

HON MEKA WHAITIRI, MINISTER FOR VETERANS

Approved Information Sharing Agreement: Approval to Consult

August 2022

This paper seeks endorsement of the proposed approach to sharing information about veterans and other claimants and approval to release the attached draft Approved Information Sharing Agreement (AISA) and discussion document for consultation.

The pack comprises the following documents:

- July 2022 Cabinet Social Wellbeing Committee Minute of Decision *Approved Information Sharing Agreement: Approval to Consult* [SWC-22-MIN-0136]; and
- The associated Cabinet Paper *Agreement to Share Information about Veterans and Other Claimants* and appendices:
 - a. Proposed AISA;
 - b. Privacy Impact Assessment; and
 - c. Draft Public Discussion Document.

This pack has been released on the New Zealand Defence Force website, available at: www.nzdf.mil.nz/nzdf/search-our-libraries/documents/?document-type=Official+information&sort=relevance.

No information has been withheld.



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Approved Information Sharing Agreement: Approval to Consult

Portfolio **Veterans**

On 27 July 2022, the Cabinet Social Wellbeing Committee (SWC):

- 1 **noted** that Veterans' Affairs seeks to improve the access to information about veterans and other claimants by introducing an Approved Information Sharing Agreement (AISA);
- 2 **endorsed** the broad approach to the sharing of information about veterans and other claimants, set out in the submission under SWC-22-SUB-0136;
- 3 **approved** the release of the proposed AISA, Privacy Impact Assessment and discussion document attached under SWC-22-SUB-0136 for public consultation;
- 4 **authorised** the Minister for Veterans to make minor editorial changes to the proposed AISA and discussion document prior to their release;
- 5 **invited** the Minister for Veterans to report back to SWC on the outcome of consultation and to seek approval to an Order in Council.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Dr Megan Woods
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Peeni Henare
Hon Willie Jackson
Hon Kiri Allan
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan
Hon Aupito William Sio
Hon Meka Whaitri

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for SWC

Office of the Minister for Veterans

Chair

Cabinet Social Wellbeing Committee

AGREEMENT TO SHARE INFORMATION ABOUT VETERANS AND OTHER CLAIMANTS

Proposal

- 1 This paper seeks endorsement of the approach to the sharing of information about veterans and other claimants as set out in the proposed Veterans' Affairs Approved Information Sharing Agreement (AISA). The proposed AISA was prepared by Veterans' Affairs in consultation with other proposed involved agencies.
- 2 Approval is sought to undertake public consultation on the draft agreement.

Relation to Government Priorities

- 3 The proposed AISA will enable streamlined digital access to information about veterans and other claimants for government agencies in order to reduce reliance on paper-based and in-person services. This will also provide a more effective and resilient service to protect veterans from the effects of COVID-19 and provide the basis for recovery. The proposal aligns with the objective of enhancing the level of interconnectedness amongst government agencies, to provide a simpler engagement experience for members of the New Zealand public in order to lay the foundation for a better future.
- 4 In addition, the proposed AISA would enable increased continuity of support for veterans and other claimants in the event of disruption to the continuity of service and support such as that experienced throughout the short term isolation and long-term lock downs required with COVID-19.

Executive Summary

- 5 Veterans' Affairs provides services, entitlements, and support to veterans with qualifying service so that they can be well at home, at work, and in their communities. Veterans' Affairs is a unit within the New Zealand Defence Force (NZDF) and operates under the Veterans' Support Act 2014.
- 6 Veterans' Affairs works alongside other government agencies, in order to provide services, entitlements, and support in the most holistic way possible. Veterans' Affairs clients range in age from 19 to more than 100 years old, and include retirees, those in civilian life, current service members, and their families and whānau. It is estimated that there are over 31,000 New Zealanders who could be eligible for support, services, and entitlements from Veterans' Affairs.
- 7 Veterans' Affairs provides services to veterans and other claimants residing in New Zealand and overseas. In all cases, the provision of a service will depend on whether a veteran or other claimants have applied for, or elected to utilise, a particular service.
- 8 Data held by the various government agencies responsible for veterans' care is often incomplete, inconsistent or not comprehensive enough to enable proactive, effective and efficient service delivery. Many veterans are not aware of the services, support, or entitlements they may be eligible for and may not be registered with Veterans' Affairs.

This lack of quality data not only impacts service delivery but also distorts any assessment of veteran's health and wellbeing.

- 9 The proposed instrument to improve current information availability, access and sharing practices is an AISA. The AISA will clearly set out the overarching purpose, define allowable use and outline receiving parties' requirements concerning information about veterans and other claimants. The AISA, which is required to be enacted through an Order in Council, will authorise any necessary variations to existing legislation and provide transparency around how the information may be used and how privacy will continue to be protected.

Need for Improved Information Sharing

- 10 Issues regarding the sharing of information were identified in the Paterson Report in June 2017 based on a review of the Veterans' Support Act 2014. A recommendation was made that "*Veterans' Affairs review its information-sharing and relationship arrangements with the Defence Force and ACC, progresses information-sharing arrangements with IRD for the purposes of weekly compensation and broader tax issues, and explores ways to share information with health practitioners.*"
- 11 A subsequent survey conducted by Veterans' Affairs in 2021 produced 186 responses illustrating the need for an improved approach to information sharing that reduces the level of reliance on physical documentation and removes intermediary handling and duplication of effort.
- 12 From an agency perspective, the inability to share information makes it difficult for agencies to exercise powers to deny services, to adjust services, prevent fraud or mistaken identity, and to prevent the accumulation of debt. For example, when a veteran enters prison, their financial entitlements cease. However, there is no ability for Corrections to advise Veterans' Affairs of a veteran becoming a prisoner. As a result, the veteran continues to receive support until a point where their location becomes known, during which time debt is accumulated, which is required to be repaid to Veterans' Affairs on release. The difficulty of recouping debt owed is exacerbated by the fact that the veteran is required to contact Veterans' Affairs to re-establish their support as the Department of Corrections is unable to share details of the veteran's upcoming release.

Current Information Sharing Practices

- 13 Prior to the establishment of Veterans' Affairs in 1999, the Ministry of Social Development was responsible for the War Pensions Act 1954. During that time, the Ministry of Social Development had greater ability to receive information from other agencies such as the Department of Corrections and the Department of Internal Affairs. However, these sharing provisions were not carried over when Veterans' Affairs separated from the Ministry of Social Development.
- 14 Most of the information required to assess entitlement for services must now be provided by veterans or other claimants. Due to the age of many veterans, much of this is provided in paper form utilising the postal service. This places a burden on the veteran and other claimants, and results in delays to the provision of services.
- 15 In addition, information is also sought from other government agencies with the veteran's consent. Veterans provide consent at the time that they first access Veterans' Affairs services, which may be years prior to the receipt of services and

support. Even with reminders, due to the composition of the veteran community, many are not in a position to remember providing consent. There is a further challenge in relation to consent as a number of veterans are incapable of providing informed consent, and may not have a representative who is legally authorised to consent on their behalf.

Proposed Veterans Affairs AISA

- 16 An AISA would enable information about veterans and other claimants to be shared between the parties to the AISA. The details of the specific information that may be provided and received by each party, and the uses and purposes for which shared information may be used by that party, are set out in the proposed AISA (Appendix A).
- 17 The following agencies have an interest in becoming named parties to the proposed AISA:
 - Accident Compensation Corporation
 - Department of Corrections
 - Te Tari Taiwhenua | Department of Internal Affairs
 - Health New Zealand
 - New Zealand Customs Service
 - NZDF Health, NZDF Accredited Employer Programme Unit, NZDF Human Resources Service Centre, the Personnel, Archives and Medals Units and the Heritage, Commemorations and Protocol Units within the New Zealand Defence Force
 - The Māori Health Authority
 - Te Tāhuhu o te Mātauranga | Ministry of Education
 - The Ministry of Health
 - The Ministry of Social Development
 - Kairēhita Matua – Whānautanga, Matenga, Mārenatanga | The Registrar-General, Births, Deaths and Marriages
 - Veterans' Affairs.
- 18 Inland Revenue were requested by Veterans' Affairs to be a party to the proposed AISA in order to provide details of veterans' income and details of child support payments made by a veteran. However, Inland Revenue advised that currently information is able to be shared under a Memorandum of Understanding under the Tax Administration Act where consent is obtained without the requirement for an AISA.
- 19 Veterans' Affairs recognises that health records, for example specialist reports or x-rays, are especially sensitive. Therefore, where these are required to be shared between the organisations to support a veteran it is proposed this sharing will not occur under the AISA. Instead, it is proposed that the current process of seeking consent to share these records will be followed and they will be shared in accordance with the Privacy Act and the Health Information Privacy Code.
- 20 Once the AISA has been approved, it will be possible to expand the scope by adding further parties and / or uses of personal information to the agreement. Any proposed addition of parties would likely require public consultation before proceeding with drafting changes to the AISA.

Benefits of the Proposed AISA

- 21 Improving information sharing about veterans and other claimants has the potential to significantly improve the delivery of services, entitlements, and support to veterans and other claimants by:
- 21.1 Easing the burden for veterans and other claimants when assessing eligibility for services by reducing the number of documents that need to be provided;
 - 22.2 Allowing organisations to correctly identify an individual who is a veteran or other claimant for the purposes of support;
 - 22.3 Enabling government agencies to be able to promptly adjust their services if the veteran's situation changes;
 - 22.4 Protecting public revenue through the timely adjustment in funding where another government agency is providing support; and
 - 22.5 Proactively notifying veterans and other claimants of services and entitlements that they are eligible to receive.
- 22 In addition, an AISA would also enable predictable and consistent outcomes for the government agencies involved.

Impact Analysis

Legislative Implications

- 23 The proposed AISA will require an Order in Council before it can take effect. This will be discussed when final policy recommendations are made to Cabinet around May 2023.

Financial Implications

- 24 The development of the proposed AISA has no financial implications. Costs of public consultation will be met within departmental baselines. Costs of the technology and processes needed to implement any process changes will also be met within departmental baselines, with participating organisations meeting their own costs.
- 25 Liability for the provision of services to veterans and other claimants is calculated on the basis of the number of eligible veterans and maximum possible benefit uplift. No extended liability is likely to result from improved information sharing at an individual level as these costs are already included in liability calculations by virtue of being part of a group who took part in an eligible deployment.

Human Rights

- 26 The proposals in the proposed AISA and Public Discussion Document are consistent with the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

Gender Implications

- 27 No specific implications arise with respect to gender from the proposals in this paper.

Disability Implications

- 28 The proposed AISA has the benefit of alleviating the burden on disabled veterans and other claimants by reducing the need to participate in in-person interactions and complete administrative activities.

Climate Implications

- 29 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Treaty of Waitangi Implications

- 30 The proposed AISA does not have any Treaty of Waitangi implications.

Veterans Implications

- 31 The proposed AISA has the benefit of alleviating the burden on veterans and other claimants by streamlining the provision of services and support. It will also enable the ability to proactively notify veterans and other claimants of services and entitlements that they are eligible to receive and to promptly adjust services where a veteran's situation changes.

Regulatory Impact Analysis

- 32 The Treasury's Regulatory Impact Analysis team has determined that the discussion document on the proposal to share Veterans' information is exempt from the requirement to provide a Regulatory Impact Statement (RIS). The exemption is based on advice that the discussion document includes the key features of an interim RIS.
- 33 The Department of Internal Affairs' QA panel has reviewed the discussion document and confirmed that it meets these requirements. A full RIS will be completed at a later date to inform Cabinet's final decisions on this proposal once it returns from consultation.

How the Information will be Shared and Protected

- 34 The proposed AISA and related information sharing processes are being developed on the basis of 'privacy by design' principles so that proposed information sharing provides privacy protection to New Zealanders.
- 35 A high-level description of the permitted sharing mechanisms and required protections is outlined in the AISA (Appendix A). The attached Privacy Impact Assessment (Appendix B) discusses in more detail the possible risks that can arise around the sharing of information about veterans and other claimants, and how these risks should be managed. The Privacy Impact Assessment has been reviewed by the Privacy Commissioner and parties to the proposed agreement.
- 36 At the time when each party is ready to activate processes to start receiving information about veterans and other claimants, they will work with Veterans' Affairs to develop documentation outlining in detail how sharing and protection processes will operate, including how risks will be managed. The Privacy Commissioner will be consulted on this documentation.

Process of Developing the Proposed AISA

- 37 The Privacy Act 2020 requires that an AISA be approved by Order in Council and that consultation on the draft AISA occur. Once consultation has been completed and submissions considered, officials will consult with the Privacy Commissioner (as is also required under the Privacy Act 2020).
- 38 Subject to the outcome of both consultation processes, I intend to report back to the Social Wellbeing Committee by the end of May 2023 with the final proposed AISA. At

that point, I will seek Cabinet's agreement to instruct the Parliamentary Counsel Office to draft an Order in Council that will approve the proposed AISA.

- 39 Subject to approval by Cabinet and the Order in Council process, the AISA could be in place by early 2024.
- 40 Once the Order in Council is made, the AISA will be published online, and Veterans' Affairs will be required to make regular public reports on its administration.

Consulting about the Proposed AISA

- 41 The Privacy Act 2020 requires that an agency proposing to enter into an AISA must consult with the Privacy Commissioner and any person or organisation that represents the interests of the classes of individuals whose information will be shared. As the proposed AISA concerns the sharing of personal information about members of the public, I propose that public consultation be undertaken. The purpose of this consultation is to encourage feedback from targeted stakeholders and the wider public on the proposed AISA. The Public Discussion Document (Appendix C) has been reviewed by the Office of the Privacy Commissioner and parties to the proposed agreement.
- 42 The draft AISA and Public Discussion Document will be published on the Veterans' Affairs website. Submissions can be made as responses to the questions in the public consultation or as separate written submissions.
- 43 The Communications Plan developed by Veterans' Affairs includes direct communication about the proposals with relevant advocacy groups. Veterans' Affairs will also use their e-news, Facebook page and hard copy newsletter to publicise the consultation. Combined, these media reach both senior and contemporary veterans.
- 44 I propose a consultation period of four weeks, beginning as soon as possible after Cabinet approval has been received.

Consultation with Agencies

- 45 The following agencies and departments have been consulted on this paper along with the proposed parties: Inland Revenue, the Ministry of Justice, the Treasury, Statistics New Zealand, the Public Services Commission, Te Arawhiti and the Office of the Privacy Commissioner. The participating agencies and their Ministers have also been consulted on this paper and involved in its development.
- 46 Changes were made to the proposed documents as a result of feedback received from ACC highlighting that the NZDF is part of the Accredited Employers Programme (AEP). The changes enable information relating to a veteran's ACC claim whilst employed by the NZDF to be shared between the NZDF and Veterans' Affairs.
- 47 The Privacy Commissioner has been consulted in relation to the proposed AISA, and supports the proposal to undertake public consultation. During the consultation period, the Commissioner will formally consider the privacy implications of the proposed AISA and decide whether it is appropriate to make a submission.

Communications

- 48 Subject to approval by Cabinet, I am proposing to release a media statement announcing the release of the Public Discussion Document and inviting interested parties to make a submission.

Proactive Release

- 49 I intend to proactively release and publish this paper within 30 business days of final decisions being taken by Cabinet, subject to consideration of any redactions that would be justified if the information had been requested under the Official Information Act 1982.

Recommendations

- 50 The Minister for Veterans recommends that the Social Welfare Committee:
1. **Note** that Veterans' Affairs intends to improve the access to information about veterans and other claimants by introducing the proposed Approved Information Sharing Agreement;
 2. **Endorse** the broad approach to sharing of information about veterans and other claimants as set out in this paper;
 3. **Agree** that officials will publish the attached proposed Veterans' Affairs Approved Information Sharing Agreement, Privacy Impact Assessment and Public Discussion Document to undertake public consultation on the proposed Veterans' Affairs Approved Information Sharing Agreement;
 4. **Agree** that the Minister for Veterans may make minor editorial changes to the text and format of the proposed Veterans' Affairs Approved Information Sharing Agreement and discussion document before their release, if required; and
 5. **Note** that the Minister for Veterans will report back on the outcomes of public consultation and, at that point, seek approval to issue drafting instructions to the Parliamentary Counsel Office to prepare the Order in Council that will approve the proposed Veterans' Affairs Approved Information Sharing Agreement.

Authorised for lodgement

Hon Meka Whaitiri
Minister for Veterans

Appendices:

- A. Proposed AISA
- B. Privacy Impact Assessment
- C. Draft Public Discussion Document

Veterans' Affairs Information Sharing Agreement

For the purpose of improving the facilitation of Services for Veterans and Other Claimants.

Proactively Released by the Minister for Veterans

Information Sharing Agreement

This Agreement is established under Part 7 subpart 1 of the Privacy Act 2020 to enable the Parties to share information about Veterans and Other Claimants.

This Agreement provides Parties with authoritative information about Veterans so that they can take actions such as offering new Services or improving and adjusting existing Services where there is a change of circumstance. Reliable and accessible information about the Veteran and Other Claimants can help a Party to correctly identify the individual and their relationship to the Party, and then to take appropriate action without delay. The action needed might involve the commencement, change or termination of Services.

Obtaining accurate information about Veterans and Other Claimants also improves their ability to apply for Services by removing the burden of providing evidence of identity or status to the Parties.

This Agreement has the potential to significantly improve the delivery of Services to Veterans and Other Claimants through the use of authoritative information, including:

- Allowing Parties to correctly identify an individual who is a Veteran or an Other Claimant for the purposes of providing Services. This would allow Parties to take appropriate action without delay.
- Enabling prompt alterations to the Services provided, including commencement of additional financial support, upon a change in a Veteran's circumstances.
- Easing the burden for Veterans and Other Claimants when assessing eligibility for Services by reducing the number of documents that need to be provided.
- Protection of public revenue through prompt adjustment in funding where another Party is providing Services or a Veteran's circumstances have changed.
- Proactive notification to Veterans and Other Claimants of Services they are eligible to receive.

This Agreement replaces the following agreements or arrangements, in full or in part, once this Agreement is in full effect, including the existence of operational procedures to share the required information:

- Memorandum of Understanding between the Chief Executive of the Ministry of Social Development and the New Zealand Defence Force dated 2 December 2014, Schedule 2 clause 2.
- Memorandum of Understanding between Accident Compensation Corporation and the New Zealand Defence Force dated 27 May 2015

Contents

1. Defined terms	5
2. The Parties involved and the Lead Agency	8
3. Background.....	8
4. Purposes of this Agreement	8
5. Exemptions to information privacy principles.....	9
6. The public services facilitated.....	9
7. Types of Personal Information to be shared.....	9
8. How parties may use the Personal Information	10
9. Adverse Actions	11
10. How to view this document.....	11
11. Overview of operational processes	11
12. Safeguards to protect privacy.....	12
12.1. Staff	12
12.2. Information Handling	12
12.3. Privacy Act Requests	13
12.4. Privacy Breach.....	13
12.5. Audit	13
12.6. Security	14
13. Reasonable assistance provided.....	14
14. Fees / costs	14
15. Dispute resolution	14
16. Review and reporting	15
17. Minor amendments to this Agreement	15
18. Major amendments to this Agreement	15
19. Term, performance, and termination.....	15
20. Party representatives	16
21. Acceptance	16
Schedule 1 – Veterans’ Affairs.....	18
Schedule 2 – ACC	22

Schedule 3 – Corrections	23
Schedule 4 – Customs	24
Schedule 5 – DIA.....	25
Schedule 6 – Health NZ.....	26
Schedule 7 – MHA.....	27
Schedule 8 – MOE.....	28
Schedule 9 – MOH	29
Schedule 10 – MSD	30
Schedule 11 – NZDF	31
Schedule 12 – Registrar-General.....	33

Proactively Released by the Minister for Veterans

1. Defined terms

Term	Definition
ACC	The Accident Compensation Corporation.
ACC AEP Services	Services provided to Veterans by NZDF in their role as an ACC Accredited Employer.
ACC Accredited Employer	An employer who has entered into an accreditation agreement under section 184 of the Accident Compensation Act 2021.
Adverse Action	As defined in section 177 of the Privacy Act 2020, being any action that may adversely affect the rights, benefits, privileges, obligations, or interests of any specific individual.
Agreement	This information sharing agreement.
Approved Information Sharing Agreement (AISA)	An information sharing agreement approved by an Order in Council that is for the time being in force.
Benefit	Either: <ul style="list-style-type: none"> • a benefit within the meaning of paragraph (a) of the definition of "Benefit" in Schedule 2 of the Social Security Act 2018; or • any other amount that is payable or may be paid under the Social Security Act 2018, including— <ul style="list-style-type: none"> ○ a funeral grant that may be paid under subpart 15 of Part 2 of that Act; and ○ any special assistance payable under a programme approved under section 101 of that Act.
BDMRR Act	Births, Death, Marriages, and Relationships Registration Act 1995.
Child	As defined in section 7 of the Veterans' Support Act 2014, being a natural child of a Veteran including: <ul style="list-style-type: none"> • an adopted child of the Veteran; • a child of whom the Veteran is or has been a guardian; • a grandchild or a Whāngai of the Veteran in relation to whom the Veteran acts or has acted as a parent or a guardian; and • any other child who would ordinarily be regarded as a child of the Veteran because the Veteran is or has been the Spouse or Partner of one of the child's parents and acts or has acted as a parent of the child.
Corrections	Department of Corrections.
Cover	That the Veteran has cover for a personal injury under the Accident Compensation Act 2001: <ul style="list-style-type: none"> • under any of sections 20, 21, or 22, for a personal injury suffered on or after 1 April 2002; or • under Part 10 or Part 11, for a personal injury suffered before that date.
Customs	New Zealand Customs Service.

Term	Definition
Dependant	As defined under section 7 of the Veterans' Support Act 2014, being either: <ul style="list-style-type: none"> • A person (not being the Spouse, Partner, or Child of the Veteran) who is under 18 years of age, is wholly or primarily dependent on the Veteran for financial support and ordinarily resides with the Veteran; • A person (not being the Spouse, Partner, or Child of the Veteran) who is 18 years of age or more, is under the care of the Veteran and ordinarily resides with the Veteran because the person is unable to live independently of the Veteran due to disability, illness, or advanced age; or • A person who is a Child of the Veteran and is 18 years of age or more, is under the care of the Veteran and is unable to live independently of the Veteran due to physical or mental infirmity.
DIA	Te Tari Taiwhenua Department of Internal Affairs.
Health Information Privacy Code	The Health Information Privacy Code 2020 issued by the Privacy Commissioner under section 33 of the Privacy Act 2020.
Health NZ	Health New Zealand.
IPP	Information Privacy Principle.
Lead Agency	The lead agency for this Agreement for the purposes of section 143 of the Privacy Act 2020.
MOH	The Ministry of Health.
MOE	Te Tāhuhu o te Mātauranga Ministry of Education.
MHA	The Māori Health Authority.
MSD	The Ministry of Social Development.
NZDF	New Zealand Defence Force.
NZDF Service	Service as defined in section 2 of the Defence Act 1990.
Other Claimants	A Spouse, Partner, Child, Dependant or Whāngai of a Veteran.
Passenger Movement Record	The electronic record created and held by Customs under the Customs and Excise Act 2018 for the passenger's arrival into or departure from New Zealand.
Party	An Agency who is a signatory to this Agreement.
Partner	As defined in section 7 of the Veterans' Support Act 2014, being a civil union partner or a de facto partner of a Veteran.
Personal Information	Information about an identifiable individual as defined in section 7 of the Privacy Act 2020.
Privacy Breach	As defined in section 112 of the Privacy Act 2020.
Registrar-General	The Registrar-General appointed under the Public Service Act 2020 and charged with the general administration of the Births, Deaths, Marriages, and Relationships Registration Act 1995, or their representatives.
Security Breach	An event in which sensitive, protected, or confidential information is copied, transmitted, viewed, stolen, or used by an unauthorised individual.
Services	Public services provided to Veterans and Other Claimants within the legislative responsibilities of the relevant Party.

Term	Definition
Spouse	As defined in Schedule 2 of the Social Security Act 2018.
Veteran	<p>As defined in section 7 of the Veterans' Support Act 2014, being</p> <ul style="list-style-type: none"> • a member of the armed forces who took part in qualifying operational service at the direction of the New Zealand Government; or • a member of the armed forces who took part in qualifying routine service before 1 April 1974; or • a person who took part in qualifying operational service at the direction of the New Zealand Government and has been— <ul style="list-style-type: none"> ○ appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or ○ seconded to the Defence Force with the permission of the Chief of Defence Force; and • a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954: <ul style="list-style-type: none"> ○ section 19 (but only if the person was a member of the forces); ○ section 55 or 56; ○ Parts 4 and 5.
Veterans' Affairs	Part of the New Zealand Defence Force established under the Veterans' Support Act 2014.
Whāngai	As defined in section 7 of the Veterans' Support Act 2014, being a child adopted by the Veteran in accordance with Māori custom.
Working Day	As defined in section 7 of the Privacy Act 2020.

2. The Parties involved and the Lead Agency

The following are Parties to this Agreement:

- Accident Compensation Corporation (ACC)
- Department of Corrections (Corrections)
- Te Tari Taiwhenua | Department of Internal Affairs (DIA)
- Health New Zealand (Health NZ)
- New Zealand Customs Service (Customs)
- NZDF Health, NZDF Accredited Employer Programme Unit, NZDF Human Resources Service Centre, the Personnel, Archives and Medals Units and the Heritage, Commemorations and Protocol Units within the New Zealand Defence Force (NZDF)
- The Māori Health Authority (MHA)
- Te Tāhuhu o te Mātauranga | Ministry of Education (MOE)
- The Ministry of Health (MOH)
- The Ministry of Social Development (MSD)
- Kairēhita Matua – Whānautanga, Matenga, Mārenatanga | The Registrar-General, Births, Deaths and Marriages (Registrar-General)
- Veterans' Affairs which is a unit of the New Zealand Defence Force (Veterans' Affairs)

The Lead Agency is Veterans' Affairs.

3. Background

A large number of the Services, support or entitlements to Veterans and Other Claimants are based on current and historic factors in a Veteran's life. For example, if a Veteran enters or leaves prison, enters long-term residential care, has a relationship change, dies, or has a Child in education, the Veteran's and Other Claimants' entitlements may change.

Many organisations are currently involved in providing Services to Veterans and Other Claimants. The provision of Services to meet the needs of Veterans and Other Claimants needs to be supported by cohesive information sharing between the various organisations involved. Enabling access to authoritative information about Veterans to organisations will allow them to offer new Services or improve and adjust existing Services where there is a change of circumstance for the Veteran or Other Claimant.

This Agreement covers the sharing of Personal Information for the purposes of improving the facilitation of new and existing Services provided to Veterans and Other Claimants.

4. Purposes of this Agreement

The purposes of this information sharing Agreement are to:

- a) notify an individual of Services that they may be eligible and entitled to access;
- b) enable an individual's identity and status to be verified;

- c) assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Services;
- d) facilitate rehabilitation and treatment of a Veteran;
- e) cleanse and update records of a Veteran or Another Claimant; and
- f) assist in reviews and appeals against decisions regarding Services.

5. Exemptions to information privacy principles

For the purposes of this Agreement, Information Privacy Principles (IPP) 2, 10 and 11 which are set out in Part 3 subpart 1 of the Privacy Act 2020, and the corresponding Health Information Privacy Code rules are exempted (by the Order in Council) as follows:

- **IPP 2: Source of Personal Information**

It is not a breach of information privacy principle 2 or the Health Information Privacy Code rule 2 for a Party to collect Personal Information from another Party in accordance with this Agreement and for one or more of the purposes specified in Clause 4.

- **IPP 10: Limits on the Use of Personal Information**

It is not a breach of information privacy principle 10 or the Health Information Privacy Code rule 10 for Personal Information to be used by a Party in accordance with this Agreement and for one or more of the purposes specified by Clause 8.

- **IPP 11: Limits on Disclosure of Personal Information**

It is not a breach of information privacy principle 11 or the Health Information Privacy Code rule 11 for a Party to disclose Personal Information to another Party in accordance with this Agreement and for one or more of the purposes specified in Clause 4.

It is also not a breach of information privacy principle 11 or the Health Information Privacy Code rule 11 for a Party to disclose Personal Information to another Party as part of making a request for Personal Information.

6. The public services facilitated

The public services that this Agreement is intended to facilitate are the:

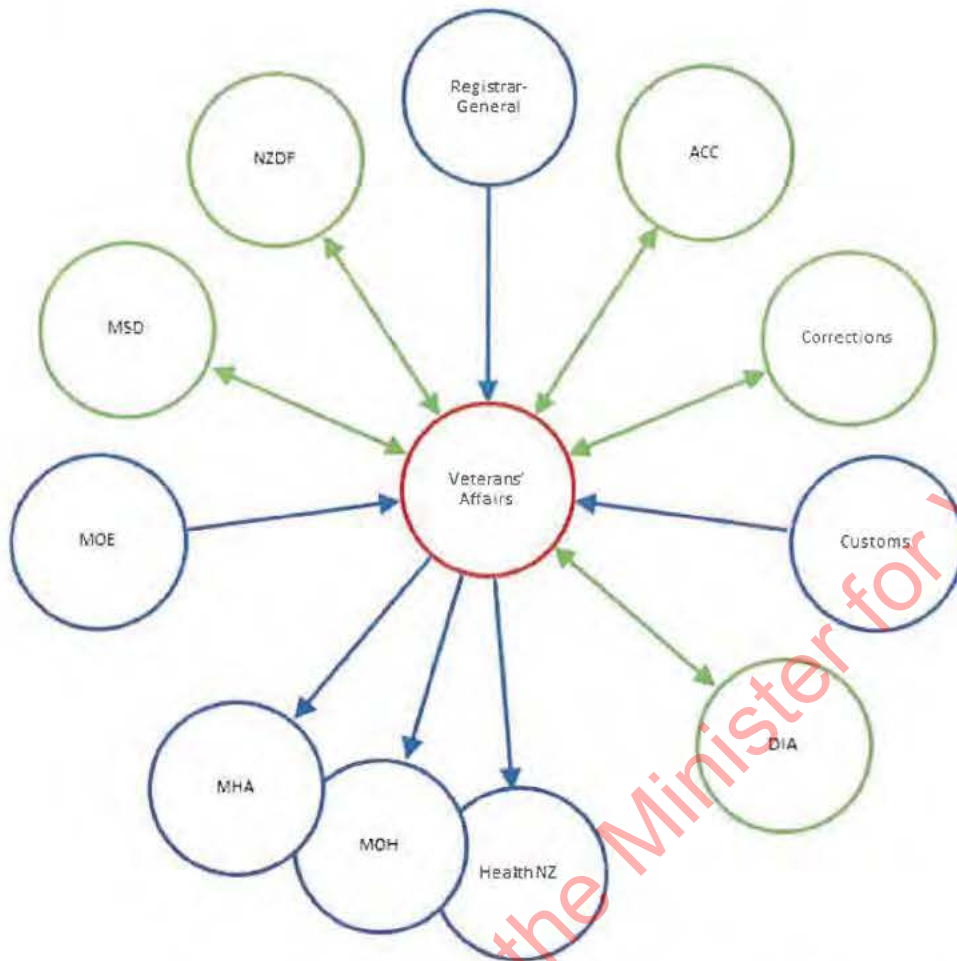
- a) accurate and efficient assessment of eligibility for and entitlement to receive public services that a Veteran or Another Claimant applies for or elects to utilise; and
- b) accurate and efficient delivery of public services that a Veteran or Another Claimant applies for or elects to utilise.

7. Types of Personal Information to be shared

Parties may share Personal Information about an identifiable individual under this Agreement. Information that is not about an identifiable individual will not be shared under this Agreement.

Personal Information may only be shared under this Agreement where Veterans' Affairs is either the providing or receiving Party. Other Parties may not share Personal Information between themselves under this Agreement.

The following diagram depicts the information flows. Parties shown in green denote two-way information sharing, whilst those Parties shown in blue denote one-way information sharing.



The Personal Information that can be shared by each Party is specified in the relevant Schedule as below:

- Schedule 1 – Veterans' Affairs
- Schedule 2 – ACC
- Schedule 3 – Corrections
- Schedule 4 – Customs
- Schedule 5 – DIA
- Schedule 6 – Health NZ
- Schedule 7 – MHA
- Schedule 8 – MOE
- Schedule 9 – MOH
- Schedule 10 – MSD
- Schedule 11 – NZDF
- Schedule 12 – Registrar-General

8. How parties may use the Personal Information

Personal Information may be used by each Party as specified in the relevant Schedule as below:

- Schedule 1 – Veterans’ Affairs
- Schedule 2 – ACC
- Schedule 3 – Corrections
- Schedule 5 – DIA
- Schedule 6 – Health NZ
- Schedule 7 – MHA
- Schedule 9 – MOH
- Schedule 10 - MSD

9. Adverse Actions

Section 152 of the Privacy Act 2020 requires Parties to provide written notice to individuals before any “Adverse Action” is taken against those individuals on the basis of Personal Information shared under an information sharing agreement, and not to take that action before 10 Working Days have elapsed.

Details of expected Adverse Actions applicable to each of the Parties as a result of information being shared under this Agreement are specified in the relevant Schedules.

10. How to view this document

This document can be viewed on the Veterans’ Affairs website www.veteransaffairs.mil.nz and at:

Veterans’ Affairs
2 The Terrace
Wellington 6011

11. Overview of operational processes

The operational processes associated with this Agreement will vary depending on the transfer mechanism utilised by the Parties. Possible transfer options, depending on the circumstance, are likely to include:

- API-based transfer;
- Direct system access;
- Email;
- Paper-based transfer; and
- Bulk transfer.

As a first step of information sharing under this Agreement, a one-off bulk exchange of information collected prior may occur to allow the receiving Party to do a one-off update of their records for one or more of the purposes specified in Clause 4.

The operational procedures (under development) detail the operational processes for providing and receiving information for each Party.

12. Safeguards to protect privacy

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

12.1. Staff

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) All Parties to this Agreement, including their staff, will abide by the Public Sector Standards of Integrity and Conduct.
- b) The staff of all Parties to this Agreement performing the services set out in this Agreement will hold all necessary statutory powers and/or delegations required for the provision of those services and will comply with relevant operational policy and procedures.
- c) All Parties to this Agreement will have appropriate procedures and safeguards in place to ensure that information shared under the Agreement can only be accessed by staff who are authorised to access that information.

12.2. Information Handling

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) No Party will provide the Personal Information obtained under this Agreement to other agencies or any other third party except as required by law or in order to comply with a court order. For the avoidance of doubt, this does not prevent a Party that has updated the information they hold based on Personal Information received under this Agreement from disclosing the information they hold in accordance with this Agreement or as required by law.
- b) Processes and procedures exist within each Party to ensure that Personal Information sent under this Agreement is transferred separately from information transferred under any other agreements.
- c) Processes and procedures exist within each Party to ensure that Personal Information is only used for the purposes specified in this Agreement and remains protected.
- d) Processes and procedures exist within each Party to ensure that Personal Information is not held longer than required.
- e) Parties may put constraints and/or caveats on Personal Information provided under this Agreement. This includes, but is not limited to, any constraints and/or caveats that are required to comply with protections imposed by any law or statute other than the Privacy Act 2020, or to take account of legal privilege.
- f) Each Party is responsible for ensuring constraints and/or caveats are complied with upon receipt or disclosure of Personal Information shared under this Agreement.
- g) Each Party will handle Adverse Actions they may take in accordance with Clause 9 of this Agreement.
- h) If the individual the information relates to is resident in the United Kingdom or Europe and the receiving Party is subject to the UK Data Protection Act 2019 or the European Data Protection Regulation (EU) 2016/679, then the receiving Party will provide a copy of their privacy notice to the individual concerned on receipt of the Personal Information.

- i) No Party is obliged to provide to another Party any of the requested information to be shared under this Agreement.
- j) Subject to the requirements under Section 11 and Information Privacy Principle 5 of the Privacy Act 2020 where a Party discloses Personal Information under this Agreement to their agent, appropriate safeguards must be in place for the Personal Information provided to ensure all of the provisions of this Agreement are complied with.
- k) No Personal Information will be shared under this Agreement without the existence of agreed operating procedures.
- l) Veterans' Affairs will consult with the Office of the Privacy Commissioner regarding proposed operating procedures and any subsequent changes and give due consideration to the Commissioner's feedback.

12.3. Privacy Act Requests

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) Each Party will be responsible for responding to Privacy Act requests made under Information Privacy Principle 6 or 7 of the Privacy Act 2020 relating to Personal Information held by that Party as appropriate in the circumstances.

12.4. Privacy Breach

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) Where any Party has reasonable cause to believe that an actual or suspected breach of an IPP in respect of Personal Information provided under this Agreement, (but not exempted by this Agreement), has occurred, an inspection and/or internal investigation process will be applied utilising the identifying Party's standard processes.
- b) Where a Party identifies that a breach of any IPP in respect of Personal Information provided under this Agreement, (but not exempted by this Agreement), has occurred, the identifying Party will notify the Veterans' Affairs and NZDF's Privacy Officers as soon as possible.
- c) Where a Party's investigation confirms actions amounting to a notifiable Privacy Breach in relation to Personal Information they hold that was shared under this Agreement, in accordance with the Privacy Act 2020, the Privacy Commissioner and individuals will be notified by the Party.
- d) All relevant Parties shall ensure that reasonable assistance is provided to any investigation into an actual or suspected Privacy Breach in respect of Personal Information provided under this Agreement.
- e) Any Party may suspend sharing under this Agreement to allow time for a Privacy Breach to be remedied.

12.5. Audit

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) To ensure safeguards are operating as intended and are sufficient to protect the privacy of individuals, each Party will conduct regular internal first line assurance and internal audits of the operation of this Agreement.

12.6. Security

The following safeguards exist to protect the privacy of individuals and ensure that any interference with their privacy is minimised:

- a) All Personal Information provided under this Agreement will be appropriately secured when at rest and in transit in accordance with each agency's internal information security policies and adherence to the PSR INFOSEC requirements.
- b) Where a Security Breach is suspected or there is concern that a breach may occur, the identifying Party's internal investigation processes will be applied.
- c) Where a Party identifies that a Security Breach has occurred in relation to Personal Information provided under this Agreement, the identifying Party will notify New Zealand Defence Force's Chief Security Officer, the HQNZDF Unit Security Officer and Chief Information Security Officer as soon as possible.
- d) All relevant Parties shall ensure that reasonable assistance is provided to any investigation into an actual or suspected Security Breach in relation to information shared under this Agreement.
- e) Any Party may suspend its participation under this Agreement to allow time for a Security Breach to be remedied.

13. Reasonable assistance provided

All Parties to this Agreement will provide each other with any reasonable assistance that is necessary in the circumstances to allow:

- a) an individual to make a complaint about an interference with their privacy; and
- b) the Privacy Commissioner to investigate the complaint.

14. Fees / costs

Fees associated with this Agreement, if any, and as agreed, will be notified by the Head of Veterans' Affairs, or their delegated representative, in writing to the other Parties.

15. Dispute resolution

Should any dispute arise relating to the interpretation or application of this Agreement, the respective Parties will meet in good faith to resolve the dispute or difference as quickly as possible.

If the Parties are unable to resolve the dispute within 60 Working Days, the matter will be referred to NZDF Chief of Staff's nominated representative for resolution.

The Parties shall continue to comply with their obligations under this Agreement despite the existence of any dispute.

16. Review and reporting

A joint review of this Agreement must be undertaken whenever any Party believes that such a review is necessary.

The Parties shall co-operate with each other in any review and will take all reasonable actions to make the required resources available

Veterans' Affairs shall report annually or at intervals specified by the Privacy Commissioner as specified in section 156 of the Privacy Act 2020. The report will be included in NZDF's annual report.

17. Minor amendments to this Agreement

Minor amendments to this Agreement as defined in section 157(5) of the Privacy Act 2020 will be in writing and signed by all the Parties.

Should the Parties be unable to agree on any minor amendments to this Agreement the matter will be dealt with in accordance with Clause 15 above.

18. Major amendments to this Agreement

Major amendments to this Agreement will be made in accordance with section 157 (1) – (4) of the Privacy Act 2020.

Should the Parties be unable to agree on any major amendments to this Agreement the matter will be dealt with in accordance with Clause 15 above.

19. Term, performance, and termination

This Agreement comes into force on the date specified in the Order in Council giving legal effect to it.

This Agreement shall continue to be in force until either all of the Parties agree to terminate this Agreement, or the Order in Council is revoked.

Any Party may suspend, limit, or terminate their participation under this Agreement if it appears to the Party that the terms of this Agreement or the Order in Council are not being met or the Personal Information sharing under this Agreement is otherwise unlawful.

The obligations in this Agreement specified in clauses 12.2, 12.3, 12.4, 12.5, 12.7 and 13 shall remain in force notwithstanding the termination of this Agreement.

If extraordinary circumstances arise (including but not limited to earthquake, volcanic eruption, fire, flood, storm, pandemic, or war) which prevent any Party performing its obligations under this Agreement, the performance of that Party's obligations shall be suspended for as long as those extraordinary circumstances prevail or prevent performance.

20. Party representatives

Each Party will appoint a contact person to co-ordinate the operation of this Agreement with the other Parties and will ensure that the contact person is familiar with the requirements of the Privacy Act 2020 and this Agreement. The initial contact persons are as follows:

Party	Contact and Role
Accident Compensation Corporation (ACC)	
Department of Corrections (Corrections)	
Te Tari Taiwhenua Department of Internal Affairs (DIA)	
Health New Zealand (Health NZ)	
New Zealand Customs Service (Customs)	
Other parts of New Zealand Defence Force (NZDF)	
The Māori Health Authority (MHA)	
Te Tāhuhu o te Mātauranga Ministry of Education (MOE)	
The Ministry of Health (MOH)	
The Ministry of Social Development (MSD)	
Kairēhita Matua – Whānautanga, Matenga, Mārenatanga The Registrar-General, Births, Deaths and Marriages (Registrar-General)	
Veterans' Affairs part of New Zealand Defence Force (Veterans' Affairs)	

All notices and other communications between the Parties under this Agreement shall be sent to the contact persons specified above.

The contact persons for each Party set out above may be updated from time to time by the Party giving written notice (which may be by email) to Veterans' Affairs. If the contact for Veterans' Affairs is updated, then all Parties will be advised.

Veterans' Affairs will ensure that the Privacy Commissioner is informed of the current contact persons for this Agreement if they are not those set out above.

21. Acceptance

In signing this Agreement each Party acknowledges it has read and agrees to be bound by it.

Proactively Released by the Minister for Veterans

Schedule 1 – Veterans’ Affairs

1. Description of Personal Information to be shared

Personal Information that can be shared by Veterans’ Affairs under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Passport Details	Current and previous Passport number	Schedule 1 – clause 4 (a) and (b)
Veteran Status	Fact of being a Veteran.	Schedule 2 – clause 2 (a) and (b) Schedule 3 – clause 2 (a) Schedule 5 – clause 2 (a) Schedule 6 – clause 2 (a) and (b) Schedule 7 – clause 2 (a) and (b) Schedule 9 – clause 2 (a) and (b) Schedule 10 – clause 2 (a) Schedule 11 – clause 2 (a) and (b)
Service Date	Last date of active service for the Veteran.	Schedule 6 – clause 2(b) Schedule 7 – clause 2(b) Schedule 9 – clause 2(b)
Rehabilitation Information	Details relating to the Veteran’s current rehabilitation plan.	Schedule 3 – clause 2 (a), (b) and (c)
Entitlement Information	Details relating to the current Services provided by Veterans’ Affairs to the Veteran and Other Claimants, including amount of assistance and financial value.	Schedule 2 – clause 2 (a) and (b) Schedule 3 – clause 2 (a), (b) and (c) Schedule 10 – clause 2 (a) Schedule 11 – clause 2 (a) and (b)

2. How Veterans' Affairs may use Personal Information provided by ACC

The Personal Information received by Veterans' Affairs from ACC may be used to:

- a) Assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Services.
- b) Facilitate rehabilitation and treatment of a Veteran.
- c) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

3. How Veterans' Affairs may use Personal Information provided by Corrections

The Personal Information received by Veterans' Affairs from Corrections may be used to:

- a) Assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Services.
- b) Facilitate rehabilitation and treatment of a Veteran.
- c) Cleanse and update records upon the change in circumstances of a Veteran or Another Claimant.
- d) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

4. How Veterans' Affairs may use Personal Information provided by Customs

The Personal Information received by Veterans' Affairs from Customs may be used to:

- a) Assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Services.
- b) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

5. How Veterans' Affairs may use Personal Information provided by DIA

The Personal Information received by Veterans' Affairs from DIA may be used to:

- a) Enable an individual's identity to be verified.
- b) Assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Services.
- c) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

6. How Veterans' Affairs may use Personal Information provided by MOE

The Personal Information received by Veterans' Affairs from MOE may be used to:

- a) Assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Services.
- b) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

7. How Veterans' Affairs may use Personal Information provided by MSD

The Personal Information received by Veterans' Affairs from MSD may be used to:

- a) Assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Services.
- b) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.
- c) Update contact details for Veterans and Other Claimants.

8. How Veterans' Affairs may use Personal Information provided by NZDF

The Personal Information received by Veterans' Affairs from NZDF may be used to:

- a) Notify an individual of Services that they may be eligible for and entitled to access.
- b) Assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Services.
- c) Facilitate rehabilitation and treatment of a Veteran.
- d) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

9. How Veterans' Affairs may use Personal Information provided by the Registrar-General

The Personal Information received by Veterans' Affairs from the Registrar-General may be used to:

- a) Enable an individual's identity to be verified.
- b) Assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Services.
- c) Cleanse and update records upon the change in circumstances of a Veteran or Another Claimant.
- d) Assist in reviews and appeals against decisions regarding Services where Veterans' Affairs determines the information is required to assist the decision.

10. Adverse Actions by Veterans' Affairs

Veterans' Affairs can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from a Party:

- a) Cease contact with the Veteran or Another Claimant.
- b) Decline to provide requested Services.
- c) Cancel, suspend, or modify Services.
- d) Undertake a reconsideration of decision or undertake an appeal in respect of Services.
- e) Update the contact details for a Veteran or Another Claimant.
- f) Investigate any matter that may constitute an offence under any legislation it administers and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office.
- g) Engage in civil proceedings.

Proactively Released by the Minister for Veterans

Schedule 2 – ACC

1. Description of Personal Information to be shared

Personal Information that can be shared by ACC under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
ACC Entitlement Information	Details relating to the current and previous Services provided by ACC to the Veteran including type of assistance and financial value.	Schedule 1 – clause 2 (a), (b) and (c)
ACC status	Fact of a Veteran having Cover for a personal injury.	Schedule 1 – clause 2 (a), (b) and (c)

2. How ACC may use Personal Information provided by Veterans' Affairs

The Personal Information received by ACC from Veterans' Affairs may be used to:

- a) Assess or re-assess the eligibility and entitlement of a Veteran for Services.
- b) Facilitate rehabilitation and treatment of a Veteran, which may include the joint supply of rehabilitation and treatment by ACC and Veterans' Affairs.

3. Adverse Actions by ACC

ACC can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- a) Decline to provide requested Services.
- b) Cancel, suspend or modify Services.
- c) Undertake a reconsideration of decision or undertake an appeal in respect of the Services.
- d) Investigate any matter that may constitute an offence under any legislation it administers and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office.
- e) Engage in civil proceedings.

Schedule 3 – Corrections

1. Description of Personal Information to be shared

Personal Information that can be shared by Corrections under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Prison Admission/Release Information	Information relating to when a Veteran enters and leaves prison including their release plan.	Schedule 1 – clause 3 (a), (c) and (d)
Sentence Conditions	Information relating to any sentence conditions imposed when a Veteran leaves prison.	Schedule 1 – clause 3 (b) and (c)
Rehabilitation and Treatment Plan	Details relating to the Veteran's current rehabilitation and treatment plan.	Schedule 1 – clause 3 (b) and (d)
Reintegration Plan	Details relating to how the Veteran will be reintegrated into the community including details of any conditions imposed on the Veteran.	Schedule 1 – clause 3 (a), (b), (c) and (d)

2. How Corrections may use Personal Information provided by Veterans' Affairs

The Personal Information received by Corrections from Veterans' Affairs may be used to:

- Support the rehabilitation and treatment of a Veteran while in custody, on a post-release order or on a community-based sentence.
- Support a Veteran's reintegration plan.
- Assist with submissions to the Parole Board regarding a Veteran.

3. Adverse Actions by Corrections

Corrections can reasonably be expected to not take any Adverse Actions based on Personal Information received from Veterans' Affairs:

Schedule 4 – Customs

1. Description of Personal Information to be shared

Personal Information that can be shared by Customs under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth 	All
Passport Details	Current and previous Passport number	Schedule 1 – clause 4 (a) and (b)
Travel Movements	Information contained within the Passenger Movement Records of a Veteran relating to the dates of departure and arrival into New Zealand and the destination of travel outside of New Zealand.	Schedule 1 – clause 4 (a) and (b)

Schedule 5 – DIA

1. Description of Personal Information to be shared

Personal Information that can be shared by DIA under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Passport Information	Information relating to an individual's New Zealand Passport and the location it was delivered to.	Schedule 1 – clause 5 (a), (b) and (c)

2. How DIA may use Personal Information provided by Veterans' Affairs

The Personal Information received by DIA from Veterans' Affairs may be used to:

- a) Provide a means for Veterans to prove their status and eligibility for the purpose of obtaining services and other benefits.

3. Adverse Actions by DIA

DIA can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- a) Decline to provide a means to prove a Veteran's status and eligibility.

Schedule 6 – Health NZ

1. Description of Personal Information to be shared

Personal Information that can be shared by Health NZ under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All

2. How Health NZ may use Personal Information provided by Veterans' Affairs

The Personal Information received by Health NZ from Veterans' Affairs may be used to:

- a) Update a Veteran's National Health Index record or National Enrolment Service record to indicate that they are a Veteran.
- b) Provide additional or reduced cost Services to the Veteran.

3. Adverse Actions by Health NZ

Health NZ can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- a) Decline to provide additional Services.
- b) Decline to provide Services at a reduced cost.

Schedule 7 – MHA

1. Description of Personal Information to be shared

Personal Information that can be shared by MHA under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All

2. How MHA may use Personal Information provided by Veterans' Affairs

The Personal Information received by MHA from Veterans' Affairs may be used to:

- a) Update a Veteran's National Health Index record or National Enrolment Service to indicate that they are a Veteran.
- b) Provide additional or reduced cost Services to the Veteran.

3. Adverse Actions by MHA

MHA can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- a) Decline to provide additional Services.
- b) Decline to provide Services at a reduced cost.

Schedule 8 – MOE

1. Description of Personal Information to be shared

Personal Information that can be shared by MOE under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • contact details 	All
Enrolment Information	Information relating to the enrolment in a registered school of Another Claimant.	Schedule 1 – clause 6 (a) and (b)

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Schedule 9 – MOH

1. Description of Personal Information to be shared

Personal Information that can be shared by MOH under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All

2. How MOH may use Personal Information provided by Veterans' Affairs

The Personal Information received by MOH from Veterans' Affairs may be used to:

- a) Update a Veteran's National Health Index record or National Enrolment Service to indicate that they are a Veteran.
- b) Provide additional or reduced cost health services to the Veteran.

3. Adverse Actions by MOH

MOH can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- a) Decline to provide additional Services.
- b) Decline to provide Services at a reduced cost.

Schedule 10 – MSD

1. Description of Personal Information to be shared

Personal Information that can be shared by MSD under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Working Status	Information relating to whether the Veteran is currently working.	Schedule 1 – clause 7 (a) and (b)
Benefit Information	Information relating to Benefits.	Schedule 1 – clause 7 (a) and (b)
Partner Information	Information relating to current and previous Partners of the Veteran.	Schedule 1 – clause 7 (a) and (b)
Children, Dependant, and Whāngai Information	Identity and relationship information relating to Children, Dependents, and Whāngai of the Veteran.	Schedule 1 – clause 7 (a) and (b)

2. How MSD may use Personal Information provided by Veterans' Affairs

The Personal Information received by MSD from Veterans' Affairs may be used to:

- a) Assess or re-assess the eligibility and entitlement of a Veteran or Another Claimant for Benefits.

3. Adverse Actions by MSD

MSD can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- a) Decline to provide requested Benefits.
- b) Cancel, suspend, or modify Benefits.
- c) Investigate any matter that may constitute an offence under any legislation it administers and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office.

Schedule 11 – NZDF

1. Description of Personal Information to be shared

Personal Information that can be shared by NZDF under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Service Records	Information relating to the Veteran's NZDF Service.	Schedule 1 – clause 8 (a), (b) and (d)
ACC Entitlement Information	Details relating to the current and previous ACC AEP Services provided to the Veteran including type of assistance and financial value.	Schedule 1 – clause 8 (b), (c) and (d)
ACC status	Fact of a Veteran having Cover for a personal injury.	Schedule 1 – clause 8 (b), (c) and (d)

4. How the NZDF Accredited Employer Programme Unit may use Personal Information provided by Veterans' Affairs

The Personal Information received by the NZDF Accredited Employer Programme Unit from Veterans' Affairs may be used to:

- Assess or re-assess the eligibility and entitlement of a Veteran for ACC AEP Services.
- Facilitate rehabilitation and treatment of a Veteran, which may include the joint supply of rehabilitation and treatment by NZDF as an ACC Accredited Employer and Veterans' Affairs.

5. Adverse Actions by NZDF Accredited Employer Programme Unit

The NZDF Accredited Employer Programme Unit can reasonably be expected to potentially take any of the following Adverse Actions based on Personal Information received from Veterans' Affairs:

- Decline to provide requested ACC AEP Services.
- Cancel, suspend or modify ACC AEP Services.

- h) Undertake a reconsideration of decision or undertake an appeal in respect of the ACC AEP Services.
- i) Investigate any matter that may constitute an offence under any legislation it administers and prosecute the offence, or report any suspected offence to the New Zealand Police or Serious Fraud Office.
- j) Engage in civil proceedings.

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Schedule 12 – Registrar-General

1. Description of Personal Information to be shared

Personal Information that can be shared by the Registrar-General under this Agreement falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth 	All
Birth Information	Information relating to the individual's birth that is maintained by the Registrar-General under the BDMRR Act excluding information protected by sections 63 to 66.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)
Marriage Information	Information relating to the individual's marriage that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)
Civil Union Information	Information relating to the individual's civil union that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)
Death Information	Information relating to the individual's death that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)
Name Change Information	Information relating to the individual's name change that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)



Te Tira Ahu Ika A Whiro

**VETERANS'
AFFAIRS**

New Zealand

Privacy Impact Assessment:

Veterans' Affairs Information Sharing Agreement

7th June 2022

Proactively Released by the Minister for Veterans

Contents

1. Overview.....	6
1.1. About Veterans' Affairs.....	6
1.2. Current Situation.....	6
1.3. Proposed Improvements.....	7
2. PIA Development Process.....	8
3. PIA Scope.....	8
4. The Proposed Agreement.....	9
4.1. AISA Purposes.....	9
4.2. Proposed Parties.....	9
4.3. Agreements Affected.....	10
5. Personal Information.....	11
5.1. Types of Personal Information to be Shared.....	11
5.2. Information Proposed to be Shared by Veterans' Affairs.....	11
5.3. Information Proposed to be Shared by ACC.....	12
5.4. Information Proposed to be Shared by Corrections.....	13
5.5. Information Proposed to be Shared by Customs.....	13
5.6. Information Proposed to be Shared by DIA.....	14
5.7. Information Proposed to be Shared by Health NZ, the Māori Health Authority and the Ministry of Health.....	14
5.8. Information Proposed to be Shared by MOE.....	14
5.9. Information Proposed to be Shared by MSD.....	15
5.10. Information Proposed to be Shared by NZDF.....	15
5.11. Information Proposed to be Shared by the Registrar-General.....	16
6. Information Sharing Practices.....	16
7. Benefits and Adverse Actions.....	17
7.1. Benefits to Society.....	17
7.2. Adverse Actions.....	17
8. Exemption of the Privacy Principles.....	18
9. Assessment Against the Privacy Principles/ Rules.....	19
10. Risk Assessment.....	23
11. Action Plan.....	25

Glossary of Terms

Term	Definition
ACC	The Accident Compensation Corporation.
ACC AEP Services	Services provided to veterans by NZDF in their role as an ACC Accredited Employer.
ACC Accredited Employer	An employer who has entered into an accreditation agreement under section 184 of the Accident Compensation Act 2021.
adverse action	As defined in section 177 of the Privacy Act 2020, being any action that may adversely affect the rights, benefits, privileges, obligations, or interests of any specific individual.
agreement	The Veterans' Affairs Information Sharing Agreement, including any amendment made by the Parties.
Approved Information Sharing Agreement (AISA)	An information sharing agreement approved by an Order in Council that is for the time being in force.
benefit	Either: <ul style="list-style-type: none"> • a benefit within the meaning of paragraph (a) of the definition of "benefit" in Schedule 2 of the Social Security Act 2018; or • any other amount that is payable or may be paid under the Social Security Act 2018, including— <ul style="list-style-type: none"> ○ a funeral grant that may be paid under subpart 15 of Part 2 of that Act; and ○ any special assistance payable under a programme approved under section 101 of that Act.
BDMRR Act	Births, Death, Marriages, and Relationships Registration Act 1995.
child	As defined in section 7 of the Veterans' Support Act 2014, being a natural child of a veteran including: <ul style="list-style-type: none"> • an adopted child of the veteran; • a child of whom the Veteran is or has been a guardian; • a grandchild or a whāngai of the veteran in relation to whom the veteran acts or has acted as a parent or a guardian; and • any other child who would ordinarily be regarded as a child of the veteran because the veteran is or has been the spouse or partner of one of the child's parents and acts or has acted as a parent of the child.
Core government organisations	Government departments plus the New Zealand Police and the New Zealand Transport Agency.
Corrections	Department of Corrections.

cover	That the veteran has cover for a personal injury under the Accident Compensation Act 2001: <ul style="list-style-type: none"> under any of sections 20, 21, or 22, for a personal injury suffered on or after 1 April 2002; or under Part 10 or Part 11, for a personal injury suffered before that date.
Customs	New Zealand Customs Service.
dependant	As defined under section 7 of the Veterans' Support Act 2014, being either: <ul style="list-style-type: none"> A person (not being the spouse, partner, or child of the veteran) who is under 18 years of age, is wholly or primarily dependent on the veteran for financial support and ordinarily resides with the Veteran; A person (not being the spouse, partner, or child of the veteran) who is 18 years of age or more, is under the care of the veteran ordinarily resides with the veteran because the person is unable to live independently of the veteran due to disability, illness, or advanced age; or A person who is a child of the veteran and is 18 years of age or more, is under the care of the veteran and is unable to live independently of the veteran due to physical or mental infirmity.
DIA	Te Tari Taiwhenua Department of Internal Affairs.
Health Information Privacy Code	The Health Information Privacy Code 2020 issued by the Privacy Commissioner under section 33 of the Privacy Act 2020.
Health NZ	Health New Zealand.
IPP	Information Privacy Principle.
lead agency	The lead agency for the agreement for the purposes of section 143 of the Privacy Act 2020.
MOH	The Ministry of Health.
MOE	Te Tāhuhu o te Mātauranga Ministry of Education.
MHA	The Māori Health Authority.
MSD	The Ministry of Social Development.
NZDF	New Zealand Defence Force.
NZDF Service	Service as defined in section 2 of the Defence Act 1990.
other claimant	A spouse, partner, child, dependant or whāngai of a veteran.
passenger movement record	The electronic record created and held by Customs under the Customs and Excise Act 2018 for the passenger's arrival into or departure from New Zealand.
party	An Agency who is a signatory to the agreement.
partner	As defined in section 7 of the Veterans' Support Act 2014, being a civil union partner or a de facto partner of a veteran.
personal information	Information about an identifiable individual.
privacy breach	As defined in section 112 of the Privacy Act 2020.
Registrar-General	The Registrar-General appointed under the Public Service Act 2020 and charged with the general administration of the Births, Deaths, Marriages, and Relationships Registration Act 1995, or their representatives.

security breach	An event in which sensitive, protected, or confidential information is copied, transmitted, viewed, stolen, or used by an unauthorised individual.
services	Public services provided to veterans and other claimants within the legislative responsibilities of the relevant party.
spouse	As defined in Schedule 2 of the Social Security Act 2018.
veteran	As defined in section 7 of the Veterans' Support Act 2014, being <ul style="list-style-type: none"> • a member of the armed forces who took part in qualifying operational service at the direction of the New Zealand Government; or • a member of the armed forces who took part in qualifying routine service before 1 April 1974; or • a person who took part in qualifying operational service at the direction of the New Zealand Government and has been— <ul style="list-style-type: none"> ○ appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or ○ seconded to the Defence Force with the permission of the Chief of Defence Force; and • a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954: <ul style="list-style-type: none"> ○ section 19 (but only if the person was a member of the forces); ○ section 55 or 56; ○ Parts 4 and 5.
Veterans' Affairs	Unit of the New Zealand Defence Force established under the Veterans' Support Act 2014.
whāngai	As defined in section 7 of the Veterans' Support Act 2014, being a child adopted by the veteran in accordance with Māori custom.
working day	As defined in section 7 of the Privacy Act 2020.

Related Documents

The following documents are related to the Privacy Impact Assessment (PIA):

- Veterans' Affairs Information Sharing Agreement.
- Public Discussion Document: Veterans' Affairs Information Sharing Agreement.

1. Overview

1.1. About Veterans' Affairs

Veterans' Affairs provides services, entitlements, and support to veterans with qualifying service so that they can be well at home, at work, and in their communities. Veterans' Affairs is a unit within the New Zealand Defence Force which operates under the Veterans' Support Act 2014.

Veterans' Affairs clients range in age from 19 to more than 100 years old, and include retirees, those in civilian life, current service members, and their families and whānau. It is estimated that there are over 31,000 New Zealanders who could be eligible for support, services, and entitlements from Veterans' Affairs. The average age of a veteran supported by Veterans' Affairs is in excess of 80 years.

In addition to providing services to veterans and their family and whānau residing in New Zealand, Veterans' Affairs also provides services those living overseas. In all cases, the provision of a service will depend on whether a veteran or their family and whānau have applied or elected to utilise a particular service.

Examples of the types of support provided by Veterans' Affairs to veterans and their family and whānau include:

- Treatment or rehabilitation when a veteran is sick or injured.
- Mental health support.
- Financial support if a veteran cannot work full time or at all, expenses associated with treatment, impairment compensation, support for children and dependants, and expenses associated with the death of a veteran.
- In-home rehabilitation/support to independence, including home modifications, training for independence, home help, child care payments and attendant care.
- Vocational rehabilitation for veterans returning to work and continuing recovery while at work and vocational assistance for a veteran's spouse or partner.
- Support to participate in commemorations of service including events, travel, and projects.

1.2. Current Situation

Most of the information required to assess entitlement for services must now be provided by veterans or their family and whānau. Due to the age of veterans, most of this is provided in paper form utilising the postal service. For example, if a veteran needs to prove their income, they're required to locate last year's tax statement in their physical records, then make a copy and then post this to Veterans' Affairs. This has significant overheads on the veteran and their family and whānau and results in delays to the provision of services.

An amount of information is sought from other Government agencies e.g., ACC, with the veteran's consent. The veteran provides an enduring consent at the time they first access Veterans' Affairs services. This may be many years prior. Even with reminders, due to the make up of the veteran community, many are not in a position to remember giving consent. There is a further challenge in relation to consent as a number of veterans are not in a position to give informed consent, with many having a power of attorney in place, which Veterans' Affairs may or may not be aware of.

As data held by the various Government agencies responsible for veterans' care is often incomplete or not comprehensive, many veterans may not know of, or are otherwise missing out on services, support or entitlements they may be eligible for.

Within the context of seeking health services, a veteran may fail to disclose or accurately disclose details pertaining to their service history to their GP. With knowledge that a patient is a veteran, a GP would be able to make the appropriate enquiries during the consultation, to narrow down and identify a potential diagnosis. In some cases, this may also extend to advising on the veteran's propensity to develop certain health conditions, such as those resulting from exposure to a toxic environment during the Viet Nam war, based on the veteran's last date of active service.

Equally, the inability to share information makes it difficult to exercise powers to not provide services, to adjust services or to prevent fraud, mistaken identity, and the accumulation of debt. For example, when a veteran enters prison, their financial entitlements cease. However, there is no ability for Corrections to advise Veterans' Affairs of a veteran becoming a prisoner. Therefore, the veteran continues to receive support until a point where their location becomes known. At this point they then have a debt owing to Veterans' Affairs, which needs to be repaid on release. This issue is further compounded, as upon release, the veteran is required to contact Veterans' Affairs to re-establish their support as Corrections can't advise of their upcoming release.

The issues regarding information sharing were identified in the [Paterson Report](#) in June 2017. A recommendation was made that *"Veterans' Affairs reviews its information-sharing and relationship arrangements with the Defence Force and ACC, progresses information-sharing arrangements with IRD for the purposes of weekly compensation and broader tax issues, and explores ways to share information with health practitioners."*

The challenges around access to information and the need to provide information are further born out in the surveys completed by Veterans' Affairs of its clients. There were 186 comments about the need to improve information sharing in the latest survey. The following are examples of this:

- "Please streamline information exchange between NZDF, medical and VA."
- "I needed help with the paperwork at the beginning, it can be tough if you are not literate and there is so much information required, its (sic) hard to get it all together."
- "A lot of paperwork, intense paperwork and a lot of it wasn't about my problem."
- "I had to assist VA with getting information, I feel VA is indifferent – they should do this."
- "The detail required to fill in the form is unnecessary, it should be able to come pre-printed with what I've already been over. This should be got from the system rather than making vets keep filling in forms, especially vets with dementia, it's unnecessarily difficult."

1.3. Proposed Improvements

Veterans' Affairs is proposing to simplify the framework of legislation and operational processes that allows the sharing of information about veterans between a number of government agencies. It is proposed that this simplification will involve the development of an Approved Information Sharing Agreement (AISA) led by Veterans' Affairs.

An AISA is an instrument under the Privacy Act¹ that can be used to authorise information sharing between multiple parties for related purposes. This would also provide greater transparency for the public about how veterans' information can be shared and used.

Improving information sharing about veterans and their family and whānau has the potential to significantly improve the delivery of services, entitlements, and support to veterans and their family and whānau through the use of authoritative information, including:

- Allowing agencies to correctly identify an individual who is a veteran and their family and whānau for the purposes of support. Therefore, allowing organisations to take appropriate action without delay.
- Enabling prompt alterations to the support provided including commencement of additional financial support upon a change in a veteran's circumstances.
- Easing the burden for veterans and their families and whānau when assessing eligibility for services by reducing the number of documents that need to be provided.
- Protection of public revenue through prompt adjustment in funding where another agency is providing support or a veteran's circumstances have changed.
- Proactive notification to veterans and their families and whānau of services and entitlements they are eligible to receive.

2. PIA Development Process

This Privacy Impact Assessment (PIA) has been developed based on:

- the draft Information Sharing Agreement;
- conversations with staff from the parties;
- feedback from each party's legal team;
- feedback from each party's Privacy team;
- feedback from the Government Chief Privacy Officer; and
- consultation with the Office of the Privacy Commissioner.

3. PIA Scope

This PIA is being conducted to support the case for approval of the Veterans' Affairs Information Sharing Agreement as an Approved Information Sharing Agreement (AISA) under Part 7 of the Privacy Act 2020. This PIA considers the privacy impacts proposed as part of the AISA. Approval of the AISA requires an Order in Council. The approval process is rigorous and includes the requirement to conduct public consultation.

The PIA addresses the privacy implications and risks that will result from the proposed AISA becoming operational. It does not consider the proposed implications and risks associated with the use of the information. These will be addressed in the PIA(s) relating to the services that use the

¹ Privacy Act 2020 part 7 subpart 1.

received information in accordance with the agencies' standard PIA process and in consultation with the Office of the Privacy Commissioner as operating procedures are developed.

This PIA does not examine the existing arrangements facilitating information sharing within any of the parties. This PIA is not an audit of existing practices. The proposed AISA will have no effect on the majority of these existing operational processes.

This PIA also does not examine the dissemination of information within Veterans' Affairs.

4. The Proposed Agreement

4.1. AISA Purposes

The proposed Approved Information Sharing Agreement (AISA) has been developed under Part 7 subpart 1 of the Privacy Act 2020 to enable the parties to share personal information about individuals.

The purposes of the information sharing are to:

- notify an individual of services that they may be eligible and entitled to access;
- enable an individual's identity and status to be verified;
- assess or re-assess the eligibility and entitlement of a veteran or another claimant individual for services;
- facilitate rehabilitation and treatment of a veteran;
- cleanse and update records of a veteran or another claimant; and
- assist in reviews and appeals against decisions regarding services including civil proceedings.

4.2. Proposed Parties

New Zealand privacy law expects core Government organisations to be named as a party if they wish to participate in an AISA. These organisations must be specified in the Order in Council that enacts the AISA and further core Government organisations cannot be added without further consultation and Cabinet approvals.

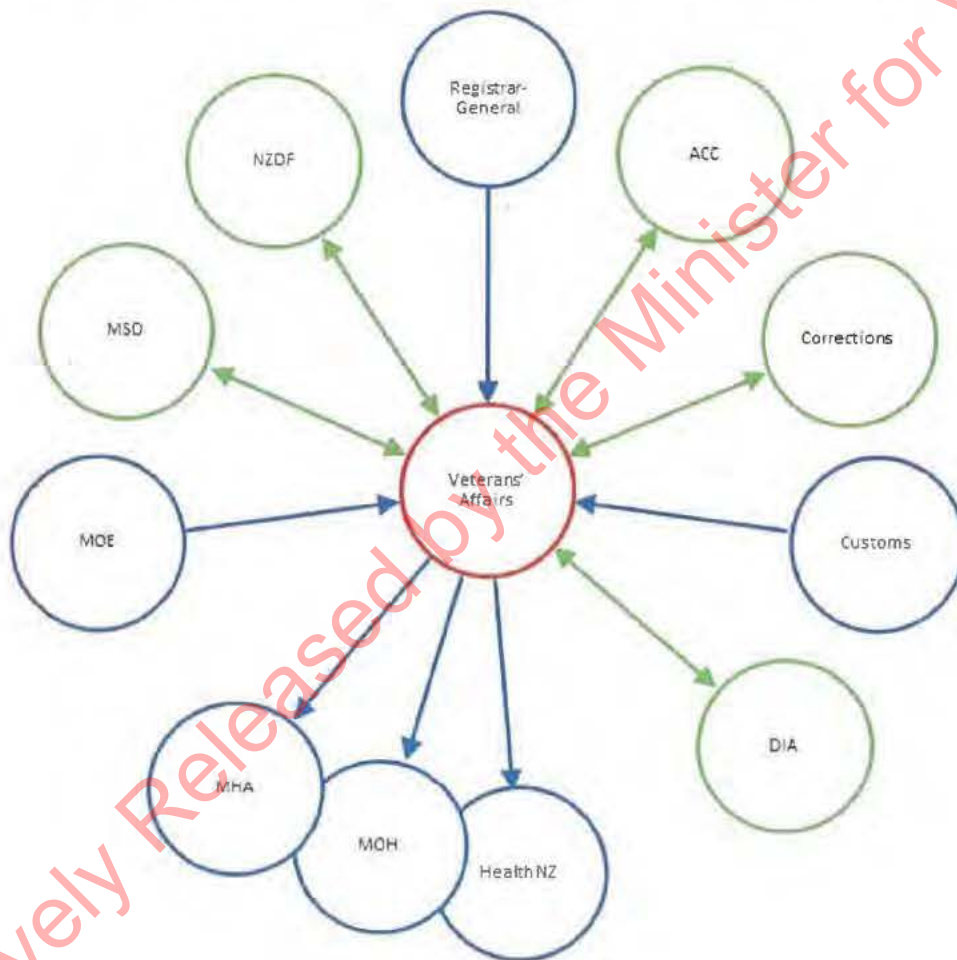
The proposed parties to the AISA are:

- Accident Compensation Corporation (ACC)
- Department of Corrections (Corrections)
- Te Tari Taiwhenua | Department of Internal Affairs (DIA)
- Health New Zealand (Health NZ)
- New Zealand Customs Service (Customs)
- NZDF Health, NZDF Accredited Employer Programme Unit, NZDF Human Resources Service Centre, the Personnel, Archives and Medals Units and the Heritage, Commemorations and Protocol Units within the New Zealand Defence Force (NZDF)
- The Māori Health Authority (MHA)
- Te Tāhuhu o te Mātauranga | Ministry of Education (MOE)
- The Ministry of Health (MOH)

- The Ministry of Social Development (MSD)
- Kairēhita Matua – Whānautanga, Matenga, Mārenatanga | The Registrar-General, Births, Deaths and Marriages (Registrar-General)
- Veterans' Affairs which is a unit of the New Zealand Defence Force (Veterans' Affairs)

Personal information may only be shared under the agreement where Veterans' Affairs is either the providing or receiving party. Other parties may not share personal information between themselves under the agreement.

The following diagram depicts the information flows. Parties shown in green denote two-way information sharing, whilst those parties shown in blue denote one-way information sharing.



4.3. Agreements Affected

This proposed AISA will replace the following agreements or arrangements, in full or in part, once this AISA is in full effect, including the existence of operational procedures to share the required information:

- Memorandum of Understanding between the Chief Executive of the Ministry of Social Development and the New Zealand Defence Force dated 2 December 2014, Schedule 2 clause 2.
- Memorandum of Understanding between Accident Compensation Corporation and the New Zealand Defence Force dated 27 May 2015.

5. Personal Information

5.1. Types of Personal Information to be Shared

Under the AISA, parties will share personal information about an identifiable individual. Information that is not about an individual will not be shared under the agreement. Information may only be shared under the agreement where Veterans' Affairs is either the providing or receiving party.

Personal information that can be shared under the proposed AISA will mainly relate to veterans. However, it could also include personal information about a veteran's family and whānau.

The types of information to be shared by each party will vary on the circumstances and the services requested. Information shared may include information about:

- The veteran and their family and whānau
- Income
- Services being provided
- Travel movements
- Education

5.2. Information Proposed to be Shared by Veterans' Affairs

Personal information that is proposed to be shared by Veterans' Affairs under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none">• current name• previous names• date of birth• place of birth• contact details	All
Passport Details	Current and previous passport number	Schedule 1 – clause 4 (a) and (b)

Category	Includes	Uses
Veteran Status	Fact of being a veteran.	Schedule 2 – clause 2 (a) and (b) Schedule 3 – clause 2 (a) Schedule 5 – clause 2 (a) Schedule 6 – clause 2 (a) and (b) Schedule 7 – clause 2 (a) and (b) Schedule 9 – clause 2 (a) and (b) Schedule 10 – clause 2 (a) Schedule 11 – clause 2 (a) and (b)
Service Date	Last date of active service for the veteran.	Schedule 6 – clause 2(b) Schedule 7 – clause 2(b) Schedule 9 – clause 2(b)
Rehabilitation Information	Details relating to the veteran’s current rehabilitation plan.	Schedule 3 – clause 2 (a), (b) and (c)
Entitlement Information	Details relating to the current services provided by Veterans’ Affairs to the veteran and other claimants, including amount of assistance and financial value.	Schedule 2 – clause 2 (a) and (b) Schedule 3 – clause 2 (a), (b) and (c) Schedule 10 – clause 2 (a) Schedule 11 – clause 2 (a) and (b)

5.3. Information Proposed to be Shared by ACC

Personal information that is proposed to be shared by ACC under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Entitlement Information	Details relating to the current and previous services provided by ACC to the veteran including type of assistance and financial value.	Schedule 1 – clause 2 (a), (b) and (c)

Category	Includes	Uses
ACC status	Fact of a veteran having cover for a personal injury.	Schedule 1 – clause 2 (a), (b) and (c)

5.4. Information Proposed to be Shared by Corrections

Personal information that is proposed to be shared by Corrections under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Prison Admission/Release Information	Information relating to when a veteran enters and leaves prison including their release plan.	Schedule 1 – clause 3 (a), (c) and (d)
Sentence Conditions	Information relating to any sentence conditions imposed when a Veteran leaves prison.	Schedule 1 – clause 3 (b) and (c)
Rehabilitation and Treatment Plan	Details relating to the veteran’s current rehabilitation and treatment plan.	Schedule 1 – clause 3 (b) and (d)
Reintegration Plan	Details relating to how the veteran will be reintegrated into the community including details of any conditions imposed on the veteran.	Schedule 1 – clause 3 (a), (b), (c) and (d)

5.5. Information Proposed to be Shared by Customs

Personal information that is proposed to be shared by Customs under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth 	All
Passport Details	Current and previous passport number	Schedule 1 – clause 4 (a) and (b)
Travel Movements	Information contained within the passenger movement records of a veteran.	Schedule 1 – clause 4 (a) and (b)

5.6. Information Proposed to be Shared by DIA

Personal information that is proposed to be shared by DIA under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Passport Information	Information relating to an individual's New Zealand passport and the location it was delivered to.	Schedule 1 – clause 5 (a), (b) and (c)

5.7. Information Proposed to be Shared by Health NZ, the Māori Health Authority and the Ministry of Health

Personal information that is proposed to be shared by Health NZ, the Māori Health Authority or the Ministry of Health under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All

5.8. Information Proposed to be Shared by MOE

Personal information that is proposed to be shared by MOE under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • contact details 	All
Enrolment Information	Information relating to the enrolment in a registered school of another claimant.	Schedule 1 – clause 6 (a) and (b)

5.9. Information Proposed to be Shared by MSD

Personal information that is proposed to be shared by MSD under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Working Status	Information relating to whether the veteran is currently working.	Schedule 1 – clause 7 (a) and (b)
Benefit Information	Information relating to benefits.	Schedule 1 – clause 7 (a) and (b)
Partner Information	Information relating to current and previous partners of the veteran.	Schedule 1 – clause 7 (a) and (b)
Children, Dependant, and Whāngai Information	Identity and relationship information relating to children, dependants, and whāngai of the veteran.	Schedule 1 – clause 7 (a) and (b)

5.10. Information Proposed to be Shared by NZDF

Personal information that is proposed to be shared by NZDF under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth • contact details 	All
Service Records	Information relating to the veteran's NZDF Service.	Schedule 1 – clause 8 (a), (b) and (d)
ACC Entitlement Information	Details relating to the current and previous ACC AEP Services provided to the Veteran including type of assistance and financial value.	Schedule 1 – clause 8 (b), (c) and (d)
ACC status	Fact of a Veteran having Cover for a personal injury.	Schedule 1 – clause 8 (b), (c) and (d)

5.11. Information Proposed to be Shared by the Registrar-General

Personal information that is proposed to be shared by the Registrar-General under the AISA falls into the general categories below:

Category	Includes	Uses
Identifying Information	Information to identify the individual including: <ul style="list-style-type: none"> • current name • previous names • date of birth • place of birth 	All
Birth Information	Information relating to the individual's birth that is maintained by the Registrar-General under the BDMRR Act excluding information protected by sections 63 to 66.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)
Marriage Information	Information relating to the individual's marriage that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)
Civil Union Information	Information relating to the individual's civil union that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)
Death Information	Information relating to the individual's death that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)
Name Change Information	Information relating to the individual's name change that is maintained by the Registrar-General under the BDMRR Act.	Schedule 1 – clause 9 (a), (b), (c), (d) and (e)

6. Information Sharing Practices

The majority of information will be shared when the veteran or their family and whānau apply for services with the relevant government agency. For example, when applying for an educational grant, details of the person's educational enrolment will be confirmed. This will occur on a per person basis as required. Typically, information will be exchanged using secure email (SEEMail) or via phone.

Individuals will be made aware that information will be collected or shared with other agencies as appropriate. Details of this sharing will be made available as part of the communication with the veteran or their family and whānau. Consent will not be sought from the individual for the sharing to occur due to the challenges faced around gaining informed consent.

When a veteran is first accepted as a client of Veterans' Affairs, the health providers will be advised that the individual is a veteran along with their last date of active service. No other health information will be exchanged at this time. This exchange of information is likely to occur on a regular schedule where health providers are advised of all new veterans in the previous period.

When an individual enters prison, they will be asked to confirm if they are a client of Veterans' Affairs. In the event they indicate that they are a client, then Veterans' Affairs will be advised by

Corrections that they have entered prison. Veterans' Affairs will also be advised when the same individual leaves prison. The individual will be advised that their information is being shared with Veterans' Affairs in both scenarios.

7. Benefits and Adverse Actions

7.1. Benefits to Society

Improving information sharing about veterans has the potential to significantly improve the delivery of services, entitlements, and support to veterans and their family and whānau through the use of authoritative information, including:

- Allowing organisations to correctly identify an individual who is a veteran and their family and whānau for the purposes of support. Therefore, allowing organisations to take appropriate action without delay.
- Enabling prompt alterations to the support provided including commencement of additional financial support upon a change in a veteran's circumstances.
- Easing the burden for veterans and their families and whānau when assessing eligibility for services by reducing the number of documents that need to be provided.
- Protection of public revenue through prompt adjustment in funding where another agency is providing support or a veteran's circumstances have changed.
- Proactive notification to veterans and their families and whānau of services and entitlements they are eligible to receive.

In the majority of cases the information that is proposed to be shared under the agreement is already collected by Veterans' Affairs. However instead of being collected from the agency concerned, the information is sought from the veteran or their family and whānau. This results in an additional burden to the individuals concerned and often results in delays to receiving the services they require.

7.2. Adverse Actions

As part of the development of the proposed AISA, the following adverse actions have been identified:

- Declining to provide requested services or additional services.
- Cancellation or modification of services.
- Ceasing contact with the veteran or another claimant.
- Declining to provide a means to prove a veteran's status and eligibility.
- Declining to provide health services at a reduced cost.
- Undertaking a reconsideration of decision or undertaking an appeal in respect of the services.
- Engaging in civil proceedings.
- Investigating any matter that may constitute an offence under any legislation it administers and prosecute the offence or report any suspected offence to the New Zealand Police or Serious Fraud Office.

Section 152 of the Privacy Act 2020 requires parties to provide written notice to individuals before any “adverse action” is taken against them on the basis of personal information shared under an information sharing agreement, and to give those individuals 10 working days to dispute the correctness of the information received.

In addition to the ability to dispute the correctness of any information received under the proposed AISA Veterans’ Affairs has an established and robust review and appeals process in place for use in scenarios where a veteran or their family and whānau do not agree with a decision that Veterans’ Affairs has made, or where the veteran or their family and whānau is unhappy with the level or extent of service received or not received. The review and appeals process is comprised of the following steps:

- A discussion with Veterans’ Affairs about a decision made, or service levels;
- A review of the decision or service, either by a Review Officer or the Veterans’ Service Review Panel (if in relation to meeting the definition of qualifying service);
- An appeal to the Veterans’ Entitlement Appeal Board; and
- An appeal to the High Court of New Zealand.

Further details pertaining to the Veterans’ Affairs review and appeals process are accessible on the Veterans’ Affairs website. It is envisaged that this existing process will be used for decisions made as a result of the implementation of the AISA.

8. Exemption of the Privacy Principles

The AISA proposes to exempt the following Information Privacy Principles or Health Information Privacy Code rules:

- IPP 2: Source of Personal Information – The AISA proposes that it will not be a breach of the Privacy Act / Health Information Privacy Code if a party to the AISA collects information from another party to the AISA for one of the purposes defined in the AISA rather than collecting the information directly from the person concerned. This exemption is required in order to enable information sharing to occur without the individual concerned being required to supply the information to the party requesting it.
- IPP 10: Limits on the Use of Personal Information – The AISA proposes that it will not be a breach of the Privacy Act / Health Information Privacy Code if a party uses the information it receives under the AISA for one of the purposes defined in the AISA. This exemption is required in order to enable the party receiving the information to utilise it for the purpose for which it was collected from the other party. This purpose is likely to differ from the purpose for which it was originally collected from the individual.
- IPP 11: Limits on Disclosure of Personal Information – The AISA proposes that it will not be breach of the Privacy Act / Health Information Privacy Code for a party to disclose information to another party for one of the purposes defined in the AISA. This exemption is required in order to enable the party to disclose the information for a purpose other than that for which the information was originally collected from the individual.

9. Assessment Against the Privacy Principles/ Rules

The following table details the summary of personal information involved, the use of that personal information, and the implications of the provisions of the AISA in accordance with the Information Privacy Principles and the Health Information Privacy Code Rules.

Description of the Privacy Principle / Rule	Summary of Personal Information involved, its use, and implications of the provisions of the AISA	Exemption	Link to Risk Assessment
Principle / Rule 1 - Purpose of the collection of Personal Information	<ul style="list-style-type: none"> No additional information will be collected directly from an individual as a result of this AISA. One or more parties are already collecting this information to carry out its functions. Parties may collect more information from another party as a result of the AISA. The AISA permits parties to collect necessary information connected to a function or activity, with a lawful purpose. Information obtained through the AISA can only be used for one of the purposes specified in the agreement. 	No	R01
Principle / Rule 2 – Source of Personal Information	<ul style="list-style-type: none"> The AISA permits authorised parties to collect information from another party rather than to seek it directly from the individual. Information obtained through the AISA can only be used for one of the purposes specified in the agreement. 	Yes	R01 R03
Principle / Rule 3 – Collection of information from subject	<ul style="list-style-type: none"> Privacy notices are provided to individuals when the information is first collected. These notices will be updated to ensure the new purposes contained in the AISA are covered. If the individual whom the information concerns is resident in the UK and the receiving party is subject to the Data Protection Act 2018 then the receiving party will provide a copy of their privacy notice on receipt of the information under the AISA. If the individual whom the information concerns is a European Data Subject, and the receiving party is subject to the General Data Protection Regulation (EU) 2016/679 then the receiving party will provide a copy of their privacy notice on receipt of the information under the AISA. 	No	R01 R03

Description of the Privacy Principle / Rule	Summary of Personal Information involved, its use, and implications of the provisions of the AISA	Exemption	Link to Risk Assessment
Principle / Rule 4 – Manner of collection of Personal Information	<ul style="list-style-type: none"> It is a requirement for all parties to ensure personal information is collected by lawful means and is not collected in a manner that is unfair or intrudes unreasonably on the individual concerned. The AISA does not modify the requirement to comply with this principle. 	No	R03 R05 R07
Principle / Rule 5 – Storage and security of Personal Information	<ul style="list-style-type: none"> All communications between parties will be via secure electronic connections. All parties will be required to maintain personal information securely in accordance each party's internal information security policies and adherence to the PSR INFOSEC requirements. These requirements will not change under the AISA. 	No	R02 R03
Principle / Rule 6 – Access to Personal Information	<ul style="list-style-type: none"> Current processes for each party will be utilised when receiving a request for access to information held by the party. The AISA will not alter these processes. Information provided as a result of a privacy request will include any information received under the AISA. Parties will assist any persons wishing to file a complaint about a possible interference with privacy. 	No	R03 R04 R06
Principle/ Rule 7 – Correction of Personal Information	<ul style="list-style-type: none"> Changes to personal information provided by the individual will be shared, if reasonably practical, between parties if the original information had previously been shared. Current processes for each party will be utilised when receiving a correction request. The AISA will not alter these processes. Each party is required to comply with this principle and the AISA does not alter this requirement. Parties will assist any persons wishing to file a complaint about a possible interference with privacy. 	No	R03 R04 R06

Description of the Privacy Principle / Rule	Summary of Personal Information involved, its use, and implications of the provisions of the AISA	Exemption	Link to Risk Assessment
Principle / Rule 8 – Accuracy etc. of Personal Information to be checked before use or disclosure	<ul style="list-style-type: none"> Information disclosed by a party must meet the party's standards for suitability for purpose, and any caveats or warnings about the quality, accuracy, or suitability of the information must be conveyed to the recipient. 	No	R03 R08
Principle / Rule 9 – Agency not to keep Personal Information for longer than necessary	<ul style="list-style-type: none"> Information will be retained only for as long as there is a business purpose to hold it or as required under the Public Records Act 2005. This remains unchanged and all parties will be required to comply. Where there is a disposal authority in place this will be followed. 	No	R03
Principle / Rule 10 – Limits on use of Personal Information	<ul style="list-style-type: none"> The AISA only permits parties to use information received for the purposes specified in the agreement. 	Yes	R03
Principle / Rule 11 – Limits on disclosure of Personal Information	<ul style="list-style-type: none"> The AISA allows one party to disclose information to another party for the purposes specified in the AISA where Veterans' Affairs is one of the parties. No information obtained under the AISA can be on shared with other parties except as authorised by law, including in order to comply with a court order. 	Yes	R03 R05
Principle / Rule 12 – Disclosure of personal information outside New Zealand	<ul style="list-style-type: none"> The AISA allows one party to disclose information to another party for the purposes specified in the AISA where Veterans' Affairs is one of the parties. All parties are New Zealand Government agencies. 	No	R03
Principle 13 – Unique identifiers	<ul style="list-style-type: none"> The AISA does not involve any of the parties assigning a veteran's passport number as a unique identifier (within the meaning of 'assign' as used in IPP13 of the Privacy Act 2020). 	No	

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10. Risk Assessment

This section describes the privacy risks identified through the PIA process and how it is proposed to mitigate and manage these.

Ref	Description of the risk(s)	Privacy Principle / Rule	Mitigations
R01	Information is disclosed or used for purposes unrelated to the agreement.	1, 2	<ul style="list-style-type: none"> Clause 1 of Schedules 1 to 12 of the agreement lists the types of information that may be shared by each party. Each party has a separate schedule. Clauses 2 to 9 of Schedule 1 and clause 2 of Schedules 2, 3, 5, 6, 7, 9 and 10 within the agreement detail the purposes for which information received can be used by the receiving party. Clause 12.1 (a) of the agreement imposes requirements on the parties to abide by the Public Sector Standards of Integrity and Conduct. Clause 12.1 (c) of the agreement requires parties to ensure only authorised individuals have access to information shared. Clause 12.2 (a) of the agreement imposes requirements on the parties to restrict disclosure of information unless the disclosure is required by law or to comply with a court order. Clause 12.2 (c) of the agreement imposes requirements on the parties to ensure that the information is only used for the specified purposes. Clauses 12.4 and 12.6 of the agreement impose requirements on the parties to formally investigate any inappropriate access or disclosure. Clause 12.5 of the agreement imposes the requirement for a regular audit of the operation of the agreement by each party.
R02	Insecure storage or transfer of information.	5	<ul style="list-style-type: none"> Clause 12.2 (a) of the agreement imposes requirements on the parties to restrict disclosure of information unless the disclosure is required by law or to comply with a court order. Clauses 12.4 and 12.6 of the agreement impose requirements on the parties to formally investigate any inappropriate access or disclosure. Clause 12.4 (c) of the agreement requires mandatory reporting to the Office of the Privacy Commissioner for all material privacy breaches in accordance with the Privacy Act. Clause 12.5 of the agreement imposes the requirement for a regular audit of the operation of the agreement by each party. Clause 12.6 (a) of the agreement imposes requirements on the parties to appropriately secure information at rest and in transit in accordance with the NZISM. Clause 12.6 (b) – (e) of the agreement specifies how parties should respond in the event of a suspected or confirmed security breach.

Ref	Description of the risk(s)	Privacy Principle / Rule	Mitigations
R03	Inadequate policies and procedures to preclude information being collected, modified, used, stored, disclosed, and destroyed other than in accordance with the constraints and restriction detailed.	All	<ul style="list-style-type: none"> Clause 12.1 (a) of the agreement imposes requirements on the parties to abide by the Public Sector Standards of Integrity and Conduct. Clause 12.2 (a) of the agreement imposes requirements on the parties to restrict disclosure of information unless the disclosure is required by law or to comply with a court order. Clause 12.2 (c) of the agreement imposes requirements on the parties to ensure information is only used for the specified purposes. Clause 12.2 (d) of the agreement imposes requirements on the parties to ensure processes are in place for the disposal of information once it is no longer required. Clauses 12.4 and 12.6 of the agreement impose requirements on the parties to formally investigate any inappropriate access or disclosure. Clause 12.4 (c) of the agreement requires mandatory reporting to the Office of the Privacy Commissioner for all material privacy breaches in accordance with the Privacy Act. Clause 12.5 of the agreement imposes the requirement for a regular audit of the operation of the agreement by each party. Clause 12.6 (b) – (e) of the agreement specifies how parties should respond in the event of a suspected or confirmed security breach.
R04	Difficulties experienced by individuals in obtaining access to and requesting correction of their personal information.	6,7	<ul style="list-style-type: none"> Clause 13 of the agreement requires all parties to assist with any investigation by the Privacy Commissioner and to have adequate procedures in place to respond to complaints about the interference with privacy. Current processes for handling access and correction requests by each party remain unchanged as a result of the AISA.
R05	Individuals being unaware of the existence of the AISA and its implications for them and their personal information.	3, 11	<ul style="list-style-type: none"> Clause 10 of the agreement provides information about where the AISA is publicly available and can be accessed. Communications provided to individuals at the time of collection of their information and becoming a client of Veterans' Affairs.
R06	Individuals having difficulties in filing a complaint regarding an interference with privacy.	6, 7	<ul style="list-style-type: none"> Clause 13 of the agreement requires all parties to assist with any investigation by the Privacy Commissioner, and to have adequate procedures in place to respond to complaints about the interference with privacy.
R07	Individuals being unaware of when they may be subject to an adverse action and not understanding their rights under the Privacy Act.	3	<ul style="list-style-type: none"> Clause 9 of the agreement details the circumstances upon which adverse action may occur without notice. Clause 10 of Schedule 1, and clause 3 of Schedules 2, 3, 5, 6, 7, 9 and 10 within the agreement lists the adverse action parties may take as a result of receiving information under the AISA. Clause 10 of the agreement requires the AISA to be made available on the Veterans' Affairs website and at one of their offices for public inspection. Communications provided to individuals at the time of collection of their information and becoming a client of Veterans' Affairs.
R08	Personal information is attributed to the wrong individual.	8	<ul style="list-style-type: none"> Current processes for ensuring the accuracy of information shared under the agreement remain unchanged.

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11. Action Plan

This section describes what actions are being taken and the person responsible.

Ref	Agreed action	Who is responsible	When
A01	Operating procedures relating to the operational aspects of the agreement will be developed to provide protection around the use of the information shared.	All parties	Prior to sharing commencing.
A02	All parties will ensure that appropriate policies and procedures are in place to ensure the terms of the agreement are met, and that these are reviewed regularly.	All parties	Prior to sharing commencing.
A03	Regular staff training on the policies and procedures relating to the agreement.	All parties	Ongoing from when the AISA comes into force.
A04	The agreement will be consulted on with the Privacy Commissioner.	Veterans' Affairs	Before the AISA comes into force.
A05	Parties will conduct regular internal first line assurance and internal audit of the operation of the agreement to check the safeguards are operating as intended; that they remain sufficient to protect the privacy of individuals; and to ascertain whether any issues have arisen in practice that need to be resolved.	All parties	Ongoing from when the AISA comes into force.
A06	A notification will be posted on Veterans' Affairs website in accordance with Clause 10 of the agreement.	Veterans' Affairs	Ongoing from when the AISA comes into force.
A07	A hard copy of the agreement will be made available for inspection at Veterans' Affairs Wellington in accordance with Clause 10 of the agreement.	Veterans' Affairs	Ongoing from when the AISA comes into force.
A08	Relevant privacy notices at collection point will be updated to reflect the information sharing provision under the agreement.	All parties	Prior to sharing commencing and ongoing from when the AISA comes into force.
A09	A link to the Veterans' Affairs web page containing the AISA will be posted on the Office of the Privacy Commissioner website.	Office of the Privacy Commissioner	Ongoing from when the AISA comes into force.



Te Tira Ahu Ika A Whiro

VETERANS' AFFAIRS

New Zealand

Public Discussion Document

Proposal to share veterans' information

The discussion is open from XX 2022 until 5pm on XX 2022

Go to www.veteransaffairs.mil.nz/proposal-to-share-information

Contents

1. Introduction	3
1.1. What is the purpose of consultation?	3
1.2. Who is being consulted?	3
1.3. What is not covered in this public consultation process?	3
2. Background	4
2.1. Who is Veterans' Affairs?	4
2.2. What types of support are available to veterans and their family and whānau?	4
2.3. Which government agencies are involved in supporting veterans and their family and whānau?	5
2.4. How is information about veterans currently shared?	5
2.5. What problems are caused by the lack of information sharing?	6
3. Impacts on Individuals	7
3.1. What are the benefits of increasing information sharing about veterans?	7
3.2. What are the expected negative impacts on individuals?	7
4. Options	9
4.1. What was considered when comparing options?	9
4.2. What options were considered?	9
4.3. How do the options compare?	10
4.4. What is the preferred option?	11
5. A Proposed AISA	12
5.1. Which government agencies are proposed to be involved?	12
5.2. What information may be shared?	12
5.3. What information will not be shared?	13
5.4. When will information be shared?	13
5.5. How will information be shared?	14
6. Proposed Uses of Information under a Proposed AISA	15
6.1. How does Veterans' Affairs and New Zealand Defence Force propose to use the information shared under a proposed AISA?	15
6.2. How do Veterans' Affairs and the Ministry of Social Development propose to use the information shared under a proposed AISA?	15
6.3. How do Veterans' Affairs and ACC propose to use the information shared under a proposed AISA?	16
6.4. How do Veterans' Affairs and Corrections propose to use the information shared under a proposed AISA?	16
6.5. How do Veterans' Affairs and the Department of Internal Affairs propose to use the information shared under a proposed AISA?	17
6.6. How do health agencies propose to use the information received from Veterans' Affairs under a proposed AISA?	17
6.7. How does Veterans' Affairs propose to use the information received from the Ministry of Education, Customs and the Registrar-General under a proposed AISA?	18

7. Keeping the Information Sharing Safe under a Proposed AISA	19
7.1. How is privacy protected?	19
7.2. Who has access to the information shared?	19
7.3. What happens if there is a privacy or security breach?	19
7.4. How will the information be managed?.....	19
7.5. How will Veterans’ Affairs monitor and evaluate the sharing of information?.....	20
8. Submissions	21
8.1. What questions would Veterans’ Affairs like you to consider?.....	21
8.2. How do you make a submission?.....	21
8.3. What will happen with your submission?	22
8.4. How does the Official Information Act 1982 apply?	22
8.5. Where can I get further information?.....	22
Appendix A – Options Analysis.....	23
Option A - Status quo	23
Option B - Development of a number of Memoranda of Understanding (MOUs)	23
Option C - Development of an Approved Information Sharing Agreement (AISA).....	24
Option D - Amend primary legislation.....	25

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1. Introduction

1.1. What is the purpose of consultation?

This public discussion document seeks views on the:

- Challenges associated with sharing information about veterans and their family and whānau;
- Proposed options to improve the sharing of information; and
- Possible Approved Information Sharing Agreement (AISA).

This public consultation process is an important step to make sure Veterans' Affairs understands a broad range of views on what it is proposing. It is also a legal requirement - the Privacy Act requires Veterans' Affairs, as the lead agency, to consult about any AISA with the public before it can be submitted to Cabinet for approval. Discussing the proposals with the public ensures that Veterans' Affairs:

- Is clear and transparent about why Veterans' Affairs wants to make the changes;
- Understands people's views; and
- Can address any concerns expressed.

1.2. Who is being consulted?

Anyone is welcome to provide feedback on the proposals. Feedback can be provided on the public discussion questions included in this document and/or by providing general feedback.

We are keen to consider a wide range of views and to ensure that we have considered critical issues including cultural perspectives. This document is being provided directly to a range of organisations that may be interested in changes to information sharing, to make them aware of the discussion.

The Privacy Commissioner is also required to consider the privacy implications of an AISA under the Privacy Act and may provide a submission.

1.3. What is not covered in this public consultation process?

This public consultation process is focused on what information should be shared between the parties to improve delivery of services, entitlements, and support to veterans and their family and whānau.

Veterans' Affairs is not consulting on:

- Services, entitlements, and support to veterans and their family and whānau.
- The eligibility criteria for services, entitlements, and support to veterans and their family and whānau.

2. Background

2.1. Who is Veterans' Affairs?

Veterans' Affairs provides services, entitlements, and support to veterans with injuries and illnesses related to qualifying service so that they can be well at home, at work, and in their communities. Veterans' Affairs is a unit within the New Zealand Defence Force which operates under the Veterans' Support Act 2014.

Veterans' Affairs works alongside other government agencies and veterans' groups to:

- Support veterans with qualifying service, as well as their family and whānau.
- Celebrate their courage, comradeship, and commitment.
- Commemorate their loss and sacrifice.

Veterans' Affairs does this by:

- Providing support to veterans with injuries and illnesses relating to qualifying service, their family and whānau, so they can be well at home, at work, and in their communities.
- Helping coordinate commemorative activities.
- Maintaining over 180 service cemeteries throughout New Zealand.
- Working with other organisations that also support and advocate for veterans.

Veterans' Affairs clients range in age from 19 to more than 100 years old, and include retirees, those in civilian life, current service members, and their families and whānau. It is estimated that there are over 31,000 New Zealanders who could be eligible for support, services, and entitlements from Veterans' Affairs. The average age of a veteran supported by Veterans' Affairs is in excess of 80 years.

Veterans' Affairs provides services to veterans and their family and whānau residing in New Zealand and overseas. In all cases, the provision of a service will depend on whether a veteran or their family and whānau have applied for or elected to utilise a particular service.

2.2. What types of support are available to veterans and their family and whānau?

Examples of the types of support provided by Veterans' Affairs to veterans and their family and whānau include:

- Treatment or rehabilitation when a veteran is sick or injured.
- Mental health support.
- Financial support if a veteran cannot work full time or at all, expenses associated with treatment, impairment compensation, support for children and dependants, and expenses associated with the death of a veteran.
- In-home rehabilitation/support to independence, including home modifications, training for independence, home help, child care payments and attendant care.
- Vocational rehabilitation for veterans returning to work and continuing recovery while at work and vocational assistance for a veteran's spouse or partner if a veteran is unable to undertake vocational rehabilitation.
- Support to participate in commemorations of service including events, travel, and projects.

2.3. Which government agencies are involved in supporting veterans and their family and whānau?

A number of government agencies are currently involved in providing services, support or entitlements to veterans and their families and whānau alongside Veterans' Affairs.

Agency	Relationship
Accident Compensation Corporation	Depending on the scheme the veteran is part of, based on their qualifying service, certain conditions are not covered by ACC but funded by Veterans' Affairs instead. Veterans' Affairs may also top up ACC payments.
Department of Corrections	Rehabilitation services stop when a veteran is in prison (subject to a few exceptions) and are passed over to the Department of Corrections (Corrections) to provide. On release, the obligation to provide these services is passed back to Veterans' Affairs. Financial payments to the veteran stop when they are in prison. Veterans' Affairs may provide support services to aid a veteran's reintegration on release and may also provide information to Corrections for provision to the Parole Board.
Inland Revenue	Income information is used to determine compensation payment amounts paid to veterans. These payments are based on previous income or lump sums depending on the circumstances. On a veteran's death Veterans' Affairs may provide child care payments, income compensation or pensions for spouses, partners, children and dependents, depending on the veteran's service and whether the veteran's death is service-related.
Ministry of Social Development	Administer and pay the Veteran's Pension on behalf of Veterans' Affairs.
New Zealand Defence Force	Confirm the veteran's service to determine if he or she may be eligible for Veterans' Affairs services. Provide health records to enable ongoing care and determination of coverage for support such as impairment compensation.
Ministry of Health	Provide medical care to veterans and their families and whānau.

2.4. How is information about veterans currently shared?

Before Veterans' Affairs was established in 1999, the Ministry of Social Development was responsible for the War Pensions Act 1954. During that time, the Ministry of Social Development had greater ability to receive information from other agencies such as Corrections and the Department of Internal Affairs than Veterans' Affairs currently does. However, these sharing provisions were not carried over when Veterans' Affairs separated from the Ministry of Social Development.

Most of the information required to assess entitlement for services must now be provided by veterans or their family and whānau. Due to the age of many veterans, much of this is provided in paper form and sent by post. For example, if a veteran needs to prove their income, they're required to locate last year's tax statement in their physical records, then make a copy and post this to Veterans' Affairs. This places a burden on the veteran, their family and whānau, and results in delays to the provision of services.

Information is also sought from other government agencies e.g., ACC, with the veteran's consent. The veteran provides consent at the time that they first access Veterans' Affairs services, but this may have been given many years prior. Even with reminders, due to the makeup of the veteran community, many are not in a position to remember giving consent. There is a further challenge in relation to consent as a number of veterans are incapable of providing informed consent, and may not have a representative who is legally authorised to consent on their behalf.

Question 1: Do you think Veterans' Affairs has described the current situation accurately?

If you answered "no", please tell us what you think may be incorrect or missed out.

2.5. What problems are caused by the lack of information sharing?

As data held by the various government agencies responsible for veterans' care is often incomplete or not comprehensive, many veterans may not know about, or are otherwise missing out on services, support or entitlements they may be eligible for.

Within the context of seeking health services, a veteran may fail to provide details about their service history to their General Practitioner (GP). With knowledge that a patient is a veteran, a GP would be able to make the appropriate enquiries during the consultation, to narrow down and identify a potential diagnosis. In some cases, this may also extend to advising on the veteran's likelihood to develop certain health conditions, such as those resulting from exposure to a toxic environment when serving in Viet Nam, based on the veteran's last date of active service.

Equally, the inability to share information makes it difficult to exercise powers to not provide services, to adjust services, prevent fraud or mistaken identity, and to prevent the accumulation of debt. For example, when a veteran enters prison, their financial entitlements cease. However, there is no ability for Corrections to advise Veterans' Affairs of a veteran becoming a prisoner. Therefore, the veteran continues to receive support until a point where their location becomes known. At this point they then have a debt owing to Veterans' Affairs, which needs to be repaid on release. This can become more of an issue, as upon release, the veteran is required to contact Veterans' Affairs to re-establish their support as Corrections can't advise of their upcoming release.

The issues regarding information sharing were identified in the [Paterson Report](#) in June 2017. A recommendation was made that "*Veterans' Affairs reviews its information-sharing and relationship arrangements with the Defence Force and ACC, progresses information-sharing arrangements with IRD for the purposes of weekly compensation and broader tax issues, and explores ways to share information with health practitioners.*"

The challenges around access to information and the need to provide information are illustrated in the surveys completed by Veterans' Affairs of their clients. There were 186 comments about the need to improve information sharing in the latest survey. The following are examples of this:

- "Please streamline information exchange between NZDF, medical and VA."
- "I needed help with the paperwork at the beginning, it can be tough if you are not literate and there is so much information required, its (sic) hard to get it all together."
- "A lot of paperwork, intense paperwork and a lot of it wasn't about my problem."
- "I had to assist VA with getting information, I feel VA is indifferent – they should do this."
- "The detail required to fill in the form is unnecessary, it should be able to come pre-printed with what I've already been over. This should be got from the system rather than making vets keep filling in forms, especially vets with dementia, it's unnecessarily difficult."

Question 2: Do you think Veterans' Affairs has described the current challenges accurately?

If you answered "no", please tell us what you think may be incorrect or missed out.

3. Impacts on Individuals

3.1. What are the benefits of increasing information sharing about veterans?

Improving information sharing about veterans and their family and whānau has the potential to significantly improve the delivery of services, entitlements, and support to veterans and their family and whānau by:

- Easing the burden for veterans and their families and whānau when assessing eligibility for services by reducing the number of documents that need to be provided. For example, not requiring copies of a marriage certificate when a spouse applies for support following a veteran's death.
- Allowing organisations to correctly identify an individual who is a veteran and their family and whānau for the purposes of support. For example, it will enable a GP to know an individual is a veteran and therefore be aware of medical conditions that they may be more susceptible to, due to their service history.
- Government agencies will be able to promptly adjust their services, if the veteran's situation changes. For example, ceasing financial support when a veteran is in prison, meaning that a debt is not incurred that needs to be repaid on their release.
- Protection of public revenue through timely adjustment in funding where another government agency is providing support. For example, adjustment of payments to a veteran when they are receiving support from the Ministry of Social Development.
- Proactive notification to veterans and their families and whānau of services and entitlements that they are eligible to receive. For example, notifying veterans when they leave active service that they have qualifying operational service and are therefore able to apply for support from Veterans' Affairs.

Question 3: Are there any benefits of sharing information about veterans that Veterans' Affairs hasn't talked about?

If you answered "yes", please tell us what you think has been missed.

3.2. What are the expected negative impacts on individuals?

As a result of the information sharing, services provided to veterans and their family and whānau may be stopped or reduced where it is shown that they no longer qualify for the services, entitlements, or support.

The Privacy Act requires the government agency who is going to negatively impact an individual, based on the information received under an AISA, to write to them and provide them with ten working days to advise if the information is incorrect and therefore the wrong decision has been made.

Veterans' Affairs has a process to correct errors when it becomes aware of them. Veterans' Affairs also has an established review and appeals process in place for use in scenarios where a veteran or their family and whānau do not agree with a decision that Veterans' Affairs has made, or where the veteran or their family and whānau is unhappy with the level or extent of service received or not received. The review and appeals process is comprised of the following steps:

- A discussion with Veterans' Affairs about a decision made, or service levels.
- A review of the decision or service, either by a Review Officer or the Veterans' Service Review Panel (if in relation to meeting the definition of qualifying service).
- An appeal to the Veterans' Entitlement Appeal Board.

- An appeal to the High Court of New Zealand.

This process will remain unchanged regardless of the changes in information sharing. Therefore, any decision made based on information received through information sharing can still be subject to review and appeal.

Question 4: Are there any risks or negative impacts that Veterans' Affairs hasn't identified?

If you answered "yes", please tell us what you think has been missed.

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4. Options

4.1. What was considered when comparing options?

Veterans' Affairs has identified that gathering the information required about veterans from the government agencies holding it will decrease the administrative burden on veterans and their family and whānau. In addition, it will decrease the delays associated with providing the information so veterans and their family and whānau can receive services quicker.

The collection, use, and sharing of personal information is regulated by the Privacy Act 2020. It is not possible to use non-regulatory approaches (for example, a commercial contract) to allow personal information to be shared, therefore only regulatory options were considered.

Veterans' Affairs examined possible options to improve the information sharing relating to veterans and their family and whānau. When considering the options, the following were taken into account:

- Efficiency for veterans and their family and whānau – This will occur when veterans and their family and whānau are not required to provide information already held by another government agency.
- Accuracy and timeliness of information – This will occur when Veterans' Affairs and other government agencies are able to gain access to information from an authoritative source in a timely fashion.
- Transparency regarding how information will be shared and used by government agencies – This will occur when veterans and their family and whānau are able to access information in one central location about how their information will be shared.
- Achievability within a reasonable time (up to two years) – This will be based on the process steps that are required to implement the option and the expected timeframes based on other similar work within New Zealand.

Privacy was not considered as one of the criteria, as veterans and their family and whānau are required by law to provide the majority of the information to the relevant government agencies as part of receiving services from them.

Question 5: Do you think Veterans' Affairs has used the right criteria to assess the options?

If you answered "no", please tell us what criteria you think should be added or left out, and why.

4.2. What options were considered?

The four options that were considered and evaluated by Veterans' Affairs were:

- **Status quo** – this would involve making no changes to the way information is shared.
- **Development of a number of Memoranda of Understanding (MOUs)** – this would involve putting in place a small number of MOUs between government agencies and Veterans' Affairs to support sharing under the exceptions to the Privacy Act or other legislation where allowable.
- **Development of an Approved Information Sharing Agreement (AISA)** – this would enable two-way sharing with government agencies for a variety of specified purposes. For more information about AISAs visit <https://www.privacy.org.nz/privacy-act-2020/information-sharing/approved-information-sharing-agreements/>
- **Amend primary legislation** – this would involve an extensive process to update the Veterans' Support Act 2014 and other primary legislation.

Question 6: Do you think Veterans' Affairs has considered the right options?

If you answered "no", please tell us what option you think should be considered and why.

4.3. How do the options compare?

Status quo

If the status quo was maintained due to current limitations in the ability to share information, heavy administrative burdens (with costs attached) are placed on veterans and their family and whānau in providing evidence of the various requirements such as proof of marriage or income received. Information about information sharing that is occurring is currently explained in the Veterans' Affairs privacy statement provided to veterans and their family and whānau.

Development of a number of Memoranda of Understanding (MOUs)

Putting in place a small number of Memoranda of Understanding (MOUs) between government agencies and Veterans' Affairs to support sharing under the exceptions to the Privacy Act or other legislation, where allowable is expected to take approximately twelve months to be completed. The majority of the sharing would occur with the individual's consent.

However certain information, for example records relating to an individual's birth, marriage or death cannot be shared under an MOU. Information about information sharing under the various MOUs would be explained in the Veterans' Affairs privacy statement provided to veterans and their family and whānau.

Development of an Approved Information Sharing Agreement (AISA)

An AISA would allow sharing of information between the parties without the need for an individual to provide consent and would allow all the required information to be shared between the parties. The process to develop an AISA is approximately eighteen months. An AISA would have an additional level of transparency over the privacy statement in that the agreement is publicly available and included in legislation.

Amend primary legislation

In the event of legislative change an update would be made to the Veterans' Support Act 2014 and other primary legislation such as the Births, Deaths, Marriages, and Relationships Registration Act 2021. Amending legislation is a lengthy process and includes public consultation, Select Committee processes and political debate. Achievability is a concern with this option, given the length of the process of legislative change and the changing government priorities at this time.

Options analysis

The following table summarises the options analysis in Appendix A.

Criteria	Status quo	MOUs	AISA	Legislative change
Efficiency	-	+	++	++
Accuracy and timeliness of information	-	+	++	++
Transparency	+	+	++	+
Achievability		++	++	-
Total	1+ 2-	5+	8+	5+ 1-

Key: ++ meets criteria + partially meets criteria - does not meet criteria

Question 7: Do you agree with the assessment of the options?

If you answered "no", please tell us why.

4.4. What is the preferred option?

As a result of this analysis, Veterans' Affairs have identified the preferred option is to create an AISA because it meets all four of the criteria. An AISA would enable the sharing of information with and by Veterans' Affairs about veterans and their family and whānau, without additional effort required by the individual.

In contrast to using MOUs, an AISA would enable information to be shared with all the government agencies involved including those with legislative barriers, such as Corrections and the Registrar-General, Births, Deaths and Marriages (Registrar-General) where legislation prevents sharing under an MOU.

Using an AISA would also enable predictable and consistent outcomes for the government agencies involved. It is proposed that information about how the AISA functions will be readily available, easy to navigate, and clear and easy to understand.

Question 8: Do you agree with the development of an AISA as the preferred option?

If you answered "no", please tell us what you think the preferred option should be and why.

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5. A Proposed AISA

5.1. Which government agencies are proposed to be involved?

The proposed parties to the proposed AISA are:

- Accident Compensation Corporation (ACC)
- Department of Corrections (Corrections)
- Te Tari Taiwhenua | Department of Internal Affairs (DIA)
- Health New Zealand (Health NZ)
- New Zealand Customs Service (Customs)
- NZDF Health, NZDF Accredited Employer Programme Unit, NZDF Human Resources Service Centre, the Personnel, Archives and Medals Units and the Heritage, Commemorations and Protocol Units within the New Zealand Defence Force (NZDF)
- The Māori Health Authority (MHA)
- Te Tāhuhu o te Mātauranga | Ministry of Education (MOE)
- The Ministry of Health (MOH)
- The Ministry of Social Development (MSD)
- Kairēhita Matua – Whānautanga, Matenga, Mārenatanga | The Registrar-General, Births, Deaths and Marriages (Registrar-General)
- Veterans' Affairs which is a unit of New Zealand Defence Force (Veterans' Affairs)

Inland Revenue were requested by Veterans' Affairs to be part of a potential AISA in order to provide details of veterans' income and details of child support payments made by a veteran. However, Inland Revenue advised that information can currently be shared under a Memorandum of Understanding under the Tax Administration Act where consent is obtained without the requirement for an AISA.

Veterans' Affairs is the proposed lead agency for the AISA. This means Veterans' Affairs will be responsible for the ongoing management and oversight of the AISA and reporting on how it is used by the various parties.

Question 9: Do you think the government agencies proposed to be included in the AISA are correct?

If you answered "no", please tell us which government agency you think should be included or removed.

5.2. What information may be shared?

The proposed AISA proposes information may be shared about veterans, their family and whānau and people who provide non-professional support to the veteran. It is proposed the following information may be shared about veterans under an AISA:

- Current and previous names
- Date and place of birth
- Contact details
- Passport details
- The fact they are a veteran, their last date of active service, and details relating to their service
- Current rehabilitation and treatment plan details

- Sentence details
- Current services provided by Veterans' Affairs
- Current and previous services provided by ACC
- Any date they enter or leave prison
- Any prison release and reintegration plans
- Any travel movements outside of New Zealand
- Knowledge of if they are working
- Any benefits being received
- Any current and previous partners of the veteran
- Relationship information relating to children, dependants, and whāngai
- Birth, marriage, civil union, death, and name change records.

It is proposed the following information may be shared about a veteran's family and whānau under an AISA:

- Current and previous names
- Date and place of birth
- Contact details
- Current services provided by Veterans' Affairs
- Education enrolment information
- Identity and relationship information relating to children, dependants, and whāngai
- Birth, marriage, civil union, death, and name change records.

5.3. What information will not be shared?

Veterans' Affairs recognises that health records, for example specialist reports or x-rays, are especially sensitive.

Therefore, where these are required to be shared between the organisations to support a veteran it is proposed this sharing will not occur under the AISA. Instead, it is proposed the current process of seeking consent to share these records will be followed and they will be shared in accordance with the Privacy Act and the Health Information Privacy Code.

Question 10: Do you think the range of information proposed to be shared under a potential AISA is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

5.4. When will information be shared?

It is proposed under the potential AISA the majority of information will be shared when the veteran or their family and whānau apply for services with the relevant government agency. For example, when applying for an educational grant, details of the person's educational enrolment will be confirmed.

When a veteran is first accepted as a client of Veterans' Affairs it is proposed the health providers will be advised they are a veteran and their last date of active service. No other health information will be exchanged at this time.

Under an AISA it is proposed information will be shared without the veteran's request if they enter or leave prison. In this event, Veterans' Affairs will be notified by Corrections so that they can commence or cease services to the veteran as appropriate.

5.5. How will information be shared?

In general, information will be shared on a per person basis as required under an AISA, typically this will be exchanged using secure email (SEEMail) or via phone.

Some of the government agencies proposed to be involved in the AISA are currently developing new information sharing capabilities. These will allow Veterans' Affairs to confirm details using a query and answer service via a website or similar technology.

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6. Proposed Uses of Information under a Proposed AISA

6.1. How does Veterans' Affairs and New Zealand Defence Force propose to use the information shared under a proposed AISA?

When a veteran leaves active service with the New Zealand Defence Force (NZDF) they currently have to apply to Veterans' Affairs to be a client. It is proposed that NZDF will advise Veterans' Affairs of those veterans who are leaving with qualifying operational service and therefore may be eligible for support from Veterans' Affairs.

When a veteran or their family or whānau apply to Veterans' Affairs for services or support, details of the relevant veteran's service may need to be confirmed to ensure the relevant conditions are met to qualify for the requested support.

As an ACC Accredited Employer NZDF manage their employees' injuries by 'standing in the shoes' of ACC. Therefore, if a veteran is employed by NZDF they manage the provision of ACC services. If a veteran has injuries and illnesses relating to qualifying operational service occurring on or after 1 April 1974, in addition to support from ACC the veteran may be eligible for support from Veterans' Affairs.

To determine the individual coverage to be provided by NZDF, as an ACC Accredited Employer, and Veterans' Affairs they need to utilise information provided to the other party to determine the eligibility and entitlement to services from each organisation. Once coverage is confirmed, NZDF, as an ACC Accredited Employer, and Veterans' Affairs will work together to facilitate the rehabilitation and treatment of the veteran.

Question 11: Do you think the proposed use of information relating to NZDF is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

6.2. How do Veterans' Affairs and the Ministry of Social Development propose to use the information shared under a proposed AISA?

The level of support provided by Veterans' Affairs can differ depending on the level of support being provided by the Ministry of Social Development (MSD). Therefore, it is proposed that MSD is able to provide details of the benefits being provided to the veteran, to ensure the correct entitlements are paid.

Equally, MSD benefits provided can differ depending on the level of support being provided by Veterans' Affairs. Therefore, it is proposed that Veterans' Affairs is able to provide entitlement details to MSD, to ensure that the correct benefits are paid.

In some circumstances, members of a veteran's family and whānau may be eligible for services and support from Veterans' Affairs. Veterans are already required to provide details about their family and whānau to MSD. Therefore, to prevent the veteran, spouse, partner, child or dependant having to supply the same information to Veterans' Affairs, it is proposed that Veterans' Affairs is able to access this information to determine if an individual is able to access services and support that they have requested from Veterans' Affairs.

Question 12: Do you think the proposed use of information relating to MSD is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

6.3. How do Veterans' Affairs and ACC propose to use the information shared under a proposed AISA?

Coverage by ACC began on 1 April 1974 and extends to all service occurring from this date onwards. If a veteran has injuries and illnesses relating to qualifying operational service occurring on or after 1 April 1974, in addition to support from ACC the veteran may be eligible for support from Veterans' Affairs. To determine the individual coverage to be provided by ACC and Veterans' Affairs to a veteran and their family or whānau they need to utilise information provided to the other party to determine their eligibility and entitlement to services from each organisation. Once coverage is confirmed, ACC and Veterans' Affairs will work together to facilitate the rehabilitation and treatment of the veteran.

Question 13: Do you think the proposed use of information relating to ACC is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

6.4. How do Veterans' Affairs and Corrections propose to use the information shared under a proposed AISA?

When a veteran enters custody the responsibility for providing rehabilitation and treatment passes from Veterans' Affairs to Corrections. To ensure that the veteran transitions into Corrections care in the best way possible, Veterans' Affairs would like to share details regarding the veteran's current rehabilitation and treatment so this can be continued as appropriate. Equally when a veteran leaves custody, information regarding their rehabilitation and treatment is provided to Veterans' Affairs to enable ongoing rehabilitation and treatment.

When a veteran enters prison, their financial entitlements cease. It is proposed that Corrections advise Veterans' Affairs of a veteran becoming a prisoner so that entitlements are promptly updated, and the veteran does not incur a debt that will need to be repaid on their release.

Similarly, when a veteran is leaving prison Veterans' Affairs may be able to assist with providing support services. It is proposed that information about potential support options available for the veteran is able to be shared by Veterans' Affairs with Corrections. This will enable Corrections to include these in the veteran's reintegration plan and submissions to the Parole Board as appropriate.

Upon release, it is proposed that Corrections can advise Veterans' Affairs of the veteran's release so that the veteran's entitlements can be reinstated promptly, and rehabilitation and treatment can commence.

Question 14: Do you think the proposed use of information relating to Corrections is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

6.5. How do Veterans' Affairs and the Department of Internal Affairs propose to use the information shared under a proposed AISA?

As part of becoming a client of Veterans' Affairs, a veteran and their family or whānau must confirm their identity. Currently this is typically achieved by the veteran providing a copy of their passport. Veterans' Affairs would like to be able to access the veteran's passport details, held by Te Tari Taiwhenua | the Department of Internal Affairs (DIA), so that it can confirm the details provided are accurate, and also potentially not require the veteran to provide a copy of their identity documents.

The Registrar-General is part of DIA. However, the Registrar-General is an independent statutory role established under the Public Services Act 2020. Therefore, the Registrar-General must enter into any agreement as a separate party to DIA. Further information about how information provided by the Registrar-General is used is available in section 6.7 below.

A veteran living outside of New Zealand can still receive support including treatment and rehabilitation, services under the Veteran's Independence Programme, along with some financial entitlements. The location the veteran's passport was sent to could be used as part of an investigation into a veteran's location, if there were suspicions that the veteran is based overseas and is claiming entitlements that they were not entitled to.

DIA provide a number of digital identity services e.g., RealMe. DIA is currently developing their digital identity services as part of introducing the Digital Identity Trust Framework Bill into Cabinet. As part of this, DIA would like to offer veterans the ability to prove that they are a veteran to other organisations through inclusion of a veteran flag. This will enable veterans to then prove through digital channels that they are a veteran and gain access to services and other benefits in the same way that is possible now through showing a physical Force4Families or RSA club card.

Question 15: Do you think the proposed use of information relating to DIA is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

6.6. How do health agencies propose to use the information received from Veterans' Affairs under a proposed AISA?

With knowledge that a patient is a veteran through a flag against a person's National Health Index identifier, it is expected that a GP or other health provider would be able to make the appropriate enquiries during a consultation, to narrow down and identify a potential diagnosis. In some cases, this may also extend to advising on the veteran's likelihood to develop certain health conditions, such as those resulting from exposure to a toxic environment during service in Viet Nam, based on the veteran's last date of active service.

With knowledge of a patient's veteran status, this will enable the GP or health provider to provide advice on what additional services or treatment they may be entitled to from Veteran's Affairs and other organisations.

There is potential that in the future veterans may be able to receive free appointments with their GP for a period after they finish active service. This will enable the veteran to transition from New Zealand Defence Force health care.

Question 16: Do you think the use of information by health agencies proposed is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

6.7. How does Veterans' Affairs propose to use the information received from the Ministry of Education, Customs and the Registrar-General under a proposed AISA?

A child of a Scheme One veteran may be entitled to financial support if they are undertaking full-time study at secondary school, or full-time or part-time tertiary study. Veterans' Affairs proposes to confirm the enrolment status of a child at a registered school if they apply for financial support from Te Tāhuhu o te Mātauranga | Ministry of Education (MOE).

A veteran living outside of New Zealand can still receive support including treatment and rehabilitation, services under the Veteran's Independence Programme, and some financial entitlements. A veteran's travel movements may need to be confirmed if Veterans' Affairs has suspicions that they are overseas and claiming entitlements they were not entitled to.

A veterans' children, partner and other dependents are entitled to support from Veterans' Affairs. In order to access this support, they need to provide evidence of the relationship. This is currently achieved by providing copies of birth, death and marriage records held by Kairēhita Matua – Whānautanga, Matenga, Mārenatanga | the Registrar-General, Births, Deaths and Marriages. It is proposed that rather than requiring the purchase of these certificates from the Department of Internal Affairs, Veterans' Affairs will be able to confirm the details directly.

Question 17: Do you think the use of information from Ministry of Education, Customs and the Registrar-General, Births, Deaths and Marriages proposed is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

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7. Keeping the Information Sharing Safe under a Proposed AISA

7.1. How is privacy protected?

Each of the government agencies who are proposed to be a party to the AISA are required to put in place safeguards to make sure that the privacy of individuals is protected, and that any risk to privacy is minimised. The Privacy Impact Assessment included with this consultation document discusses the privacy risks that may eventuate from the AISA and how these risks will be managed.

Any complaints about the sharing of information can be made to Veterans' Affairs, any government agency involved, or to the Privacy Commissioner. Veterans' Affairs requires all parties to the AISA to inform them of any complaints relating to the AISA. In the event of a complaint Veterans' Affairs will consult with the parties to the AISA and the Privacy Commissioner to identify any improvements that may be needed to address any concerns.

7.2. Who has access to the information shared?

Personal information can only be shared under an AISA where Veterans' Affairs is either providing the information or receiving it. This means that personal information will not be shared between other organisations except where the law allows it, even if the organisation is a party to the AISA. Additional parties who receive information under the AISA can only use it for the purposes specified in the AISA.

7.3. What happens if there is a privacy or security breach?

If personal information shared under the proposed AISA is inappropriately accessed or shared, the internal investigation process for the party involved will be applied. Each party will detail their processes for handling a breach in the operating procedures.

If, after an internal investigation, it is confirmed that a breach has occurred, then the party must notify Veterans' Affairs and the New Zealand Defence Force.

The party who holds the information will also assess the breach and, if it is likely to cause a high risk to individuals involved, then they will notify the Privacy Commissioner and impacted individuals as required by law.

If a party's actions are found to have caused the breach, then Veterans' Affairs may commence actions to remove the party from the AISA.

7.4. How will the information be managed?

All personal information shared under the AISA must be managed in accordance with the Privacy Act and each government agency's internal information security policies and adherence to the Protection Security Requirements (PSR) information security requirements. More information about these requirements is available at <https://www.protectivesecurity.govt.nz/about-the-psr/overview/information-security/>.

Processes and procedures will be in place and documented in the AISA operating procedures to make sure personal information that is shared under the proposed AISA is:

- Correct and up to date
- Used only for the purposes detailed in the AISA

- Protected from unauthorised access and misuse
- Held only as long as required.

7.5. How will Veterans' Affairs monitor and evaluate the sharing of information?

As the lead agency, Veterans' Affairs will regularly review how an AISA is working. Veterans' Affairs is required to include a report on the AISA as part of its annual report on a schedule specified by the Privacy Commissioner.

Detailed arrangements for monitoring and reporting are agreed with each party as part of developing operating procedures prior to any sharing commencing. These operating procedures are consulted with the Privacy Commissioner as part of the development process. Each party will be required to provide reports on their actions under the AISA in accordance with the agreed operating procedures.

The Privacy Commissioner has a power to review the operation of the AISA at any time. All parties are required to cooperate with any such review.

At any point in time any party to the AISA can cease sharing information with another party.

Question 18: Are the proposed safeguards and monitoring arrangements too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

8. Submissions

8.1. What questions would Veterans' Affairs like you to consider?

There are a number of questions Veterans' Affairs would like you to consider when providing your feedback on the proposals. These are included through this document along with information to inform your answer. The following is a recap of these questions:

No	Question	Page
1	Do you think Veterans' Affairs has described the current situation accurately?	6
2	Do you think Veterans' Affairs has described the current challenges accurately?	6
3	Are there any benefits of sharing information about veterans that Veterans' Affairs hasn't talked about?	7
4	Are there any risks or negative impacts that Veterans' Affairs hasn't identified?	8
5	Do you think Veterans' Affairs has used the right criteria to assess the options?	9
6	Do you think Veterans' Affairs has considered the right options?	10
7	Do you agree with the assessment of the options?	11
8	Do you agree with the development of an AISA as the preferred option?	11
9	Do you think the government agencies proposed to be included in the AISA are correct?	12
10	Do you think the range of information proposed to be shared under a potential AISA is too restrictive, about right, or too broad?	13
11	Do you think the proposed use of information relating to NZDF is too restrictive, about right, or too broad?	15
12	Do you think the proposed use of information relating to MSD is too restrictive, about right, or too broad?	16
13	Do you think the proposed use of information relating to ACC is too restrictive, about right, or too broad?	16
14	Do you think the proposed use of information relating to Corrections is too restrictive, about right, or too broad?	16
15	Do you think the proposed use of information relating to DIA is too restrictive, about right, or too broad?	17
16	Do you think the use of information by health agencies proposed is too restrictive, about right, or too broad?	18
17	Do you think the use of information from Ministry of Education, Customs and the Registrar-General of Births, Deaths and Marriages proposed is too restrictive, about right, or too broad?	18
18	Are the proposed safeguards and monitoring arrangements too restrictive, about right, or too broad?	20

8.2. How do you make a submission?

You can make a submission about the proposals by:

- Writing a submission and sending it to [\[insert email address\]](#) with the subject line "Veterans' Affairs Information Sharing discussion"; or

- Writing a submission and posting it to:
Veterans' Affairs
PO Box 5146
Wellington 6140
New Zealand

Electronic submissions are encouraged wherever possible.

You can provide feedback and submissions until 5pm on [Insert Date/Month/Year].

8.3. What will happen with your submission?

When the submission process is complete, Veterans' Affairs will prepare a report for the Minister for Veterans to make recommendations about the changes to information sharing. Your submissions will be used to create this report. Veterans' Affairs is also required to provide their Minister with a copy of any submissions.

As the lead agency, Veterans' Affairs may include your submission, in whole or in part, when publishing feedback on the discussion process. Your personal details will not be disclosed. If you do not want your submission published, please specify this within your submission.

8.4. How does the Official Information Act 1982 apply?

Your submission may be subject to release under the Official Information Act 1982. If you want your submission to be withheld under the Official Information Act, please advise in your submission why you think it should not be released if requested.

8.5. Where can I get further information?

If you have any questions or would like more information about the proposals, you can:

- Visit the website [insert URL]; or
- Contact us by email [insert email address].

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Appendix A – Options Analysis

Option A - Status quo

This would involve continuing to use the current provisions and methods for information sharing between the parties. There would be no change in the arrangements.

Veterans' Affairs has a number of Memoranda of Understanding (MOUs) with the Ministry of Social Development and ACC that involve information sharing. These agreements were in place prior to the Privacy Act 1993. In terms of the sharing of personal information, these agreements have no basis in law as since 1993, the Privacy Act has provided that personal information may only be shared through either authorisation under the Privacy Act or primary powers in legislation.

There are a number of barriers for retaining the status quo, including the need to heavily rely on consent from the individual. Due to current limitations in the ability to share information, heavy administrative burdens (with costs attached) are placed on veterans and their family and whānau in providing evidence of the various requirements such as proof of marriage or income received. This often results in delays in providing services.

The inability to share personal information also makes it difficult for agencies to exercise their powers:

- To provide services correctly in terms of their legislation;
- Not to provide services to an ineligible person;
- To adjust, reduce or stop services; and
- To prevent fraud or overpayment occurring which must then be repaid by the individual.

Information about information sharing that is occurring is currently explained in the Veterans' Affairs privacy statement provided to veterans and their family and whānau. Further information is also provided at the time the information is collected from the individual.

Option B - Development of a number of Memoranda of Understanding (MOUs)

This option would involve putting in place a small number of Memoranda of Understanding (MOUs) between government agencies and Veterans' Affairs to support sharing under the exceptions to the Privacy Act or other legislation, where allowable. It is expected that this process would take approximately twelve months to be completed.

The majority of the sharing would occur under the exceptions to the Privacy Act which allow sharing with consent. Therefore, the challenges regarding consent would still apply.

There are some circumstances where even with the individual's informed consent, information cannot be shared under an MOU due to legislative restrictions. These include the sharing of information relating to:

- Sex offenders or high-risk offenders by Corrections;
- An individual's enrolment at a registered school in NZ by Te Tāhuhu o te Mātauranga | Ministry of Education; and
- An individual's birth, marriage, civil union, or death by the Registrar-General.

The option of putting in place a number of MOUs would assist in addressing specific information sharing gaps. However, it will still result in some gaps where the veterans and their family and whānau will be required to provide the information needed.

Information about information sharing under the various MOUs would be explained in the Veterans' Affairs privacy statement provided to veterans and their family and whānau. Further information would also be provided at the time the information is collected from the individual.

Option C - Development of an Approved Information Sharing Agreement (AISA)

An AISA is a legal mechanism made by Order in Council under Part 7 subpart 1 of the Privacy Act that authorises the sharing of personal information between organisations to facilitate the provision of public services or government policy.

For more information about AISAs visit <https://www.privacy.org.nz/privacy-foragencies/information-sharing/approved-information-sharing-agreements/>

An AISA would enable information about veterans and their family and whānau to be shared between the parties. The details of the specific information that may be provided and received by each party, and the uses and purposes for which shared information may be used by that party, are set out in the AISA.

A key difference between an AISA and a MOU is that an AISA can also authorise departures from the information privacy principles (IPPs) that each organisation is required to follow under the Privacy Act if there is a clear public policy justification and the privacy risks of doing this are managed appropriately. An AISA will usually adjust the following IPPs:

- IPP 2 - personal information should usually be collected directly from the individual concerned.
- IPP 10 - information collected by a party should usually only be used for the purpose for which it was originally collected.
- IPP 11 - personal information should not usually be disclosed to another person or organisation.

The other difference is an AISA can be used to share information about:

- Sex offenders or high-risk offenders by Corrections;
- An individual's enrolment at a registered school in NZ by Te Tāhuhu o te Mātauranga | Ministry of Education; and
- An individual's birth, marriage, civil union or death by the Registrar-General.

By providing certainty around information to be shared, an AISA removes doubt around privacy implications and barriers to information sharing under the Privacy Act. AISAs are also public documents. An AISA can only be made if it meets a certain standard, including having checks and balances in place to protect the privacy of individuals. The Privacy Act sets out a transparent process to make an AISA, which includes:

- Consulting with the Privacy Commissioner, who can also review an AISA once it comes into effect and make other recommendations for change;
- Undertaking consultation with affected persons; and
- Requiring an Order in Council to bring the AISA into force.

An AISA will reduce duplication of effort by combining multiple existing and possible new MOUs into a single agreement. This will provide greater transparency for people wishing to understand how their personal information may be used and shared.

The complete process for developing an AISA is approximately eighteen months.

Option D - Amend primary legislation

This option would update the Veterans' Support Act 2014 and other primary legislation such as the Births, Deaths, Marriages, and Relationships Registration Act 2021.

Amending legislation is a lengthy process and includes public consultation, Select Committee processes and political debate. The speed of the process would depend on how the changes to the legislation relating to veterans rate against other government priorities, whether the changes are considered controversial, and the availability of specialist policy resources to lead the work.

Achievability is a concern with this option, given the length of the process of legislative change and the changing government priorities at this time. There is also a limited case for a change of this nature, given that the Privacy Act already provides an option, in the form of an AISA, to enable sharing between organisations.

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