



# The Data Protection and Use Policy Purpose Matters Guideline – a summary



There are many reasons why it can be useful to collect or use data or information that is from or about people. It might be used to decide if someone is eligible for a programme, to show how a service is running or if a service is achieving good outcomes.

**The Purpose Matters Guideline** is about how to develop and communicate those reasons. Being clear about purpose, and involving others in planning and deciding what’s appropriate and what’s not, is the foundation for relevant and useful information, and using it in respectful, trustworthy and transparent ways. Being clear about purpose is also critically important to know whether an idea about collecting or using people’s information is legal.

The Privacy Act 2020 is clear that personal information (that does or can identify someone) should only be collected if there is a clear and reasonable need for it, and that it should only be used for the purpose it was collected. There are some exceptions to this, but they’re quite specific, such as serious risks to people’s health and safety.

This Guideline is also relevant to information that does not or cannot identify people. This is because even when information has been de-identified it can still contain information that people may find sensitive, or who may have a clear and fair interest in understanding how and why it might be used, and being involved in the decision or the approach.



## Be clear about purpose from the start...

Being clear helps make sure the work is legal and ethical. This is part of being a **kaitiaki**. Data and information can only be used for the purpose it was collected — any other purpose needs separate consideration.

Being clear helps make sure the way collection happens and the way that the information is used uplifts and empowers people. This is about the **Manaakitanga** and **Mana Whakahaere Principles**.

Being clear and having a good description of purpose makes it easier to be open and transparent with others, including service users.

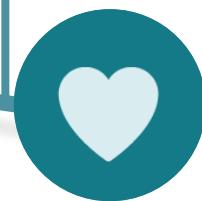
Being clear is a good basis for things like privacy impact assessments. A good purpose statement will also cover off a lot of what agencies need for a good privacy statement.

Being clear helps make sure the outcome of the collection or use is beneficial to people. The benefit needs to be direct — not a ‘might’ or a ‘could’. This is about the **He Tāngata Principle**.

Being clear helps avoid overcollection — **‘minimum necessary, not maximum possible’**. ‘Just in case’ is not an okay reason to collect data or information.

Being clear helps avoid inappropriate use or using data or information for something it wasn't collected for. ‘We have it so let’s use it’ is not an okay reason to use data or information.

## ...to make sure data or information use improves wellbeing and builds trust.



### Describe in a simple, easy to understand way

- What the purpose of collecting or using this information is. What are the activities, tasks, processes or decisions it informs or enables?
- What are the intended outcomes and what will be their impact. How does this improve people’s wellbeing?
- What information or data is needed. Does it need to be collected or used in a way that does or can identify people (personal) or in a way that will not or cannot identify people (non-personal or de-identified)? Is it needed from everyone? Look closely at whether and how choices can be offered.
- If the data or information needs to be linked or matched with other information to achieve the outcome or answer the questions.
- What laws, other than the Privacy Act 2020, allow the information to be collected or used in this way.
- What choices people will have about the collection or use — and if they don’t have a choice outline why.
- What checks and balances, or safeguards, have been used to check that this is fair and reasonable, and that the benefits and any risks to people and communities have been thought through.

If other agencies collect data or information from service users on your behalf, then make sure they are provided with all the information they need to explain these things to people.



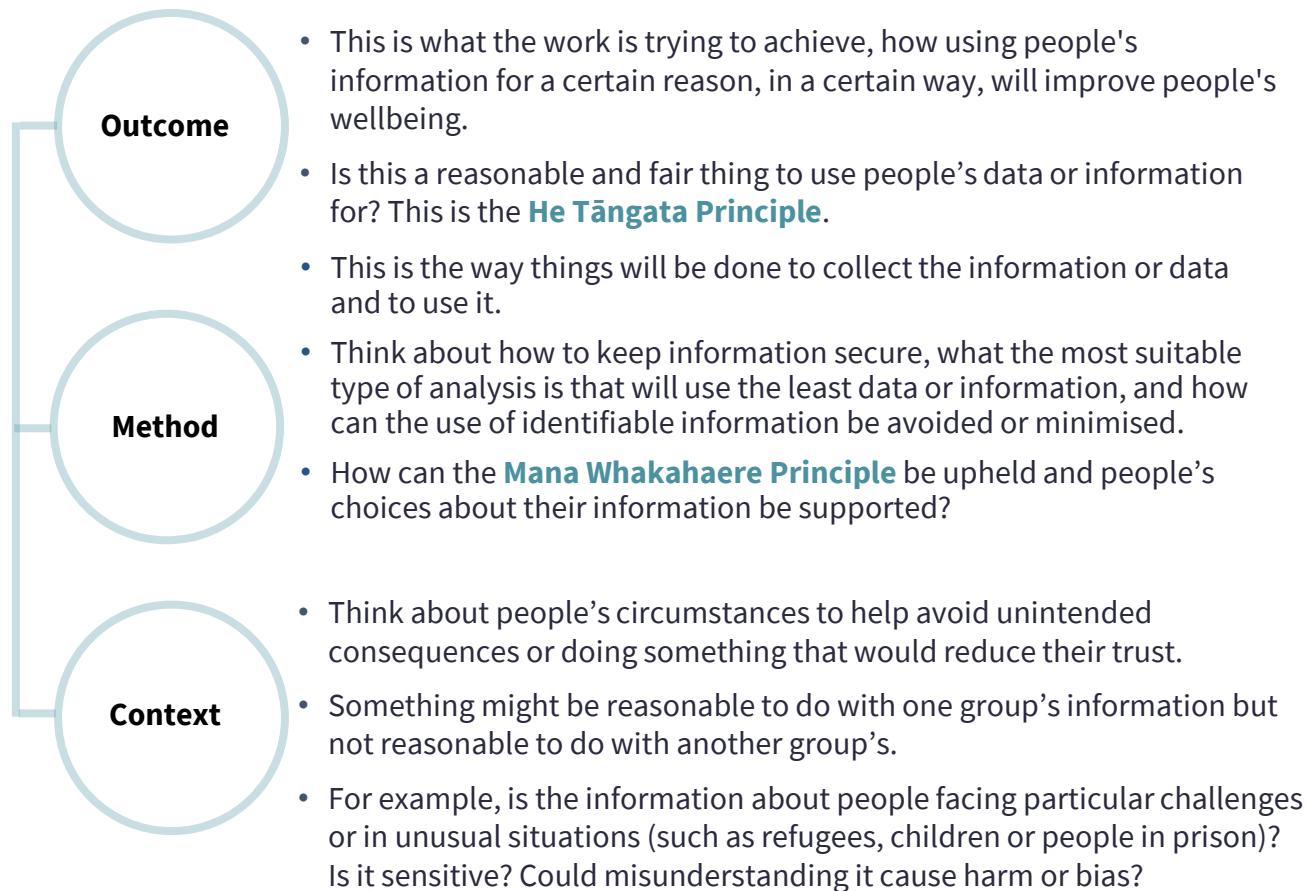
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## What does this purpose achieve, and how?

Purpose is about ‘why we need it’ — the activity, task, process that it will be used for. It’s also about the reason behind that activity — the overall outcome. The outcome needs to improve people’s wellbeing. Purpose is also about the way data or information is collected or used (the method) and the situation of the people it’s about (their context). Given their context, is it fair, reasonable and respectful to use people’s information for this thing, in this way, to achieve this outcome?

## Purpose in 3 parts:



## Use checks and balances

Part of the role of a **kaitiaki** is to check that the purpose is fair, reasonable and respectful. Checks and balances will look different depending on the type of data and information, who it’s about, who is going to use it, how and why. It will not always be possible to check directly with every individual service user when deciding how to collect or use it, but what other ways can you get service user views? Uphold the **Mahitahitanga Principle** — work with others to decide what is fair, reasonable and respectful.



## ! Keep in mind

- What is reasonable in one sector (for example, private business or a university research area) might not be reasonable in another.
- ‘Just in case’ is not an okay reason to collect data or information and ‘we have it so let’s use it’ is not an okay reason to use it. If data or information is collected for one purpose, using it for something separate needs new consideration.
- Saying that data or information will be used for ‘research or statistical purposes’ is not clear enough to define a purpose.