

Hon Kris Faafoi

Minister of Justice
Minister for Broadcasting and Media
Minister of Immigration



17 MAR 2022

Elizabeth MacPherson
Deputy Privacy Commissioner
Office of the Privacy Commissioner
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Dear Liz

LETTER OF EXPECTATIONS 2022/23

This letter sets out my expectations for the Office of the Privacy Commissioner (the Office) in 2022/23. Its purpose is to assist you and the Senior Leadership Team to develop your strategic direction, as reflected in the Statement of Performance Expectations 2022/23 and other strategic planning documents. It should be considered alongside the Enduring Letter of Expectations, Crown Entities Act 2004, and other relevant legislation.

I would like to thank you, your leadership team, and your kaimahi for the contribution you have all made to protecting the integrity of, and lifting confidence, in the public sector. COVID-19 and the uncertainty it presents remains a key issue, and I commend your continued leadership in navigating this and other significant challenges.

I would like to acknowledge the important role of your Office in advising government agencies and businesses on how to protect personal privacy as part of the COVID-19 response. The contribution of your Office to this response is evident in the compliance with contact tracing measures, and businesses' responsiveness to protecting individuals' privacy in the use of these measures.

I would also like to thank you and the rest of your staff for a smooth implementation of the Privacy Act 2020. You have adapted well by utilising new powers to improve efficiency in responding to the increase in reports of breaches of privacy.

As we look towards the next financial year, the impact of the new Privacy Act 2020 will become more evident. The use of new tools and powers under the legislation will support New Zealanders to feel confident that their privacy is protected and while promoting trust in established privacy protection systems. This is particularly important in the context of a greater level of personal information having been needed to reduce the transmission of COVID-19.

Entity direction

My specific expectations for the Privacy Commissioner in 2022/23 are to:

- continue to promote the Privacy Act 2020 and the privacy principles, with a particular focus on raising awareness among groups that have had a historically low level of awareness
- work with other agencies and utilise the full suite of tools under the Privacy Act to raise awareness about prevention of privacy breaches and the protection of personal information, including the implications for privacy of emerging technology
- continue to support New Zealand's international reputation for robust privacy protection, by providing advice and insights on international trends, and maintaining positive connections with counterpart privacy organisations overseas
- ensure there are robust risk management processes in place to provide appropriate oversight and mitigation of risks.

Governance

I trust you will continue to oversee the performance and long-term strategic direction of your Office, consistent with best-practice governance. As well as executing the fundamentals of good governance, I expect you to focus on:

- ensuring your decision-making is supported by quality information, expert advice, and relevant sub-committees
- taking a long-term view towards understanding the communities you serve and defining services according to their changing needs
- continuing to develop and contribute to the Māori-Crown relationship
- supporting diversity, equity, and inclusion in the workplace.

I was pleased to see the former Privacy Commissioner and Senior Leadership Team's assessment of the maturity of governance practices that documents the value of the new Regulatory Alignment Panel and reassures me you have mechanisms in place for robust decision-making. I expect an assessment of governance practice to be undertaken annually, and for a report of the findings to be provided to me before 30 September each year. As part of this report, I would like to see the intended actions for continuing improvement to governance capability, including how any areas of weakness identified in the assessment will be addressed.

While you have the most immediate and direct responsibility for monitoring performance of your Office, I expect you to continue to provide the Ministry of Justice – as my agent – with performance information and timely updates on risks and opportunities.

I invite you to respond to this letter, including any material challenges you foresee in meeting these expectations. I also look forward to receiving your draft 2022/23 Statement of Performance Expectations by 29 April 2022.

Finally, I'd like to acknowledge the work of the Office and look forward to a successful year ahead.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Hon Kris Faafoi
Minister of Justice

cc: Andrew Kibblewhite, Secretary for Justice