymously, they can stop at any stage and change their mind about us using the information they have already shared
- they can ask for access to any information we have that identifies them and ask us to correct it if they think it is wrong
- what the contact details are of the Monitor (who will store the information)
- how long we will keep it
- how we won't use it or what we won't do with it (eg we won't use their name in anything or that we won't link information about them from different places)
- if, and how, we will come back to check in with them about how we are using it
- how they can find a copy of our reports.

Remember that personal information may or may not easily identify who the person is. Even if it doesn't, we still need to be transparent about these things.

> We must let Oranga Tamariki or the Police know if we are concerned about the safety or wellbeing of tamariki or rangatahi.

## We can directly talk with tamariki and rangatahi

Most of the time, tamariki or rangatahi will be able to consent to talk with us if the person engaging with them communicates clearly. If there is a reason to think that they can't provide consent, we should get consent from their parent or caregiver. However - tamariki or rangatahi are always free to stop sharing their information at any stage or ask us not to use their personal information. Our Code of Ethics and Kawa on "Engaging with Tamariki and Rangatahi" have more detail about this.

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### We can collect data or information about a person from someone else

While most of the time we are collecting information about the system, there may be occasions where we need to collect information about a specific person from someone else or another agency (a "third party"). If we do that, we must write to that third party to let them know:

- the purpose of our request, including why we need it and how we will use it
- when it's needed by and how we'd like to receive it
- if they have a choice in providing it or it's mandatory to provide it (under National Care Standards Regulation 84) and the consequences of not providing it
- if anyone other than Monitor staff are likely to see it.

# There are set ways of sharing data and information between agencies

### We collect data and information directly from agencies.

As well as asking people directly for information, we collect data and information from agencies. This might be information about the agency itself, the way it works, its policies and processes, how it has supported tamariki and rangatahi, or information about tamariki or rangatahi themselves.

We have Relationship Agreements with the agencies that have care or custody of tamariki or rangatahi. These cover off how we work together, including around data and information. We also have set processes for making requests for data and information that cover off things like:

- how requests are made
- the timeframes for responding to requests
- how data or information will be securely shared and stored
- what happens if there are questions about the quality, accuracy or validity
- who is responsible for making sure that people know their information may be shared with us (if relevant)
- how we will check with agencies to make sure what we are doing with the data or information is accurate and fair
- what the process is for disposing of data or information
- who is responsible for answering questions or queries on the data or information.

Aside from our public reports, we can share some data and information with key organisations.

We can share non-personal data and information that we hold with Māori or iwi organisations, where we have clear agreements with those iwi or Māori organisations about what will be shared, how and why before any information is provided.

This kind of sharing is important so that these groups know and understand how Māori tamariki and rangatahi experience the Oranga Tamariki system and to help them grow their supports and services. An example would be to give an iwi information about caregivers' experiences in their rohe and what additional supports they might need.

The Monitor can also share data or information with the Office of the Children's Commissioner (OCC) and the Ombudsman. We could share information from our monitoring of the Oranga Tamariki system if we thought it would make it easier on the other agencies, minimise duplication between agencies or help OCC or the Ombudsman in their work. For example, if we have information about tamariki and rangatahi attendance and involvement at school and the other agency is looking into education services for tamariki.

# Caring for data and information matters through all phases of our work

Almost all aspects of our work involve some consideration of data and information and how to work with it safely and respectfully. The following table outlines the most important things to keep in mind throughout the phases of our work.

| Whanaungatanga — Engage / Whakawhānui/Whakatūhura — Identify and explore | Hōkaitanga — Scope / Whakaaro — Field work and gather insights | Tātari — Synthesise findings / Whakamahi — Draft and consult | Whakapuaki — Finalise, publish and share / Turukitanga — Follow up and maintain |
|---|---|---|---|
| **Before we gather data or information** | **When we gather data and information** | **When we use data and information** | **When we share and care for data and information.** |

### Whanaungatanga — Engage / Whakawhānui/Whakatūhura — Identify and explore
**Before we gather data or information**

Plan for what data or information we will collect and use before we ask for it.

Get clear about the purpose and write it down. Describe things like:
- What data or information we anticipate we need.
- How having it will help us do our job and what the outcome of using it will be.
- Who we will collect it from (the person themselves or through someone else?)
- How we will use it.
- What we won't do with it.
- Who else might see it, in what form and why.

Remember, we must only plan to collect data or information that could identify someone if we really need it and can't do our job without it. Even if it's just a name written in a note book.

Even with information that doesn't identify people, aim to only collect the minimum we need to do our job and don't collect information 'just in case' or because it might be interesting.

Think about how to make it easy for the people or organisations to provide what we ask for – what reliable and robust systems, forms, processes or approaches will help. How can we reduce doubling up on asking for information?

Talk to others about what they think is respectful, relevant and useful for us to gather or use and how we should do that.

There are some contextual things that might affect how appropriate or reasonable it is to collect or use information, and need careful thinking:
- What was the original reason data and information was collected?
- Is it emotive, sensitive, controversial or could its misinterpretation uphold bias or prejudice?
- How might collecting it or using it impact on peoples trust in us, in other agencies, or their relationships with other people (like their own whānau?)
- What importance or relevance does the information have to Māori or iwi groups?

Put in steps to keep data and information secure and safe before you need to.

Follow the data and information request processes we have agreed with other agencies.

### Hōkaitanga — Scope / Whakaaro — Field work and gather insights
**When we gather data and information**

When we ask someone for their information make sure they know:
- Why we need it and how we will use it.
- Who will see it or get a copy of it (most of the time it will only be Monitor staff who need to for their jobs).
- They have a choice about talking with us. They can stop at any stage and choose if we use information they have already shared. Ask for their agreement to quote them.
- They can ask for access to any information we have that identifies them and ask us to correct it if they think it is wrong.
- How we won't use it or what we won't do with it.
- How long we will keep it.
- If we will come back to them later to check in with them about how we are using their information.
- How they can find a copy of our report and findings.

If gathering information from a group of people – work with them to agree how they will all respect the information they share with each other and with you.

Reflect: – check in with people as you talk to them that what you are gathering is accurate.

When we request data or information from an agency:
- Let them know the relevant things listed above that you'd tell an individual.
- Also agree the timeframes, the format, the secure way of sharing it, what will happen if I have a question about validity of the information and who is responsible for making sure people know their information could be shared with the Monitor.

Think Privacy and follow our Privacy Policy
- Use secure and approved ways of collecting and sharing data and information.
- Take all the steps you can to keep documents and information safe and secure in the office and on the road.
- Talk with each other about your work and what you are learning in private.
- Remember that not all staff at the Monitor need to see the details of data or information being collected.
- Only share names and details of people we are interviewing with connectors.

Review - keep checking you're only collecting what you need. If you thought you needed something but find out you don't – stop collecting it.

If you're worried about the wellbeing of tamariki or rangatahi immediately talk with your manager, and follow our child protection policy. There is NO legal reason you can't share information with Oranga Tamariki in these situations.

### Tātari — Synthesise findings / Whakamahi — Draft and consult
**When we use data and information**

Use robust, reliable, fit for purpose methods and approaches to analyse and synthesise data or information.

Pay attention to context like the original reason for the information being collected, how emotive it could be, its relevance to Māori and iwi. Avoid perpetuating stereotypes through use od data. Make sure how you use it builds trust in the Monitor.

Pay attention to caveats and limitations to avoid misrepresenting or misusing data and information.

Check in with tamariki, rangatahi, whānau, caregivers and frontline staff that we have understood, interpreted and themed their information accurately and fairly.

Check in with agencies that we have understood, interpreted and applied their data and information accurately and fairly.

Think Privacy and follow our Privacy Policy
- Use secure and approved ways of storing data and information while you analysis it, and only allow access to those who need to have it.
- Take all the steps you can to keep documents and information safe and secure and not open for people to see if they don't need to.
- Talk with each other about your work and what you are learning in private.
- Remember that not all staff at the Monitor need to see the details of data or information.

### Whakapuaki — Finalise, publish and share / Turukitanga — Follow up and maintain
**When we share and care for data and information.**

Be clear about who needs to know what and how:
- Who might need access to more detail then the public report? Why would they need it and is it reasonable and ethical to provide it?
- For example what might the agencies, Māori and iwi organisations or local communities benefit from understanding?
- Publish our learnings in interesting ways for tamariki, rangatahi, whānau and caregivers.

Be accurate - use graphs and tables that don't distort data and make sure stories and descriptions accurately represent findings.

Check in with tamariki, rangatahi, whānau, caregivers, frontline staff and agencies:
- What was it like engaging with us and sharing their data or information?
- How easy to understand and helpful was our report?

Reflect:
- Did the methods, techniques and tools for gathering, analysing, sharing and storing data and information give us an accurate and useful result we can be confident in?
- Were they easy to use?

Think Privacy and follow our Privacy Policy
- Don't share any information that will identify people (and in some cases communities) with any other professionals or organisation unless it's to protect someone from harm.
- Store data and information (electronic and paper based) in secure places accessible only to those who need to have access. Avoid storing information on your work hard drive if possible.

Think carefully about information or data that can identify someone:
- Keep in mind that while a piece of information by itself might not identify someone – if it is combined with something else it might be able to.
- Make sure any information that identifies someone can be retrieved if that person asks for it in the future.
- When we store data or information consider how appropriate it is to remove any information that identifies someone if they have asked us to.
- Complete Privacy Act requests in a proactive, helpful and timely way.

Follow our Official Information Act policy if needed.

Only keep information and data for as long as we need it and then make sure it is returned or destroyed (follow our information management policy).

# We are led by laws and guidelines

There are a number of key laws and guidelines that impact on how we can collect, use, share and store data and information.

## Laws and guidelines that are specific to the Monitor

### Children, Young People's Commission and Oversight of Oranga Tamariki System Bill

In development.

### Independent Children's Monitor Data Strategy

This is the overarching manual for how we use and protect data. It covers additional technical issues like data architecture and management and security requirements, as well as information in this handbook.

### Independent Children's Monitor – Information Rules

When enacted, the Children, Young People's Commission and Oversight of Oranga Tamariki System Bill will require the Monitor to have a set of information rules. These rules formally set out what we will and won't do in relation to collecting, using and disclosing (sharing) information. The Bill will directly regulate how the Monitor and Ombudsman manage information under their legal mandates as well.

These rules will form part of our Relationship Agreements with agencies that we collect information from or share information with.

## Other laws and guidelines that apply to the Monitor

### The Privacy Act

The Privacy Act sets out the legal parameters all organisations, agencies and individuals must follow when they collect, use or share personal information about people. Personal information is generally considered to be any kind of data and information about an individual that identifies them or could easily identify them in the right circumstances.

For the Monitor, the Privacy Act matters whenever we ask for information about people that could identify them. It might be the information we collect when we interview tamariki, rangatahi or whānau. Or it could be data that another agency shares with us, if it is possible for us to identify who people are when we use it.

The Privacy Act doesn't cover how we should care for data or information about organisations or agencies. It also doesn't apply to information about people where there is no way to identify who they are. For example, if another agency sends us "de-identified" data sets about tamariki

assessments or plans, while the data comes from personal information about individuals in their CYRAS records, anything that would make it possible to identify individuals is removed.

You can find out more about the Privacy Act here: https://www.privacy.org.nz/

### The Official Information Act

The Official Information Act (OIA) lets New Zealanders ask for access to records and information (meaning anything from emails to advice to Cabinet) about almost any part of government's work. The OIA is about engaging people in how New Zealand is governed, it's about transparency and accountability for the Government and government departments.

You can find out more about the Official Information Act here:

http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html

### The Data Protection and Use Policy

The Data Protection and Use Policy was designed with the involvement and collaboration of social sector agencies following a large public engagement process. It is endorsed by Cabinet.

It helps anyone working in the social sector to think about what it means to be respectful, transparent and trustworthy with data or information from or about people. It acknowledges the unique context and relationships that exist in the social sector and between those who provide services and those who receive them.

You can find more information here: https://dpup.swa.govt.nz/

### Māori Data Sovereignty Principles

These are a set of principles developed in 2018 to guide thinking around issues of Māori data governance and Māori data sovereignty. Te Mana Rarunga describes Māori data as "digital or digitisable information or knowledge that is about or from Māori people, our language, culture, resources or environments". Māori data sovereignty is defined as the "rights and interests that Māori have in relation to the collection, ownership and application of Māori data" and Māori Data Governance as "the principles, structures, accountability mechanisms, legal instruments and policies through which Māori exercise control over Māori data".

You can find more information here: https://www.temanararaunga.maori.nz/

### Nga Tikanga Paihere Principles

StatsNZ developed these principles with Māui Hudson, Associate Professor at Te Pua Wānanga ki te Ao, Faculty of Māori and Indigenous Studies, University of Waikato. The scope of the principles was initially around the use of the Integrated Data Infrastructure. However, StatsNZ encourages others to think about the principles in other contexts.

You can find more information here: https://data.govt.nz/use-data/data-ethics/nga-tikanga-paihere/#development