



The Data Protection and Use Policy (DPUP)

DPUP summary for frontline leadership



As a manager or leader you can model the DPUP Principles and keep the focus of collecting or using people's data or information clearly on the **He Tāngata Principle**. Help to create a culture of **Manaakitanga** and **Mana Whakahaere** where the information and data that people share is cared for in a respectful, trusted and transparent way.

When DPUP talks about data and information, it means any data or information from or about service users, their whānau or communities. For example, someone's phone number, an assessment record or an Excel spreadsheet that shows the age, gender and length of time people were involved with a service.

The DPUP Principles are values and behaviours that underpin respectful, transparent and trusted use of data and information:

He Tāngata Improve outcomes for service users, whānau and communities.

Manaakitanga Uphold the mana and dignity of those who share their data and information.

Mana Whakahaere Empower people – include them and enable their choices.

Kaitiakitanga Act as a steward in a way that's transparent, understood and trusted.

Mahitahitanga Work as equals to create and share valuable knowledge.

See the full versions of the Principles at: digital.govt.nz/dpup/principles

Be transparent with service users

Transparency is about respect and building trust. Help people understand about the collection and use of their data or information, their right to access it, ask for corrections and what choices they have.

Collection and use

What's collected or used, why it's needed, how it will be used, and how that will help them or others.

If and why it will be linked with other information about them.

What it will not be used for and who will not see it.

If and why it will be shared with other agencies or professionals.

What laws allow the collection or use.

Access and corrections

Their right to access data or information and ask for corrections to be made.

What will happen if the information will not be changed in response to their request.

Choices

What choices they have about who sees their information or how it's used.

If they don't have a choice, why. How they can be involved in decisions around the use of their data or information.

Keep in mind

Keep in mind that people can think of their information as being about them even if it does not identify them. It's good practice to be transparent and offer choice even if the information is collected or used in a way that won't identify them.

Be transparent about purpose

In some situations you may not be the person deciding what data or information to collect or how to use it. In other situations you may have a lot of room to decide what information to collect.

Either way, it's vital to understand why your agency is collecting people's information, and how it will be used by your agency or other agencies that you may share it with.

If you're not sure, then it will be hard to be transparent with service users. The Privacy Act 2020 tells us we must be transparent when it's their personal information (it can or does identify them). DPUP recommends this as good practice when it's about them but doesn't identify them.

Remember that misinterpretation, misuse or careless use of people's information can have serious consequences for them, their whānau or community. Approach purpose in an inclusive way to understand what's reasonable and how to explain it.

The Transparency and Choice Guideline has more information: digital.govt.nz/dpup/guidelines

Make sure staff understand the purpose of any data or information they collect or use, and are confident they can explain it to service users.

If you decide what to collect (for example, when setting up contracts or designing assessments), get a wide range of views, including from service users, about what is fair and reasonable.

Work with other agencies that your agency shares data or information with to agree and record what the purpose is, and how it will be explained to service users. If appropriate, agree how the outcome of using the information will be communicated back to them.

Make sure your agency has clear, easy-to-use explanations for service users, and processes for ensuring they can ask questions about purpose.

Keep focused on the **He Tāngata Principle**. Make sure it's clear how any collection or use of people's information will benefit them, people in similar situations or the wider community.

Being clear about purpose isn't just being ethical. The Privacy Act 2020 says information should only be collected if there is a clear, reasonable need for it and it should only be used for the purpose it was collected for, unless there is a specific exception.



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Support choices

People should have as many choices as possible about their data or information. Choices can be about what information is provided, how it's provided, recorded or shared, and who gets to see or use it.

There may be situations where it's not safe or appropriate to offer choices. Consult with others and think about this carefully as it can have negative effects on people's trust and engagement. The way you can support choices will vary depending on the work you do and how you interact with service users.

The **Mana Whakahaere Principle** asks you to:

- where possible, give people choices and respect the choices they make
- give people easy access to and oversight of their information wherever possible.

- Develop resources and training so staff understand the choices people have around their data and information and are confident to support people to make those choices.
- Focus on encouraging service users to feel safe and empowered in making choices around their data and information when they engage with your agency.
- Make sure explanations about choices are available in user-friendly, accessible and easy to understand ways.
- Listen to service users' views on what's reasonable and fair if you decide what to collect or how to use it. If you do not decide, then help anyone who does understand what choices can be offered, and encourage them to listen to service users' views.
- Have processes so that service users can reconsider what choices they might want to make. Things change and making a choice isn't a one-off thing.
- Ensure systems, processes and policies support easy access to data or information for staff and service users. Think about how data and information is stored and recorded.
- Consider letting service users nominate a representative or advocate to help them with access.
- Encourage staff to think about and talk about access and correction as part of everyday work.
- Train staff to handle requests for access or correction in respectful and mana-enhancing ways.
- Understand the access needs of different groups like children and young people, English as a second language speakers, and so on.
- If your agency shares data or information with other agencies, then develop easy, trustworthy systems for service users to access their information from those agencies without having to duplicate their requests.

Be proactive about access

People have a legal right to access their personal information (that does or can identify them) and ask for corrections to be made, except in specific situations. Be proactive and make it as easy as possible for service users. Do not wait for them to ask. Tell them about their rights, and encourage and support them to use those rights.

There are lots of ways to be proactive. Think about the context of your work as well as any relevant legal, organisational or ethical requirements.

Sharing data and information

- Generally sharing information at the frontline is about sharing personal information (that does or can identify people) between agencies so service users can access support.
- Sharing value is about sharing the knowledge created using data and information from or about service users, whānau and communities. It's about the **Mahitahitanga Principle**.

Share value

- Look for opportunities to use your expertise to help shape data analysis, research or other ways of understanding data and information.
 - Advocate for service users' voices to be included.
 - Advocate for service users' choices about how their information is used to create insights.
 - If you create insights, do research or other forms of analysis, then safely share it to grow collective knowledge. This includes sharing the de-identified data sets with those who have a legitimate interest to improve wellbeing.

Share information

- Uphold the DPUP Principles when sharing.
- Support services users choices whenever possible.
- Follow any other ethical or legal requirements that relate to your work.

digital.govt.nz/dpup/toolkit has more resources and tools, including information about how DPUP works with other laws and information sharing guidance. There is also more information about defining purpose, being transparent with service users and sharing value.