Social Service
Providers
Aotearoa

Government Consultation Forums

Investing in Social Wellbeing

Data Protection and Use

SPPA BRIEFING PAPER

Introduction

The Social Investment Agency (SIA) is holding forums around the country to consult with social service providers on two significant matters:

- Investing for social wellbeing
- The protection and use of client information.

SIA is also consulting with government agencies, iwi, service users, and others with a special interest or expertise in social services.

Social Service Providers Aotearoa has prepared this briefing paper to assist the consultation and to provide an opportunity to think about some of the issues prior to taking part in a consultation forum. It draws on information prepared for the SIA consultation working group and two ComVoices papers on client data, published in 2016 and 2017.

We hope this leaflet will be a useful starting point for discussions. It notes the key issues and, where appropriate, summarises our views and poses some questions to think about. You may not always agree with our views. That's OK; the important thing is to take part in the consultation and talk from your knowledge and experience.

Background to the consultation

The previous government's social investment approach was heavily dependent on data collected by government agencies to predict at-risk children and families and target social services to those families. This approach was accompanied by a policy requiring social service providers to share identifiable client data as part of their contract with government. It was stopped following widespread opposition; the current consultation is intended to reset this approach.

The government is seeking to redefine social investment. Investing for social wellbeing aims to use a broader range of evidence to guide policy decisions on social services, as well as stronger engagement with the sector. To set the tone, there is to be widespread consultation on the shape and direction of the new policy.

SSPA has been involved in planning the consultation, along with other representatives of the social service sector, as members of the consultation working group.

The level of engagement is extensive, with 140 forums in 28 locations, and separate forums for NGO service providers, government agencies, service users, iwi, and others with a special interest.

SSPA views the consultation as a genuine opportunity for everyone with an interest in the social service sector to contribute to the development of policy guidelines and protocols on investment in social services and the collection, storage and use of clients' personal information.

Consultation forums

SSPA will notify members of the times and venues of the consultation forums once these have been announced. Keep an eye on our weekly email newsletter *SSPA Quick Update.*

Investing for Social Wellbeing

The government's approach—Investing for Social Wellbeing—takes a broader approach than that of social investment. The main features fall into four themes—these are summarised below.

Consider what they might mean for your clients and the way your organisation works, the relationship you have with government agencies, and the relationship you have with other service providers.

Theme 1 Puts people at the centre	Recognises that people have different lives and needs; solutions are not easy. People's dignity is to be respected. People are to be given clear, understandable information about decisions that affect them.
Theme 2 Makes better use of a wide range of data	Data and evaluation results will continue to be important. But a broader range of evidence will be required, such as: Listening to people's experiences; Frontline knowledge on what interventions work; Testing and trialing new ideas.
Theme 3 Building partnerships and trust	A stronger focus on working in partnership with stakeholders, including service providers, service users, peak bodies, people with disabilities, government agencies, frontline staff. Bringing together the combined knowledge to solve complex and cross-cutting issues such as poverty, mental health and housing. Rebuilding confidence in the ethical use of data.
Theme 4 Clear goals and robust measurements	Government agencies and key stakeholders collaborating towards the same outcomes. Measuring the impact of services and progress towards goals. Guidance for government agencies to make fiscally responsible and evidence-based decisions on where to invest to improve wellbeing.

Data Protection and Use

The Social Investment Agency has identified what it sees as the key issues for discussion around the collection, storage and sharing of clients' personal information.

Under each of the headings we summarise SSPA's views and suggest some questions for you to think about.

ISSUE 1 Only what is needed	What we think	Questions to think about
The fundamental principle around the collection, sharing and use of personal information.	The "only what is needed and specifically why" principle is a fundamental tenet for the collection, use and storage of personal data. We should be able to give the client a clear explanation as to why we are collecting their personal information if it is needed. Personal information should be anonymised, unless there are sound reasons not to and the client knows and agrees to these. Government agencies should not ask for personal information without providing a clear explanation of the specific purpose.	What process should there be if a government agency asks for personal data without a clear explanation of purpose, or if you think the purpose doesn't justify the request? When is it justified to share identifiable client data rather than anonymised and aggregate data? Do the staff and volunteers in your organisation understand the law on privacy? If not, what would help to build understanding?
ISSUE 2 Client consent	What we think	Questions to think about
Issues around gaining client consent to collect, store and/or share their personal information.	Service users must give informed consent before their personal information can be collected, stored and/or shared with other organisations. They need to know: - Why their personal information is needed; - Who will have access to it, and why; - What control they have over it; - Whether they can trust the organisation holding their information; - How long the information will be held; - What happens if they refuse consent. A requirement to collect and share personal data should not be a condition of contract funding for service providers.	What does a good consent process look like? Are there any situations where consent should be a condition of service? What concerns do clients raise about sharing their personal data? What resources do you need to help clients give informed consent?

ISSUE 3
Safety and capacity

The measures that should be in place to protect client information.

What we think

Service users need to know:

- Their personal information is secure and away from prying eyes;

- If their data is shared, which government agencies will be able to access it, and why;

- How to check their information is correct.

Service providers need to know:

- Who is responsible for protecting data once it has been shared;

- How to set up systems and protocols to protect personal information;

- What the law says about data privacy and how to ensure compliance.

Organisations will face additional costs in setting up systems and training staff to provide secure systems for the storage and management of personal information.

Questions to think about

Do service providers retain any liability for the security of information they have shared with another organisation?

What level of assistance, staffing and training will organisations, small or large, require in order to comply? Who will provide it and how will be funded?

List the resources that would help – for example, templates, information leaflets. Who should provide them?

Should government provide a database where providers can store information safely?

ISSUE 4
Sharing value

Sharing insights to contribute to better services.

What we think

We need data to help make decisions and allocate resources, both at government level and at service-delivery level.

The insights and information we gain from our knowledge of the community and from working with clients can be used to improve services, our own and those of government and other organisations.

Service providers need to have clear and well-understood protocols, and about how to record and share information in a useful way that will not breach client confidentiality.

Questions to think about

What could government learn from you? What would be useful to share with other service providers?

What information would it be helpful for you to get from government?

What assistance do you need in order to establish guidelines and protocols on sharing information while protecting client confidentiality?

ISSUE 5
Transparency and good communication

Building understanding, trust and confidence.

What we think

Good communication is based on transparency and respect, the basis for building trust and confidence. This applies to the relationship between the service provider and client, and the relationship between the government agency and service provider.

Transparent and respectful communication, whether verbal or written, is in clear, jargon-free language appropriate to the needs of the listener / reader.

Good communication will be sensitive to different cultures and to the particular needs of those for whom English is not the first language, and those who need the information to be in their own language.

Questions to think about

How does your organisation communicate with service users about the way their personal information is used?

How does your organisation recognise different cultural norms when communicating with service users?

How can service providers communicate effectively with those who speak a different language and have little English?

ISSUE 6 What else is it important to know about		Questions to think about Are there other matters we need to take into account when developing policy on the secure collection, storage and sharing of client data?

ISSUE 7 Guides and tools **What kind of guides and tools would be useful.**	**What we think** Digital tools may not be available to clients and small organisations so should only be available as an option, not as a replacement for printed tools. Information resources must be in plain, jargon-free English, including easy-to-read and understand posters and leaflets. Information tools in languages other than English are also necessary, and access to translators (for example, CAB Language Connect phone translation service). Service providers will require guidelines and manuals to accompany new policies, systems and protocols around data protection and use. .	**Questions to think about** Who should develop guides and tools? Who should pay for them? What sort of information and in what form will your organisation require? What sort of information and in what form will be useful for service users?

ISSUE 8 Implementation **How organisations can understand and begin to implement the policy.**	**What we think** Policy, systems and protocols around data protection and use need to be consistent across all government agencies. Service providers will require clear and timely information resources, guidelines and workshops on new policies and protocols, with access to additional funding and expertise as required for compliance. There needs to be a system of enforcement with clearly understood penalties for breaches of privacy. There is need for a recognised authority to resolve conflict around data storage and sharing.	**Questions to think about** What sort of assistance will your organisation require to comply with new policies on data protection and use? Should the Privacy Commissioner be the arbiter for dealing with conflict around data storage and sharing? Should it be another agency or a newly-established position? What degree of enforcement is required?