

## **HON PEENI HENARE, MINISTER FOR VETERANS**

### **Progressing Agreement to Share Information about Veterans and Other Claimants**

August 2023

This paper seeks agreement to the attached draft Approved Information Sharing Agreement (AISA) which will allow for better information sharing between Veterans Affairs and 12 government agencies (the parties).

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. The proposed AISA will enable streamlined digital access to information about veterans and other claimants.

The attached Regulatory Impact Statement meets quality assurance criteria.

The pack comprises the following documents:

- July 2023 Cabinet Social Wellbeing Committee Minute of Decision *Progressing Agreement to Share Information about Veterans and Other Claimants* [SWC-23-MIN-0090]; and
- The associated Cabinet Paper *Progressing Agreement to Share Information about Veterans and Other Claimants*, and Appendices:
  - A. Public Consultation Report
  - B. Draft of the Veterans' Affairs AISA
  - C. Regulatory Impact Statement.

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](http://www.nzdf.mil.nz/nzdf/search-our-libraries/documents/?document-type=Official+information&sort=relevance).

Information has been withheld in accordance with:

- section 9(2)(g)(i) of the OIA: *to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.*



# Cabinet Social Wellbeing Committee

## Minute of Decision

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*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.*

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### Progressing Agreement to Share Information about Veterans and Other Claimants

**Portfolio**                      **Veterans**

On 19 July 2023, the Cabinet Social Wellbeing Committee (SWC):

- 1        **noted** that in July 2022, SWC endorsed the broad approach to the sharing of information about veterans and other claimants, approved the release of the proposed Approved Information Sharing Agreement (AISA) and invited the Minister for Veterans to report back on the outcome of consultation and seek approval to an Order in Council [SWC-22-MIN-0136];
- 2        **approved** the draft AISA attached under SWC-23-SUB-0090;
- 3        **invited** the Minister for Veterans to issue drafting instructions to the Parliamentary Counsel Office for the development of an Order in Council for the Veterans' Affairs AISA;
- 4        **authorised** the Minister for Veterans to agree to any editorial and technical amendments necessary to finalise any matters in the AISA;
- 5        **authorised** the release of draft Orders in Council to the parties to the AISA and the Office of the Privacy Commissioner to facilitate the development process.

Rachel Clarke  
Committee Secretary

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**Present:**

Hon Kelvin Davis  
Hon Grant Robertson  
Hon Dr Megan Woods  
Hon Jan Tinetti (Chair)  
Hon Willie Jackson  
Hon Peeni Henare  
Hon Kieran McAnulty  
Hon Ginny Andersen  
Hon Barbara Edmonds  
Hon Rino Tirikatene  
Hon Jo Luxton

**Officials present from:**

Office of the Prime Minister  
Officials Committee for SWC

Office of the Minister for Veterans

Chair

Cabinet Social Wellbeing Committee

## **PROGRESSING AGREEMENT TO SHARE INFORMATION ABOUT VETERANS AND OTHER CLAIMANTS**

### **Proposal**

1. This paper reports back on the public consultation on the draft Veterans' Affairs Approved Information Sharing Agreement (AISA) approved by Cabinet in August 2022 [CAB-22-MIN-0281 refers].
2. I seek approval to issue drafting instructions to the Parliamentary Counsel Office to progress the development of an Order in Council to create the Veterans' Affairs AISA.

### **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 other emergencies and provide the basis for recovery. The proposal aligns with the government 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. On 27 July 2022, Hon Meka Whaitiri reported to the Cabinet Social Wellbeing Committee about the work Veterans' Affairs, a unit within the New Zealand Defence Force, was undertaking to improve current information availability, access and sharing practices through a proposed AISA. Hon Meka Whaitiri received Cabinet approval to undertake public consultation on the draft agreement.
6. Veterans' Affairs alongside other government agencies 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 and operates under the Veterans' Support Act 2014.
7. 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.
8. Veterans' Affairs undertook public consultation from 29 August to 7 October 2022 to seek views on the proposed Veterans' Affairs AISA. Thirty-seven submissions were received. The submissions for and against appeared roughly even; however, many did

not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances.

9. A set of possible scenarios was developed by Veterans' Affairs to seek further clarity on the views expressed. These were sent to all previous submitters on the AISA and made available to the veteran community. Twenty-five submissions were received, most of which were strongly supporting of the AISA. A summary of submissions is attached as Appendix A.
10. I am now seeking approval from Cabinet to issue drafting instructions to the Parliamentary Counsel Office to progress the development of an Order in Council. The Order in Council is the legislative instrument that will establish and authorise the Veterans' Affairs AISA.

## **Background**

11. Issues regarding the sharing of information were identified in the Paterson Report in June 2017 which reviewed the entire operation and working of the Veterans' Support Act 2014 since its enactment. 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."*
12. A subsequent survey conducted by Veterans' Affairs in 2021 elicited 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.
13. Currently most of the information required to assess entitlement for services must be provided directly by the 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 heavy burden on the veteran and other claimants, and results in delays to the provision of services.
14. From an agency perspective, the inability to share information makes it difficult for agencies to exercise powers to deny services, to adjust services, to prevent fraud or mistaken identity, and to prevent the accumulation of debt.
15. Veterans' Affairs is working with the following agencies to develop the Veterans' Affairs AISA:
  - Accident Compensation Corporation
  - Department of Corrections
  - Te Tari Taiwhenua | Department of Internal Affairs
  - Health New Zealand
  - New Zealand Customs Service
  - New Zealand Defence Force Health, New Zealand Defence Force Accredited Employer Programme Unit, New Zealand Defence Force 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.
16. On 1 August 2022, Cabinet endorsed the broad approach to sharing information about veterans and other claimants set out in the draft AISA. They agreed that Veterans' Affairs could proceed with public consultation [CAB-22-MIN-0281 refers].

### **The Proposed Veterans' Affairs AISA**

17. 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 B).
18. Veterans' Affairs recognises that health records, for example specialist reports or x-rays, are especially sensitive from a privacy perspective for veterans and other claimants. 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 individual consent or authorisation to share these records will still be followed and they will be shared in accordance with the Privacy Act and the Health Information Privacy Code.
19. Once the AISA has been approved, it will be possible to expand its scope in the future by adding further parties and /or uses of personal information to the agreement. Any proposed addition of parties would likely require public consultation before any drafting changes to the AISA can proceed.

### **Consulting on the Proposed Veterans' Affairs AISA**

20. Protection of privacy is a key element in the process of creating an AISA. There are several points of consultation and assessment, including engagement with the public, the Office of the Privacy Commissioner and Cabinet. These checkpoints ensure that the AISA will be fit for purpose and meet privacy and security expectations.
21. Following Cabinet approval in August 2022, the public consultation period ran from 29 August to 7 October 2022. Information about the public consultation was provided to veterans and their families through a range of channels including newsletters and social media. An online hui was held on the 19 September 2022 to answer any questions about the proposal or the process being utilised. This was attended by two veterans.
22. Currently Māori constitute approximately 30% of New Zealand Defence Force personnel whereas they make up 16% of the general population in New Zealand. Therefore information about the public consultation was made available in English and Te Reo Māori.
23. Information about the public consultation was sent to a range of organisations and stakeholders' groups with a connection to the parties to the AISA or who have an interest in privacy. The organisations included Ahuriri Hapū, Data Iwi Leaders' Group (Kirikowhai Mikaere), Te Kāhui Raraunga, Te Mana Raraunga and Tūhono Trust.
24. Initial consultation feedback did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances. A set of definite questions was therefore developed by Veterans' Affairs to seek further

clarity on the views expressed. These were sent to all previous submitters on the AISA and made available to the Veteran community through eNews on the 24 November 2022.

### **Feedback from Public Consultation**

25. Thirty-seven submissions were received in response to the initial public consultation, coming mainly from individuals, with three submissions from organisations.
26. The submissions for and against appeared roughly even, however many did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances.
27. Twenty-five clarifying submissions were received from both organisations and individuals, most of which were strongly supportive of the AISA. A summary of submissions is attached as Appendix A.

### **Updates to the Draft Veterans' Affairs AISA**

28. s.9(2)(g)(i)

29. As a result of feedback received as part of the public consultation an additional safeguard has been included in the draft AISA to require parties to seek the consent of individuals prior to sharing their information where appropriate. The revised draft Veterans' Affairs AISA is attached as Appendix B.

### **Next Steps**

30. Once Cabinet has approved the policy intent of the Veterans' Affairs AISA, the New Zealand Defence Force, on Veterans' Affairs behalf, will issue drafting instructions for the development of an Order in Council to the Parliamentary Counsel Office.
31. We will report back to the Cabinet Legislation Committee in late 2023, once the Order in Council is ready to be put forward for approval by Executive Council.

### **Impact Analysis**

#### **Legislative Implications**

32. The legislative implications of this paper are addressed in the Regulatory Impact Statement, included in Appendix C. The proposed AISA will require an Order in Council before it can take effect.

#### **Regulatory Impact Statement**

33. Veterans' Affairs has completed a Regulatory Impact Statement (Appendix C) for the Veterans' Affairs AISA to ensure the impacts of this legislative change are identified and well understood. The assessor considers that this assessment meets the quality assurance criteria set out by the Treasury.

### **Financial Implications**

34. The development of the proposed AISA has no financial implications. 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.
35. Liability for the provision of services to veterans and other claimants is calculated on the basis of 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 their costs are already included in liability calculations by virtue of being part of a group who took part in an eligible deployment.

### **Human Rights**

36. The proposals in the proposed AISA consultation paper are consistent with the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

### **Gender Implications**

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

### **Disability Implications**

38. 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**

39. 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**

40. Under Te Tiriti o Waitangi the Crown is obliged to consider the Aspirations, Rights and Interests of Māori in its policy and legislation.
41. An analysis was undertaken using a Te Tiriti o Waitangi analysis framework. The analysis suggests that the proposed AISA is well aligned and supportive of the principles of Te Tiriti.
42. The limited data available on veterans as a cohort means it is not possible to be entirely confident about this. The AISA will contribute to data which helps better inform delivery to Māori.

### **Veterans Implications**

43. 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.

### **Consultation with Agencies**

44. The following agencies and departments have been consulted on this paper along with the proposed parties: 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.

45. The Privacy Commissioner has been consulted in relation to the proposed AISA and is pleased to note that Veterans' Affairs officials have worked constructively with his office. The Commissioner will continue to participate in consultation with Veterans' Affairs as the Order in Council is drafted and the Operating Procedures are developed.

### **Communications**

46. Once approved, the Veterans' Affairs AISA will be published on the Veterans' Affairs website. This is part of the commitment to providing transparent and trusted services.

### **Proactive Release**

47. 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**

48. The Minister for Veterans recommends that the Cabinet Social Wellbeing Committee:
  1. **Agree** to the policy proposals contained in the draft information sharing agreement;
  2. **Agree** that the New Zealand Defence Force, on behalf of Veterans' Affairs, may issue drafting instructions to the Parliamentary Counsel Office for the development of an Order in Council for the Veterans' Affairs AISA;
  3. **Authorise** the Minister for Veterans to agree to any editorial and technical amendments necessary to finalise any matters in the draft AISA; and
  4. **Authorise** release of drafts of the Order in Council to the parties and the Office of the Privacy Commissioner to facilitate the development process.

Authorised for lodgement

Hon Peeni Henare  
Minister for Veterans

### **Appendices**

- A. Public Consultation Report
- B. Draft of the Veterans' Affairs AISA
- C. Regulatory Impact Statement





Te Tira Ahu Ika A Whiro

**VETERANS'  
AFFAIRS**

New Zealand

# Public Consultation Report

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# 1. Introduction

## 1.1. The Proposal to Create a Veterans AISA

Veterans' Affairs works alongside other government agencies, 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.

On 1st August 2022 Cabinet agreed that Veterans' Affairs should conduct public consultation about a proposal to share information to improve the facilitation of services for veterans and other claimants through an Approved Information Sharing Agreement (AISA).

The intent of the AISA is to 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.

In addition, the 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 for example.

Veterans' Affairs wanted to test the appropriateness of the proposals, identify any gaps or issues, and gauge the level of interest in the proposed information sharing, through a public consultation process.

## 1.2. Summary of the Proposals in the Public Discussion Document

The main areas of change proposed in the draft Veterans AISA include:

- Sharing information between organisations about veterans and other claimants.
- Enabling information received to be used 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 for services.
  - Facilitate rehabilitation and treatment of a veteran.
  - Cleanse and update records of a veteran or another claimant.
  - Assist in reviews and appeals against decisions regarding services.

Consultation materials also explained that 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.

The consultation materials detailed that 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.

## 2. Methodology

### 2.1. Preparation

In preparation for public consultation, Veterans' Affairs created a public discussion document with prompting questions (see Appendix A for a list of questions). A bilingual document (Te Reo Māori and English) provided high-level information about the AISA and the consultation process.

An article was drafted for the Veterans' Affairs newsletter along with a series of posts for publication on social media. A media release was prepared for release in the first week of consultation.

A list of stakeholders was prepared in consultation with the parties to the AISA (see Appendix B). These included veterans' organisations and organisations known to have an interest in AISAs. Email 'packs' sent included an email inviting a response to the consultation material, the draft AISA, the Privacy Impact Assessment, and the public discussion document.

A zoom meeting was scheduled for 19<sup>th</sup> September 2022 for anyone who wished to ask questions about the proposals.

### 2.2. Public Consultation

Consultation began on 29<sup>th</sup> August 2022 and closed on 7<sup>th</sup> October 2022. The following activities occurred during the consultation period:

- Stakeholder packs - The main mailout of the 'packs' were sent to the 47 organisations detailed in Appendix B on the first day of consultation.
- Email newsletter – Veterans' Affairs twice included an article in their email newsletter about the consultation. The newsletter was emailed to 3,742 subscribers, and it had an open rate of 71%. The newsletter generated 544 clicks through to the AISA page on Veterans' Affairs website.
- Veterans' Affairs AISA webpage – Veterans' Affairs published a dedicated webpage (<https://www.veteransaffairs.mil.nz/about-veterans-affairs/our-programmes/aisa/>) containing information about the proposed changes and copies of all the documents. The webpage had 1,274 unique views.
- Social media – Veterans' Affairs posted 13 times to their Facebook page which has 4,200 followers. The average reach for each post was approximately 1,300. Thirty-three comments were made on the posts.
- Media - A media release went out the first week of the consultation. It was only picked-up by Sunlive, Tauranga.
- Zoom meeting – Two individuals, other than staff, attended the call. The attendees were a Viet Nam veteran and a delegated representative from The Royal New Zealand Artillery Association.

### 2.3. Scenario Consultation

Veterans' Affairs developed a series of scenarios that would be enabled under the proposed AISA to elicit further insight into the views of submitters (see Appendix C for the scenarios).

A letter was prepared detailing that submissions for and against the AISA appeared roughly even. It explained many submitters did not provide a clear answer to questions about whether they see value in sharing information in the specific circumstances as proposed in the AISA. Therefore, Veterans' Affairs was seeking specific feedback on a selection of scenarios. This letter along with a copy of the scenarios was provided to all submitters on the 28<sup>th</sup> November 2022 to elicit further feedback by 9<sup>th</sup> December 2022.

The scenarios were published on the Veterans' Affairs AISA webpage and a social media post on Veterans' Affairs Facebook page asked anyone to provide submissions regardless of if they had previously provided feedback.

## 3. Public Consultation Submissions

### 3.1. Submissions

Thirty-seven written submissions were received during the consultation period. A full list is available in Appendix D. Ten of the submissions were received during the first 48 hours of consultation.

The submissions, with three exceptions, were from individuals, with many appearing to be from veterans. The following three organisations provided submissions:

- Privacy Foundation NZ
- Royal New Zealand Returned and Services Association
- NZ Vietnam Veterans Association.

The comments in response to the Facebook posts were not considered submissions. Commenters were reminded that they were required to make a submission as well as leaving comments. The discussion held during the zoom meeting was also not considered a submission. The meeting attendees were made aware of this and invited to provide a formal submission.

### 3.2. Individual Submissions

The individual submitters did not respond to the question posed (included in Appendix A) in the discussion document. Instead, they submitted short, one to two sentences, at a general level about the proposed AISA. The submissions were reviewed, and the sentiment categorised as follows:

Sentiment	Number of Submissions
In Favour	17
Ambivalent	1
Opposed	13
Uncategorised	5

The key theme to the feedback from those opposed centred around a distrust for government agencies to securely transfer and store personal information about them.

Feedback raised whether the Retirement Commissioner should be included as a party and whether there is another way to indicate a patient is a veteran other than inclusion of a flag in the National Health Index (NHI). One submitter also queried if the current situation required change.

#### Veterans' Affairs Response

Veterans' Affairs noted the mixed sentiment of the individual submitters. However, the level of commentary did not enable deep analysis of the reasoning. Veterans' Affairs therefore proceeded to create the scenarios and sought feedback on these to attempt to understand the feedback.

The theme around distrust for government in securing information is noted as a wider theme than solely about the AISA in the veteran community. Veterans' Affairs believes the requirement contained in section 12.6 (a) of the AISA that requires information to be secured in accordance with each agency's security policies and in adherence to the PSR INFOSEC requirements is sufficient to ensure information is appropriately secured. In addition the AISA requires in section 12.6 (c) that New Zealand Defence Force are notified of any security breach. This allows Veterans' Affairs to support veterans and other claimants who are impacted by the breach. Section 19 allows Veterans' Affairs to suspend, limit or terminate their participation at any time if a party is not meeting the

requirements of the AISA, including not securing information provided appropriately. No changes to the proposed safeguards in the AISA are proposed.

The role of the Retirement Commission is threefold:

- Raising public understanding and advising the Government on policies that will enhance retirement outcomes for New Zealanders.
- Monitoring the effects of the retirement villages' legal framework.
- Helping New Zealanders think long term to improve their financial outcomes and prepare for retirement.

The work of the Retirement Commission is conducted at a population level rather than an individual level. Consequently, Veterans' Affairs has determined there is not a requirement to share personal information about veterans directly with the Retirement Commission. Therefore, Veterans' Affairs does not propose to include them as a party in the AISA.

Veterans' Affairs has discussed the option of how to identify veterans within the health system with the Ministry of Health. The only option identified to date is inclusion of a flag on the NHI. However, as the health system evolves Veterans' Affairs proposes to continue discussions to identify if another option exists longer term.

### 3.3. Privacy Foundation NZ Submission

The Privacy Foundation NZ supported the development of an AISA in principle. They noted:

*"For the most part, the information being shared is limited to what seems to be absolutely necessary for purposes that are clearly specified. This is particularly important given the number of parties involved in this AISA.*

*The safeguards to protect privacy seem to be sufficiently robust."*

The Privacy Foundation NZ did raise some concerns about the sharing of health information as follows:

- Whether veterans should have a choice about if the fact they are a veteran is included on the NHI record or National Enrolment Service (NES)
- If other alternatives exist to indicate a patient is a veteran other than including information within the NHI and NES. Alternatives would prevent the NHI and NES from amassing even more personal information and being a single point of potential security and privacy problems.
- The complexities in making changes to the NHI and NES to include a flag for veteran status.
- That the veteran flag in the NHI and NES would be a starting point for provision of health care in mainstream health services.

The Privacy Foundation NZ agreed that health records, for example specialist reports or x-rays, should be shared outside of the AISA in accordance with the Privacy Act and Health Information Privacy Code. They asserted this sharing should occur in a timely and secure way.

#### **Veterans' Affairs Response**

Veterans' Affairs noted the support for the AISA in principle.

Options as to how to identify veterans within the health system have been discussed with the Ministry of Health. The only option identified to date is the inclusion of a flag on the NHI and NES. However, as the health system evolves Veterans' Affairs proposes to continue discussions to identify if another option exists longer term.

The feedback about consent for sharing of the veteran status being with consent was considered. Veterans' Affairs agrees wherever possible all sharing should be with the consent of the individual.

The inclusion of the following new safeguard in the AISA is proposed “Where appropriate, consent of the individual will be sought prior to sharing of their Personal Information under this Agreement. Parties are not required to confirm that the individual is legally in a position to provide consent.”

### 3.4. Royal New Zealand Returned and Services Association Submission

#### 3.4.1. Guiding Principles

The Royal New Zealand Returned and Services Association (RNZRSA) agrees that an information sharing agreement is required.

However, prior to the development of any new AISA they feel a set of principles should be agreed to by the wider veteran community. RNZRSA proposes the principles should include:

- **“Veteran data should be used in a manner that ensures equity to veterans** - that is no part of the veteran population is disproportionately excluded by the improper use of veteran data either in application or by design (i.e., a lack of digital data collection and reliance on forms).
- **The Unique nature of Military Service** – there is a profound difference between serving in the NZDF and other occupations in Aotearoa New Zealand. Any government organisation that is part of this agreement should have undergone a veteran accreditation process in that they understand service, culture and the nature of service, VA should develop a formal accreditation process for agencies involved in AISA.
- **Do no Harm** veteran data should be used to support their lives and outcomes for whanau, data should not be used to either deny services, impact on careers or criminal surveillance (police activities). Data where possible should be automated so veterans are not having to replicate data fields.
- **Focus on Prevention** specifically the recent interim report on Veteran Suicide by Australia has concluded that without an adequate “systematic collection of outcome specific data”, prevention of suicide is impeded. A list of prevention issues must be developed so targeted data collection can be implemented from a cross agency approach.
- **Resource the Agreement** given the current environment within VA regarding people resource and digital support, we question the capability of VA under the current NZDF resource constraints to adequately resource this significant development in information sharing.
- **Veterans must have easy access to their information held** (particularly that information that will be shared).”

#### Veterans’ Affairs Response

Veterans’ Affairs noted the support for the AISA in principle and the desire to create principles to guide the work.

In response to the principles:

- **Veteran data should be used in a manner that ensures equity to veterans** – Veterans’ Affairs agrees that veteran data should be used in a manner that ensures equity to veterans.
- **The Unique nature of Military Service** – The proposed parties to the AISA currently provide services to veterans without a veteran accreditation process. Veterans’ Affairs believes the outcome desired by the RNZRSA can be achieved through Veterans’ Affairs working closely with the parties who support veterans to understand the population.
- **Do no Harm** – The aim of the proposed information sharing is to improve services to veterans and their whanau. Services need to be provided within the legislative bounds of the Veterans’ Support Act 2014 and other acts. This means that in some circumstances services will need to be



ceased. Ceasing services promptly using information provided under the AISA will avoid or reduce the amount veterans may need to repay.

- **Focus on Prevention** – The information sharing proposed is about sharing information at an individual level. Veterans' Affairs agrees that a focus on prevention is important. For this reason, Veterans' Affairs has recently commenced sharing information about veterans with Statistics New Zealand for inclusion in the Integrated Data Infrastructure (IDI). This large research database allows cross-sector research to be conducted into society and the economy about complex issues that affect New Zealanders.
- **Resource the Agreement** – Veterans' Affairs has external resource to support development of the AISA. It is not expected that significant IT changes are needed to operationalise the AISA as most of the information sharing will be on an individual basis through SEEMAIL or phone.
- **Veterans must have easy access to their information held** – Clients of Veterans' Affairs are able to access a copy of any information held by any party at any time under the Privacy Act. The respective party's privacy statement details how to request a copy of information.

### 3.4.2. Considerations within the Scope of Consultation

RNZRSA provided a response to each of the questions posed in the discussion document. The responses raised the following points which were within the scope of the consultation:

- There is a potential benefit of information about veterans being used to improve services provided to them with a particular focus on suicide prevention.
- Concerns were raised about NZDF being aware of what treatments veterans are applying for and receiving from Veterans' Affairs.
- Superannuitants will be the main group adversely impacted by the agreement. These are already the most vulnerable segment of the veteran population.
- There is the potential for negative surveillance of veterans to occur through expansion of the sharing due to legal interpretation of the information that can be shared.
- Sharing of specific data elements e.g. travel movements would result in reduction of services to veterans. Only sharing that results in positive outcomes should occur.
- There are concerns about the capability for Veterans' Affairs to operationalise its delivery of the AISA within current staffing levels.
- There is an increased risk of a data breach with increased sharing of information.
- Consideration should be given as to the inclusion of Māori, Pacific Peoples, LGBTQI+ communities as parties to the AISA.
- NZDF should notify Veterans' Affairs of all serving personnel who transition from service.
- Health providers should be accredited prior to information being able to be received through the AISA, as it is the RNZRSA experience that most health practitioners are ignorant of service and therefore the lofty aim of automatically identifying likely conditions is theoretical and not practical.
- Ministry of Social Development (MSD) should be able to use the information to provide broader services other than benefits e.g., employment / vocational training.
- There are concerns about provision of suitable IT solutions to enact the sharing under the AISA.

#### Veterans' Affairs Response

Veterans' Affairs sees the benefits in using information about veterans for improving services across New Zealand. However, the AISA is about provision of services at an individual level. Therefore, Veterans' Affairs believes this outcome is better achieved through use of the IDI.

The proposed information to be shared by Veterans' Affairs with NZDF includes confirmation of being a veteran and details of entitlements. The only reason details of entitlements will be shared with NZDF is when the NZDF Accredited Employer Programme needs these to provide ACC services to veterans currently employed by NZDF. NZDF will only be provided the information needed to deliver ACC services as requested by the NZDF employees.

If NZDF were to notify Veterans' Affairs of all serving personnel who transition from service, then Veterans' Affairs would be provided more information than required. Instead, the AISA proposes that only information about individuals who qualify for services from Veterans' Affairs will be provided.

The definition of an MSD benefit within the AISA includes non-financial benefits including employment and vocational training. Therefore, changes to the AISA are not proposed.

In accordance with the Privacy Act parties to the AISA must provide a public service. A public service is defined as a public function or duty that is conferred or imposed on a public sector agency under law or by a policy of the Government. It would therefore be possible to include government agencies with an interest in Māori, Pacific Peoples and LGBTQI+. Veterans' Affairs reviewed the applicable agencies and the services provided by them. This review identified these agencies were policy agencies rather than service agencies. Therefore, it is not appropriate to include them in the AISA. However, at a later date if the services provided by these agencies change it is possible for them to be included in the AISA at a later date, after further public consultation.

It is noted that RNZRSA has a desire that the AISA is only used where the outcomes to the individual are positive. Services need to be provided within the legislative bounds of the Veterans' Support Act 2014 and other acts. This means that in some circumstances services will need to be ceased. If the services are not ceased promptly using information provided under the AISA it could increase the amount of debt veterans may need to repay. It is noted that superannuitants are likely to be the most impacted by withdrawal of services. Veterans' Affairs will ensure they work with impacted parties to mitigate the impact of withdrawal of services to reduce the impact. The operating procedures developed under the AISA will address how the impacts can be minimised.

Veterans' Affairs believes the requirement contained in section 12.6 (a) of the AISA that requires information to be secured in accordance with each agency's security policies and adherence to the PSR INFOSEC requirements is sufficient to ensure information is appropriately secured. In addition, the AISA requires in section 12.6 (c) that the New Zealand Defence Force is notified of any security breach. This allows Veterans' Affairs to support veterans and other claimants who are impacted by the breach. Section 19 allows Veterans' Affairs to suspend, limit or terminate their participation at any time if a party is not meeting the requirements of the AISA, including not securing information provided appropriately. No changes to the proposed safeguards in the AISA are proposed.

As part of the development of the Order in Council the Parliamentary Counsel Office will ensure due particularity is included in the order to mitigate risks around legal interpretation and scope creep. Operating procedures developed under the AISA must be consulted with the Office of the Privacy Commissioner. This is an important safeguard to ensure that expansion outside of the AISA is not occurring. 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. This report will enable the Privacy Commissioner and members of the public to understand how the AISA is operating.

### **3.4.3. Considerations Outside the Scope of Consultation**

RNZRSA provided a response to each of the questions posed in the discussion document. The responses raised the following points which were outside the scope of the consultation. These items have been noted by Veterans' Affairs and will be considered outside of the process of developing an AISA.

- There are inequities between Scheme One and Scheme Two individuals especially around digital naivety meaning the engagement model may need adjustment.

- Previously it was agreed a veteran register would be created. This has not been established to date. Why is this?
- It is felt ACC need to go through an accreditation process to ensure its case managers understand the uniqueness of military service.
- Specific information relating to the death of a service person while in the NZDF should be automatically provided to ACC to ensure mental health support is assured for whānau without having to traverse lengthy eligibility processes.
- When leaving NZDF service all veterans should automatically be enrolled with a health provider.
- Specific data sets for trade / experience / operational service will need to be developed to allow health conditions for various groups to be identified.

## 3.5. NZ Vietnam Veterans Association Submission

### 3.5.1.Support

The NZ Vietnam Veterans Association (NZVVA) is in support of an AISA to facilitate services to the veteran community, their family and whānau. NZVVA noted their submission should be viewed in a positive light supportive of Veterans' Affairs establishing an AISA with the agencies identified for the purpose of facilitating, clarifying, and improving the services offered to our veteran community.

### 3.5.2.Responses

NZVVA provided a response to each of the questions posed in the discussion document. The responses were summarised by NZVVA as follows:

- ***“Do no harm:*** any information sharing should not result in the denial of services to the Vietnam Veterans and whānau as described in the MoU and Veterans Support Act 2014.
- ***Data Security:*** The Veteran community remain concerned at recently reported lapses in security of health data with the potential for identity theft etc. Any agreement for information sharing must consider this possibility with clearly defined VANZ responsibilities as lead agency overlaid on other agency protocols to protect, advocate for, and act for Veterans in resolving any resulting issues.
- ***Up-to-date registers of Vietnam service health effects:*** continually monitor recognised international research on the health effects of Vietnam service on Veterans, whānau and family, to ensure any information sharing results in the timely and equitable recognition of health conditions and indicators of health conditions and distribution of benefits.
- ***Accreditation for agencies using Vietnam Veteran data:*** Agencies with the intention of working with/for VANZ should develop services consistent with the MoU, the Veterans Support Act 2014 (VSA'14) and all other applicable legislation or health initiatives.  
*It is our position that those other agencies be accredited by VANZ for handling the nature of the Veterans' military service and the vulnerable population created through aging service personnel.*
- ***Equity of application to the Vietnam Veteran and whānau:*** VANZ and agencies requiring information from a Vietnam Veteran or whānau will use appropriate mechanisms and timelines for data collection and responses that demonstrate understanding of the aging veteran population, respect for the veteran and whānau and preservation of the veteran's mana.
- ***Purpose for data collection:*** VANZ must clearly define the purposes and scope for multi-agency data collection and how this relates to improving the health and wellbeing of the Vietnam Veteran and whānau community and achieving the VANZ agreed objectives as described in the MoU and VSA'14.
- ***VANZ remains the service provider:*** VANZ is to be the dominant partner in any agency information exchange, providing scrutiny to the purpose and defining the agencies that will directly help in achieving the outcomes of the MoU and VSA'14.

- **The veteran and/or legal representative must have access to shared information personal to that Veteran:** *It is important to recognize that the New Zealand Vietnam Veteran and spouses' population is aging and declining in numbers, with family and whānau required by necessity to interact with VANZ on the Veteran's behalf. Agreement for information sharing should accommodate legal representatives of the Veteran and whānau."*

### Veterans' Affairs Response

Veterans' Affairs noted the support for the AISA.

In response to the principles:

- **Do no harm:** – The aim of the proposed information sharing is to improve services to veterans and their whānau. Services need to be provided within the legislative bounds of the Veterans' Support Act 2014 and other acts. This means that in some circumstances services will need to be ceased. If the services are not ceased promptly using information provided under the AISA it could increase the amount of debt veterans may need to repay. It is noted that concerns were expressed about timelines for adverse action; i.e. the ten working days minimum requirement. For each set of operating procedures developed where adverse action is possible then a considered view about how long over and above ten working days the individual should have to contest the information will be made. The balance to this consideration is likely the level of debt incurred by the individual during the period allowed before adverse action is taken.
- **Data Security:** Veterans' Affairs believes the requirement contained in section 12.6 (a) of the AISA that requires information to be secured in accordance with each agency's security policies and in adherence to the PSR INFOSEC requirements is sufficient to ensure information is appropriately secured. In addition, the AISA requires in section 12.6 (c) that New Zealand Defence Force is notified of any security breach. This allows Veterans' Affairs to support veterans and other claimants who are impacted by the breach. Section 19 allows Veterans' Affairs to suspend, limit or terminate their participation at any time if a party is not meeting the requirements of the AISA, including not securing information provided appropriately.
- **Up-to-date registers of Vietnam service health effects:** Veterans' Affairs sees the benefits in using information about Vietnam veterans for monitoring health effects. However, the AISA is about provision of services at an individual level. Therefore, Veterans' Affairs believes this outcome is better achieved through use of the IDI which brings veteran and health information together with other data sources.
- **Accreditation for agencies using Vietnam Veteran data:** The proposed parties to the AISA currently provide services to veterans. Veterans' Affairs believes the outcome desired by the NZVVA can be achieved through Veterans' Affairs working closely with the parties who support veterans to understand the population.
- **Equity of application to the Vietnam Veteran and whānau:** The aim of the AISA is to improve service delivery to veterans and their whānau. The expected benefit of this is to remove barriers that cause delays to provision of service.
- **Purpose for data collection:** Operating procedures developed under the AISA define what information is to be shared for what purpose. When considering information sharing data minimisation is always considered so the least information possible is shared. The Office of the Privacy Commissioner is required to be consulted about a set of operating procedures.
- **VANZ remains the service provider:** Veterans' Affairs as the lead agency remains responsible for the operation of the AISA. Any information sharing would involve Veterans' Affairs as either the provider or receiver of the information. Veterans' Affairs is required to agree the operating procedures for any sharing that occurs.
- **The veteran and/or legal representative must have access to shared information personal to that Veteran:** Clients of Veterans' Affairs and their legal representatives are able to access a copy of any information held by any party at any time under the Privacy Act. The respective party's privacy statement details how to request a copy of information.

## 4. Scenario Submissions

### 4.1. Submissions

Twenty-five submissions were received including from the RNZRSA and NZVVA. The following table details the responses in relation to each scenario. The strong trend of responses was in support of the AISA for sharing in the specific scenarios with a small percentage not in support.

Scenario	Desirable	Not Desirable
When leaving NZDF, NZDF can notify VA of all veterans with qualifying service so VA can reach out to advise the veteran of the services available to them.	25	
When a veteran wishes to become a client, VA can confirm their service history with NZDF.	25	
Where a veteran is claiming ACC and employed by NZDF, VA can process a request to top-up the veteran's salary /services without the need for the veteran to provide all their ACC cover documents to VA.	22	2
VA and/or MSD can increase benefits paid by MSD if the benefits are lower than the maximum claimable by a veteran.	20	2
VA and/or MSD can decrease benefits paid by MSD if the benefits are greater than the maximum claimable by a veteran.	19	4
Where a veteran is known to be deceased by either MSD or VA, they can advise the other party to cease payments.	25	
Where a veteran's contact details have been updated by either MSD or VA, they can advise the other party to keep the records aligned.	24	1
When a veteran's family applies for services from VA, they do not need to prove their relationship to the veteran to VA as they have already proven this with MSD.	23	2
Where a veteran is claiming ACC, VA can process a request to top-up the veteran's salary / services without the need for the veteran to provide all their ACC cover documents to VA.	22	3
Where a veteran is receiving ACC and support from VA, VA are able to check the veteran is not receiving more support than legislatively allowed.	24	1
When a veteran enters prison VA can cease financial payments to the veteran.	20	2
When a veteran leaves prison VA can automatically restart financial payments to the veteran.	22	1
When a veteran enters prison VA can provide details of the veteran's rehabilitation and treatment plan to ensure ongoing care.	22	2
When a veteran leaves prison Corrections can provide details of the veteran's rehabilitation and treatment plan to ensure ongoing care.	21	1
When a veteran is preparing to leave prison, VA are able to work with Corrections to develop a support plan for reintegration.	22	1
When Corrections are preparing submissions to the Parole Board, VA can provide details about the support available to the veteran.	24	1
When applying to become a client of VA the veteran does not have to provide a copy of their passport as this will be obtained from DIA.	23	
When applying to be a client or obtain services the veteran / other claimant does not have to provide copies of their birth, marriage, or death certificates as these can be accessed directly from DIA.	23	

Scenario	Desirable	Not Desirable
If a veteran is claiming entitlements that are only available to NZ based veterans, then these may be investigated based on the location the veteran's passport is sent to.	22	2
If a veteran is claiming entitlements that are only available to NZ based veterans, then these may be investigated based on their travel movements out of the country.	20	3
DIA can provide the veteran a way to prove they are a veteran to other organisations in digital channels.	22	1
Health agencies are made aware a patient is a veteran through a veteran flag on the National Health Index, and therefore can offer more tailored services.	23	
GPs are made aware a patient is a veteran, so they can provide free appointments.	23	
When applying for an education bursary the veteran / other claimant is not required to provide evidence the child is attending school as this is confirmed by the Ministry of Education.	23	2

## 4.2. Commentary

The commentary in response to the scenarios highlighted the following:

- A consent form should be used when a veteran's service history is to be confirmed with NZDF.
- It is important veterans are notified about changes in benefits.
- The ACC Case Worker should ensure veterans are provided a top-up when applicable.
- Repayment plans for overpayments need to be reasonable.
- Consent should be used when sharing details of rehabilitation and treatment plans.
- Care needs to be taken when passports are sent overseas as they could be lost during overseas travel.
- One individual doesn't want information shared with the Department of Internal Affairs as it will not be secure.
- Many veterans do not remember that NZVVA can support them later in life.

### Veterans' Affairs Response

The feedback about consent was considered. Veterans' Affairs agrees wherever possible all sharing should be with the consent of the individual. The inclusion of the following new safeguard in the AISA is proposed "Where appropriate, consent of the individual will be sought prior to sharing of their Personal Information under this Agreement. Parties are not required to confirm that the individual is legally in a position to provide consent."

Veterans' Affairs agrees that at all times when changes are going to impact individuals they should be notified. The AISA requires that the individual must be provided a minimum of ten working days notice of any adverse action. The operating procedures for each share will detail how this notice should be supplied. The feedback on repayment plans was noted; however, this is outside of the scope of the AISA development but is feedback Veterans' Affairs will consider when developing operational practices.

It is noted that passports may be sent overseas if the individual has lost them during overseas travel. Where a passport is sent will be one of many factors that are considered when determining if fraud is possibly occurring.

The concerns about security of the parties were noted. Changes to the AISA are not proposed as discussed previously.

## Appendix A – Initial Consultation Questions

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



## Appendix B – Invited Stakeholders

No.	Organisation
1	Ahuriri Hapū
2	ASCN (NZ) (Australasian Services Care Network)
3	Data Iwi Leaders' Group (Kirikowhai Mikaere)
4	Law Society
5	Medical Council of New Zealand
6	Missing Wingman Trust
7	Mururoa Veterans
8	No Duff Charitable Trust
9	NZ Bomber Command Association
10	NZ Fallen Heroes Trust
11	NZ Malayan Veterans Association Inc
12	NZ Mounted Rifles Charitable Trust
13	NZ Nuclear Test Veterans Association
14	NZ Vietnam Veterans Association
15	NZSAS Trust
16	Off Limits Trust
17	People's Advocacy Society
18	Pilgrim Bandits
19	Privacy Foundation
20	Rainbow Auckland
21	Rainbow Wellington
22	Rainbow Youth
23	Ranfurly Veterans' Trust
24	Rannerdale Trust
25	RNZ Artillery Association
26	RNZRSA
27	RNZRSA National Women's Association
28	Royal NZ Airforce Association Inc
29	Royal NZ Armoured Corps Association
30	Royal NZ Naval Association
31	Social Workers Registration Board
32	Soldiers, Sailors and Airmen's Association of NZ
33	South East Asian Veterans' Association Inc
34	Te Kāhui Raraunga
35	Te Kiwi Māia – The Courageous Kiwi Charitable Trust
36	Te Mana Raraunga
37	Vietnam Veterans and Their Families Trust
38	Tūhono Trust
39	Beneficiaries & Unwaged Workers Trust
40	Beneficiary Advisory Service
41	East Coast Beneficiary Service
42	Homebuilders Family Centre
43	Hutt Valley Benefit Education Service Trust
44	Southland Beneficiaries and Community Rights
45	Tairāwhiti Beneficiary Advocacy Trust
46	Adoption New Zealand

No.	Organisation
47	New Zealand Society of Genealogists

## Appendix C – Scenarios

Scenario
When leaving NZDF, NZDF can notify VA of all veterans with qualifying service so VA can reach out to advise the veteran of the services available to them.
When a veteran wishes to become a client, VA can confirm their service history with NZDF.
Where a veteran is claiming ACC and employed by NZDF, VA can process a request to top-up the veteran's salary /services without the need for the veteran to provide all their ACC cover documents to VA.
VA and/or MSD can increase benefits paid by MSD if the benefits are lower than the maximum claimable by a veteran.
VA and/or MSD can decrease benefits paid by MSD if the benefits are greater than the maximum claimable by a veteran.
Where a veteran is known to be deceased by either MSD or VA, they can advise the other party to cease payments.
Where a veteran's contact details have been updated by either MSD or VA, they can advise the other party to keep the records aligned.
When a veteran's family applies for services from VA, they do not need to prove their relationship to the veteran to VA as they have already proven this with MSD.
Where a veteran is claiming ACC, VA can process a request to top-up the veteran's salary / services without the need for the veteran to provide all their ACC cover documents to VA.
Where a veteran is receiving ACC and support from VA, VA are able to check the veteran is not receiving more support than legislatively allowed.
When a veteran enters prison VA can cease financial payments to the veteran.
When a veteran leaves prison VA can automatically restart financial payments to the veteran.
When a veteran enters prison VA can provide details of the veteran's rehabilitation and treatment plan to ensure ongoing care.
When a veteran leaves prison Corrections can provide details of the veteran's rehabilitation and treatment plan to ensure ongoing care.
When a veteran is preparing to leave prison, VA are able to work with Corrections to develop a support plan for reintegration.
When Corrections are preparing submissions to the Parole Board, VA can provide details about the support available to the veteran.
When applying to become a client of VA the veteran does not have to provide a copy of their passport as this will be obtained from DIA.
When applying to be a client or obtain services the veteran / other claimant does not have to provide copies of their birth, marriage, or death certificates as these can be accessed directly from DIA.
If a veteran is claiming entitlements that are only available to NZ based veterans, then these may be investigated based on the location the veteran's passport is sent to.
If a veteran is claiming entitlements that are only available to NZ based veterans, then these may be investigated based on their travel movements out of the country.
DIA can provide the veteran a way to prove they are a veteran to other organisations in digital channels.
Health agencies are made aware a patient is a veteran through a veteran flag on the National Health Index, and therefore can offer more tailored services.
GPs are made aware a patient is a veteran, so they can provide free appointments.
When applying for an education bursary the veteran / other claimant is not required to provide evidence the child is attending school as this is confirmed by the Ministry of Education.

## Appendix D – List of Submitters

No.	Date Received	Submitter
1	29-Aug	Individual Submitter
2	29-Aug	Individual Submitter
3	29-Aug	Individual Submitter
4	29-Aug	Individual Submitter
5	29-Aug	Individual Submitter
6	29-Aug	Individual Submitter
7	29-Aug	Individual Submitter
8	29-Aug	Individual Submitter
9	30-Aug	Individual Submitter
10	30-Aug	Individual Submitter
11	1-Sep	Individual Submitter
12	1-Sep	Individual Submitter
13	2-Sep	Individual Submitter
14	2-Sep	Individual Submitter
15	5-Sep	Individual Submitter
16	6-Sep	Individual Submitter
17	6-Sep	Individual Submitter
18	12-Sep	Individual Submitter
19	14-Sep	Individual Submitter
20	15-Sep	Individual Submitter
21	15-Sep	Individual Submitter
22	28-Sep	Individual Submitter
23	28-Sep	Individual Submitter
24	29-Sep	Individual Submitter
25	30-Sep	Individual Submitter
26	1-Oct	Individual Submitter
27	1-Oct	Individual Submitter
28	2-Oct	Individual Submitter
29	2-Oct	Individual Submitter
30	3-Oct	Individual Submitter
31	5-Oct	Individual Submitter
32	6-Oct	Individual Submitter
33	7-Oct	Individual Submitter
34	7-Oct	Privacy Foundation NZ
35	7-Oct	Royal New Zealand Returned and Services Association
36	10-Oct	Individual Submitter
37	7 - Nov	NZ Vietnam Veterans Association

# Veterans' Affairs Information Sharing Agreement

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

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# 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

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## 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"> <li>• a benefit within the meaning of paragraph (a) of the definition of “Benefit” in Schedule 2 of the Social Security Act 2018; or</li> <li>• any other amount that is payable or may be paid under the Social Security Act 2018, including— <ul style="list-style-type: none"> <li>○ a funeral grant that may be paid under subpart 15 of Part 2 of that Act; and</li> <li>○ any special assistance payable under a programme approved under section 101 of that Act.</li> </ul> </li> </ul>
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"> <li>• an adopted child of the Veteran;</li> <li>• a child of whom the Veteran is or has been a guardian;</li> <li>• 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</li> <li>• 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.</li> </ul>
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"> <li>• under any of sections 20, 21, or 22, for a personal injury suffered on or after 1 April 2002; or</li> <li>• under Part 10 or Part 11, for a personal injury suffered before that date.</li> </ul>
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"> <li>• 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;</li> <li>• 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</li> <li>• 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.</li> </ul>
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	As defined in section 7 of the Veterans' Support Act 2014, being <ul style="list-style-type: none"> <li>• a member of the armed forces who took part in qualifying operational service at the direction of the New Zealand Government; or</li> <li>• a member of the armed forces who took part in qualifying routine service before 1 April 1974; or</li> <li>• 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"> <li>○ appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or</li> <li>○ seconded to the Defence Force with the permission of the Chief of Defence Force; and</li> </ul> </li> <li>• 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"> <li>○ section 19 (but only if the person was a member of the forces);</li> <li>○ section 55 or 56;</li> <li>○ Parts 4 and 5.</li> </ul> </li> </ul>
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, 3, 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.

- **IPP3: Notice**

It is not a breach of information privacy principle 3 or the Health Information Privacy Code rule 3 for the receiving Party not to provide notice of collection when the Personal Information has been received 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:

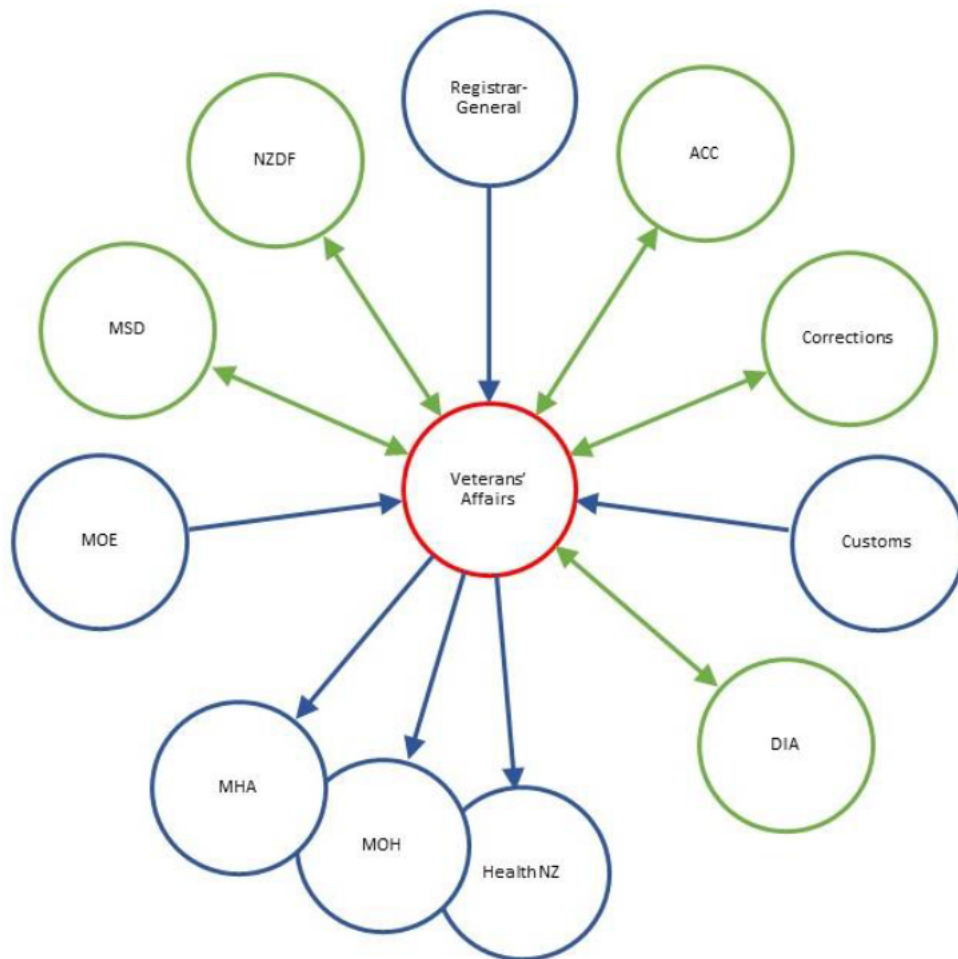
- a) accurate and efficient assessment of eligibility for and entitlement to receive public services that a Veteran or Another Claimant applies for or elects to utilise; and
- b) accurate and efficient delivery of public services that a Veteran or Another Claimant applies for or elects to utilise.

## 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](http://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.
- m) Where appropriate, consent of the individual will be sought prior to sharing of their Personal Information under this Agreement. Parties are not required to confirm that the individual is legally in a position to provide consent.

### 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.



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# 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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> <li>• contact details</li> </ul>	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.

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# 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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> <li>• contact details</li> </ul>	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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> <li>• contact details</li> </ul>	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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> </ul>	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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> <li>• contact details</li> </ul>	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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> <li>• contact details</li> </ul>	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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> <li>• contact details</li> </ul>	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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• contact details</li> </ul>	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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> <li>• contact details</li> </ul>	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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> <li>• contact details</li> </ul>	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:

- 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:

- Decline to provide requested Benefits.
- Cancel, suspend, or modify Benefits.
- 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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> <li>• contact details</li> </ul>	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:

- a) Assess or re-assess the eligibility and entitlement of a Veteran for ACC AEP Services.
- b) 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:

- f) Decline to provide requested ACC AEP Services.
- g) 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"> <li>• current name</li> <li>• previous names</li> <li>• date of birth</li> <li>• place of birth</li> </ul>	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)

# Regulatory Impact Statement: Veterans' Affairs AISA

## Coversheet

Purpose of Document	
Decision sought:	This analysis and advice have been produced for the purpose of informing Cabinet's final policy decisions on the Veterans' Affairs Approved Information Sharing Agreement (AISA).
Advising agencies:	<p>This Regulatory Impact Statement (RIS) has been developed by Veterans' Affairs in conjunction with the following agencies who are proposed to be parties to the AISA:</p> <ul style="list-style-type: none"><li>• Accident Compensation Corporation (ACC)</li><li>• Department of Corrections (Corrections)</li><li>• Te Tari Taiwhenua   Department of Internal Affairs (DIA)</li><li>• Health New Zealand (Health NZ)</li><li>• New Zealand Customs Service (Customs)</li><li>• The New Zealand Defence Force (NZDF)</li><li>• The Māori Health Authority (MHA)</li><li>• Te Tāhuhu o te Mātauranga   Ministry of Education (MOE)</li><li>• The Ministry of Health (MOH)</li><li>• The Ministry of Social Development (MSD)</li><li>• Kairēhita Matua – Whānautanga, Matenga, Mārenatanga   The Registrar-General, Births, Deaths, and Marriages (Registrar-General)</li></ul>
Proposing Ministers:	Hon Peeni Henare
Date finalised:	28/04/2023
Problem Definition	
<p>Most of the information required to assess entitlements or services must currently be provided directly 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. This places a burden on the veteran, their family and whānau, and results in delays to the provision of entitlements or services.</p> <p>Equally, it is difficult for the agencies to exercise powers to not provide services, to adjust services, to prevent fraud or mistaken identity, and to prevent the accumulation of debt for veterans due to the lack of information sharing.</p> <p>The issues regarding information sharing were identified in the <a href="#">Paterson Report</a> in June 2017 and a recommendation made that Veterans' Affairs reviews its information sharing.</p>	

## Executive Summary

### Problem Statement

Most of the information required to assess entitlements or services must currently be provided directly 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 entitlements or services.

Equally, many government agencies have incomplete or missing information on veterans. This lack of information sharing makes it difficult for agencies to provide adequate services for veterans, including preventing fraud and accumulation of debt.

### Criteria

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
- Accuracy and timeliness of information
- Transparency regarding how information will be shared and used by government agencies
- Achievability within a reasonable time (up to two years).

### Options Considered

The following options were considered to address the problem:

- Option A - Status Quo – this would involve making no changes to the way information is shared.
- Option B - Development 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.
- Option C - Development of an Approved Information Sharing Agreement (AISA) – this would enable two-way sharing with government agencies for a variety of specified purposes.
- Option D - Amend Primary Legislation – this would involve an extensive process to update the Veterans' Support Act 2014 and other primary legislation.

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.

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.

## Preferred Option

As a result of this analysis, Veterans' Affairs has identified the preferred option is to create an AISA because it meets all four of the criteria:

- Efficiency for veterans and their family and whānau – Information about veterans and their family and whānau would be able to be shared with and by Veterans' Affairs.
- 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 – The AISA and related Order in Council would be public and also all sharing would be documented in the relevant privacy statement. It is also proposed that information about how the AISA functions will be readily available, easy to navigate, and clear and easy to understand.
- Achievability within a reasonable time (up to two years) – It is expected an AISA would take approximately 18 months to deliver.

Using an AISA would also enable predictable and consistent outcomes for the government agencies involved.

## Public Consultation

Public consultation began on 29th August 2022 and closed on 7th October 2022. Thirty-seven submissions were received in response to the initial public consultation, coming mainly from individuals, with three submissions from organisations. This is a very high number of submissions in relation to a proposed AISA especially from individuals. This reflects the level of engagement from the veteran community with Veterans' Affairs.

The submissions for and against appeared roughly even, however many did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances. A key theme to the feedback from those opposed centred around a distrust for government agencies to securely transfer and store personal information about them.

Initial consultation feedback did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances, a set of definite questions was therefore developed by Veterans' Affairs to seek further clarity on the views expressed. Twenty-five clarifying submissions were received from both organisations and individuals, most of which were strongly supportive of the AISA.

## Limitations and Constraints on Analysis

The initial problem statement was identified as part of the [Paterson Report](#) in June 2017 and a recommendation made that Veterans' Affairs reviews its information sharing. This recommendation did not limit the analysis. When completing the analysis Veterans' Affairs considered all information sharing with government entities and not just those parties listed as part of the recommendation. The analysis was constrained to solutions for information sharing only with New Zealand government entities.

The Privacy Act 2020 sets the framework for how personal information must be managed. The information proposed to be shared is considered personal information therefore only options that enabled compliance with the Privacy Act were considered.

The Privacy Act also sets out what an AISA can contain and how it can modify the way the Privacy Act applies, such as authorising exemptions from some of the information privacy principles. The Privacy Act also sets out the process that must be followed to make an



AISA. To come into force, an AISA must be authorised through an Order in Council. The Operation of the AISA is subject to reporting in accordance with requirements set by the Privacy Commissioner.

Costs and time to develop options were not a limiting factor in the analysis.

### Responsible Manager

Marti Eller

Deputy Head of Veterans' Affairs

Veterans' Affairs New Zealand – Te Tira Ahu Ika A Whiro



28 April 2023

### Quality Assurance

Reviewing Agency:	Department of Internal Affairs
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Panel Assessment & Comment:	<p>The panel considers that the information and analysis summarised in the RIA overall <b>meets</b> the quality assurance criteria.</p> <p>This RIS provides all of the necessary information. There was solid analysis about why an AISA could help ease administrative burdens for veterans and their whānau, and lead to faster adjustments to their services and support. While most of the RIS was reasonably clear, in places it was not as clear or concise as it could be, for example when explaining the problem for each of the agencies.</p> <p>While only a moderate amount of feedback was received, the RIS also clearly shows evidence of effective consultation with stakeholders that is proportionate to the type of policy change (i.e., introducing an AISA).</p>
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## Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

### Background

1. 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.
2. 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.
3. 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.
4. 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 old.
5. Currently Māori constitute approximately 30% of New Zealand Defence Force personnel whereas they make up 16% of the general population in New Zealand.

### Services to Veterans and their Family and Whānau

6. Veterans' Affairs provides services to veterans and their family and whānau residing both 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.
7. 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, childcare 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.

8. 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	Services in relation to veterans	Primary Legislation
Accident Compensation Corporation (ACC)	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.	<a href="#">Accident Compensation Act 2001</a>
Department of Corrections (Corrections)	<p>Rehabilitation services stop when a veteran is in prison (subject to a few exceptions) and are passed over to Corrections to provide. On release, the obligation to provide these services is passed back to Veterans' Affairs.</p> <p>Financial payments to the veteran stop when they are in prison.</p> <p>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.</p>	<a href="#">Corrections Act 2004</a>
Department of Internal Affairs (DIA)	<p>Provide travel documents to veterans and their families and whānau.</p> <p>Provide identity services to other organisations.</p>	<a href="#">Passports Act 1992</a>
Inland Revenue	<p>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.</p> <p>On a veteran's death Veterans' Affairs may provide childcare 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.</p>	<a href="#">Tax Administration Act 1994</a>
Ministry of Education (MOE)	Provide education to families and whānau of veterans.	<a href="#">Education and Training Act 2020</a>
Ministry of Health (MOH)	Provide medical care to veterans and their families and whānau.	<a href="#">Health Act 1956</a>
Ministry of Social Development (MSD)	Administer and pay the Veteran's Pension on behalf of Veterans' Affairs.	<a href="#">Social Security Act 2018</a>
New Zealand Customs Service (Customs)	Manages border risks associated with veterans and their luggage / goods.	<a href="#">Customs and Excise Act 2018</a>
New Zealand Defence Force (NZDF)	<p>Confirm the veteran's service to determine if he or she may be eligible for Veterans' Affairs services.</p> <p>Provide health records to enable ongoing care and determination of coverage for support such as impairment compensation.</p>	<a href="#">Defence Act 1990</a>
Registrar-General, Births, Deaths and Marriages (Registrar-General)	Manage the birth, marriage and death records for veterans and their families and whānau within New Zealand.	<a href="#">Births, Deaths, and Marriages Registration Act 1995</a>

## Existing Legislation

9. The primary legislation governing the principles and controls under which personal information can be shared is the Privacy Act 2020.
10. Veterans' Affairs has several Memoranda of Understanding (MOUs) with the Ministry of Social Development and ACC that involve information sharing. These agreements do not enable variation of the privacy principles. This means in accordance with the Privacy Act personal information may only be shared between agencies through either authorisation under the Privacy Act or primary powers in legislation.
11. 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.
12. Furthermore, the Births, Death, Marriages, and Relationships Registration Act 1995 (BDMRRA) restricts the sharing of birth, death, marriage and civil union records unless authorised under the BDMRRA. Currently Veterans' Affairs is not authorised to receive these records. Section 78A of the BDMRRA authorises the establishment of information sharing agreements and AISAs to share information collected under the BDMRRA.
13. Without an AISA or powers in primary legislation the Department of Corrections has no power under the Correction Act 2005 to share information with Veterans' Affairs about when veterans enter or are released from prison.

## Current Arrangements

14. 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.
15. 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.

## What is the policy problem or opportunity?

16. There is a burden on the veteran, their family and whānau to provide information to support requests for entitlements or services as it cannot be shared directly from the agency holding the information, much of this information is provided in paper form and sent by post. In addition to the administrative burden this also results in delays to the provision of entitlements or services.
17. Veterans' Affairs is constantly receiving feedback from veterans that they should be able to access information already held within Government. There are frustrations regularly expressed when veterans have to seek information from other agencies to provide it to Veterans' Affairs.
18. 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.”*

19. The challenges around access to information and the need to provide information are illustrated in the surveys completed by Veterans’ Affairs clients. There were 186 comments about the need to improve information sharing in the latest survey.
20. There are a number of legislative barriers that currently inhibit the ability of the identified agencies to share information:
  - Births, Deaths, Marriages, and Relationships Registration Act 1995 – Section [78A](#) of the BDMRRA restricts disclosure of personal information without an Information Matching Agreement<sup>1</sup>, AISA or other exception in the BDMRRA.
  - Corrections Act 2004 – A partial prohibition under sections [181A](#) and [182A](#) exists in relation to information relating to highest-risk offenders and sex offenders, which is only able to be shared via an AISA.
  - Tax Administration Act 1994 – IRD cannot disclose tax information without consent, or an AISA under section [18\(1\)](#).
21. In addition, there are also the following non-legislative barriers:
  - A higher than average number of clients have an inability to provide informed and appropriately authorised consent due to their age or medical capacity.
  - A Veteran who has died is unable to consent to their information being shared therefore identification of the executors of the estate is required.
  - The Crown is a single legal entity – the Crown cannot effectively refund itself unless the ability to do so is prescribed in statute (e.g., Accident Corporation Act 2001, s281 - Disclosure of information by Corporation for benefit and benefit debt recovery purposes).
22. This results in a number of problems being faced by the identified agencies.

Problem Faced	Agency
Lack of awareness of entitlements	<ul style="list-style-type: none"> <li>• ACC</li> <li>• Ministry of Health</li> <li>• Veterans’ Affairs</li> </ul>
Delay in provision of services / entitlements	<ul style="list-style-type: none"> <li>• Veterans’ Affairs</li> <li>• Ministry of Health</li> </ul>
Require consent to be obtained before sharing information	<ul style="list-style-type: none"> <li>• ACC</li> <li>• DIA</li> <li>• Inland Revenue</li> <li>• Veterans’ Affairs</li> <li>• Defence</li> </ul>
Duplication of services	<ul style="list-style-type: none"> <li>• ACC</li> </ul>

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<sup>1</sup> This is an older information sharing mechanism enabled under Part 7 Subpart 4 of the Privacy Act 2020. Information matching agreements generally focus on sharing bulk information sets between parties.

Problem Faced	Agency
Incurrence of debt	<ul style="list-style-type: none"> <li>• Veterans' Affairs</li> <li>• MSD</li> </ul>
Inability to be able to share information with consent	<ul style="list-style-type: none"> <li>• Corrections</li> <li>• MOE</li> <li>• Registrar-General, Births, Deaths and Marriages</li> </ul>
Ability to detect and prevent fraud	<ul style="list-style-type: none"> <li>• Veterans' Affairs</li> </ul>

## What objectives are sought in relation to the policy problem?

### Key Objectives

23. The key objective sought is to 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.
24. In addition, Veterans' Affairs is seeking to improve the delivery of government services by:
  - Allowing organisations to correctly identify an individual who is a veteran and their family and whānau.
  - Protecting public revenue through timely adjustment in funding.
25. There will be some variation in how some of these objectives are realised, depending on the specific needs for each agency.

### Negative Consequences

26. It has been identified that as a consequence of improving the information sharing to improve the delivery of services, entitlements and support there may be a number of adverse outcomes to veterans and their families and whānau. These include:
  - Agencies declining to provide requested services or additional services.
  - Cancellation or modification of services.
  - 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 prosecuting the offence or reporting any suspected offence to the New Zealand Police or Serious Fraud Office.
27. Individuals may be concerned that improving information sharing may have a negative impact on their privacy. A Privacy Impact Assessment was developed as part of the public consultation to discuss the privacy risks and the proposed mitigations. In addition, the Office of the Privacy Commissioner has been consulted as part of developing solutions for improved information sharing. It is expected the impact on individuals' privacy will be minimal and the benefits outweigh this.
28. 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.

## Section 2: Deciding upon an option to address the policy problem

### What criteria will be used to compare options to the status quo?

29. 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, the number of individual agreements required and the expected timeframes based on other similar work within New Zealand.
30. Compliance with the Privacy Act was not considered as a criterion as one of the limitations on the analysis was that all options proposed must conform with the Privacy Act. Furthermore, 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.
31. At an operational level when considering the individual sharing arrangements with each agency privacy will be a key consideration when determining what information is to be shared.
32. Feedback was sought through public consultation as to whether the criteria used to compare the options were appropriate. Only one of the thirty-seven submissions answered the question posed. The submission stated they thought services delivered by Veterans' Affairs should acknowledge Veterans' Affairs objectives described in the MOU with the New Zealand Vietnam Veterans, family and whānau. These objectives are focused on the services delivered by Veterans' Affairs rather than the mechanics of delivery.

### What scope will options be considered within?

33. The Privacy Act 2020 sets the framework for how personal information must be managed. The information proposed to be shared is considered personal information therefore only options that enabled compliance with the Privacy Act were considered.
34. The Privacy Act provides four key legislative enablers to share personal information between parties:



- In accordance with the privacy principles
  - As part of an Information Matching Programme – Since the introduction of the Privacy Act 2020 no new programmes are allowed to be developed.
  - Under an AISA – This also allows the privacy principles to be varied if justified.
  - In accordance with specific legislation that overrides the general provisions of the Privacy Act.
35. Although it is possible for information sharing provisions to exist under all four of the enablers only one legal basis can be utilised at any given time for a specific information share.
  36. When completing the analysis Veterans' Affairs considered all information sharing with government entities and not just those parties listed as part of the recommendation in the Paterson Report. The analysis was constrained to solutions for information sharing only with New Zealand government entities.
  37. Due to resource and budget constraints Veterans Affairs only considered delivery of the same option for all identified parties.
  38. Inland Revenue were requested by Veterans' Affairs to participate in developing an improved solution 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. Inland Revenue did not have the resources required at the time to explore whether a change would be beneficial.
  39. Veterans' Affairs reviewed the information sharing arrangements between other agencies. There was a mixture of all four of the above legal options utilised. However certain agencies such as the Registrar-General, Births, Deaths and Marriages were significantly limited by their legislation in which options could be utilised for new information sharing programmes. In the previous years, a number of AISAs have been developed as these provide more flexible information sharing arrangements that can encompass multiple parties in one arrangement.

### What options are being considered?

40. The following options were considered:
  - **Option A - Status Quo** – this would involve making no changes to the way information is shared.
  - **Option B - Development 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.
  - **Option C - Development of an Approved Information Sharing Agreement (AISA)** – this would enable two-way sharing with government agencies for a variety of specified purposes.
  - **Option D- Amend Primary Legislation** – this would involve an extensive process to update the Veterans' Support Act 2014 and other primary legislation.

#### Option A - Status Quo

41. 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.
42. Veterans' Affairs has several Memoranda of Understanding (MOUs) with the Ministry of Social Development and ACC that involve information sharing. These agreements were in place under 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.

43. There are several 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.
44. 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.
45. 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 Memoranda of Understanding (MOUs)**

46. 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.
47. Individual MOUs would need to be developed with the following agencies:
  - Department of Corrections (Corrections)
  - Te Tari Taiwhenua | Department of Internal Affairs (DIA)
  - Health New Zealand (Health NZ)
  - New Zealand Customs Service (Customs)
  - The New Zealand Defence Force (NZDF)
  - The Māori Health Authority (MHA)
  - The Ministry of Health (MOH).
48. 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.
49. 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.
50. 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 and in the majority of cases the veteran would still be required to provide consent in advance of the sharing occurring.
51. MOUs are relatively easy to update between the parties if the information sharing needs to be adjusted at a later date as long as the information sharing remains

authorised under the exceptions to the Privacy Act. Consultation is only required with the two impacted parties.

52. 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)**

53. 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.
54. 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.
55. 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 3 – the receiving should provide notification of collection.
  - 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.
56. By enabling variation of the IPPs this would enable sharing without the consent of the individual. This will streamline the information sharing process in the majority of cases and also remove the risk around ensuring informed consent is obtained.
57. 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.
58. 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.
59. 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.
60. The majority of work to develop an AISA is completed by the lead agency, Veterans' Affairs, with the other agencies involved reviewing key documents. An AISA does not

mandate changes to business processes and technology but rather enables sharing where possible if desired.

61. The complete process for developing an AISA is approximately eighteen months.
62. If the AISA itself needs to be changed, usually to add an additional purpose, then the process specified in the Privacy Act must be followed and a new Order in Council developed. This process takes approximately 18 months and usually requires three separate approvals from Cabinet at various stages of the process.
63. AISAs are supported by operating procedures which detail how the information sharing occurs within the bounds of the AISA. These are developed with consultation between the parties and the Office of the Privacy Commissioner. Changes to operating procedures are relatively simple and require consultation with the Office of the Privacy Commissioner.
64. It is relatively unusual for an AISA to require change after it has been developed. However, changes to the operating procedures are common as business processes change and develop.

### **Option D - Amend Primary Legislation**

65. This option would update the Veterans' Support Act 2014 and other primary legislation such as the Births, Deaths, Marriages, and Relationships Registration Act 2021.
66. Amending legislation is a lengthy process and includes public consultation on the draft legislation, 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. It is expected it would take three to five years to amend primary legislation due to the respective priority when compared to other legislative changes within New Zealand.
67. 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.
68. Once primary legislation has been amended to reflect the information sharing required it is not possible to adjust it at a later date without following the same process used to originally amend the legislation.

### **Public Consultation**

69. Public consultation began on 29th August 2022 and closed on 7th October 2022. The following activities occurred during the consultation period:
  - Stakeholder packs - The main mailout of the 'packs' were sent to the 47 organisations detailed in Appendix B on the first day of consultation.
  - Email newsletter – Veterans' Affairs twice included an article in its email newsletter about the consultation. The newsletter was emailed to 3,742 subscribers, and it had an open rate of 71%. The newsletter generated 544 clicks though to the AISA page on Veterans' Affairs website.
  - Veterans' Affairs AISA webpage – Veterans' Affairs published a dedicated webpage (<https://www.veteransaffairs.mil.nz/about-veterans-affairs/our-programmes/aisa/>) containing information about the proposed changes and copies of all the documents. The webpage had 1,274 unique views.
  - Social media – Veterans' Affairs posted 13 times to their Facebook page which has 4,200 followers. The average reach for each post was approximately 1,300. Thirty-three comments were made on the posts.

- Media - A media release went out the first week of the consultation. It was only picked-up by Sunlive, Tauranga.
- Zoom meeting – Two individuals, other than staff, attended the call. The attendees were a Viet Nam veteran and a delegated representative from The Royal New Zealand Artillery Association.

70. Thirty-seven submissions were received in response to the initial public consultation, coming mainly from individuals with three submissions from organisations. This is a very high number of submissions in relation to a proposed AISA especially from individuals. This reflects the level of engagement from the veteran community with Veterans' Affairs.

71. The submissions for and against appeared roughly even as detailed below.

Sentiment	Number of Submissions
In Favour	17
Ambivalent	1
Opposed	13
Uncategorised	5

72. However, many submitters did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances. A key theme to the feedback from those opposed centred around a distrust for government agencies to securely transfer and store personal information about them. Veterans' Affairs reviewed the safeguards in the draft AISA and believes these are sufficient to mitigate the identified concerns.

73. Initial consultation feedback did not provide a clear answer to the questions posed about whether there was value in sharing information in specific circumstances. A set of definite questions was therefore developed by Veterans' Affairs to seek further clarity on the views expressed. Twenty-five clarifying submissions were received from both organisations and individuals, most of which were strongly supportive of the AISA. Appendix A details the responses.

74. As a result of feedback received as part of the public consultation an additional safeguard has been included in the draft AISA to require parties to seek the consent of individuals prior to sharing their information in situations where consent is appropriate. However the draft AISA confirms that the party are not required to establish the individual's legal ability to provide consent.

How do the options compare to the status quo/counterfactual?

	Option A – Status Quo	Option B – Development of Memoranda of Understanding (MOUs)	Option C - Development of an Approved Information Sharing Agreement (AISA)	Option D – Amend Primary Legislation
Efficiency for veterans and their family and whānau	A number of agencies are not in a position to share information and therefore information has to be provided by the veteran.	+	++	++
Accuracy and timeliness of information	Information has to be manually provided by the veteran in some circumstances which doesn't provide any surety of accuracy and there is a delay in the provision.	+	++	++
Transparency regarding how information will be shared and used by government agencies	Transparency is achieved through provision of details by the respective agencies. This is usually provided on their website.	+	++	+
Achievability within a reasonable time (up to two years)		++	++	-
<b>Overall assessment</b>	<b>0</b>	<b>5</b>	<b>8</b>	<b>4</b>

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

## What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

### The Proposed Solution

75. As a result of this analysis, Veterans' Affairs has identified the preferred option is to create an AISA because it meets all four of the criteria. No trade-offs were made where identifying the preferred solution as it met all the criteria identified.
76. Using an AISA would also enable predictable and consistent outcomes for the government agencies involved. 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.
77. AISAs, which are a more recently developed type of information sharing agreement under the Privacy Act, authorise the sharing of personal information between organisations to facilitate the provision of public services or government policy. They also allow the privacy principles to be varied.
78. Development of a Veterans' Affairs 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.
79. The development of an AISA to facilitate sharing information to facilitate public services is cornerstone of a unified public sector, which is a major focus of State Services Commission led reforms.

### Impacted Parties

80. The Veterans' Affairs AISA proposes to allow prescribed access to information about veterans and other claimants held by the relevant government agencies that will be parties to the AISA. The lead agency for the AISA is Veterans' Affairs.
81. It is proposed the 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)
  - 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).
82. The AISA would vary the following principles under the Privacy Act:
  - IPP 2: Source of Personal Information - It would not be 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 the AISA for one of the purposes of the AISA.
  - IPP3: Notice - It would not be a breach of information privacy principle 3 or the Health Information Privacy Code rule 3 for the receiving party not to provide notice of

collection when the personal information has been received from another party in accordance with the AISA for one of the purposes of the AISA.

- IPP 10: Limits on the Use of Personal Information - It would not be 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 the AISA for one of the purposes of the AISA.
- IPP 11: Limits on Disclosure of Personal Information – It would not be 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 the AISA for one of the purposes of the AISA. It would also not be 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.

### What are the marginal costs and benefits of the option?

83. 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.
84. These benefits are not quantifiable at this point, and the timing of their realisation will depend on when parties are able to begin sharing under the AISA and update their databases and processes. Not all parties will be ready and able to begin information sharing immediately, for a range of reasons. It is known cost savings are expected for veterans as certain items that are expected to be provided such as birth certificates currently cost \$33 per certificate.
85. Cost savings are expected to be incurred by Veterans' Affairs due to:
  - A reduction in the number of interactions with clients needed to process services, entitlement and support requests.
  - A reduction in time utilised for consent management.
  - Reduced levels of overpayments that then need to be recovered from clients.
  - Reduced levels of fraud.
86. Fees are not expected to be charged by the agencies sharing information.
87. It is expected that a large amount of the information sharing will be conducted on an individual basis and utilise existing technologies such as SEEMAIL. Therefore, costs are not expected to be incurred by the parties for technology improvements.

Additional costs of the preferred option compared to taking no action			
Affected groups	Comment	Impact	Evidence Certainty
Veterans and their family and whānau	There are no added costs for Veterans and their family and whānau.	Low	High – The parties legislatively can not charge fees to individuals.
	There is a perceived negative impact that support will be reduced to individuals. However, legislation requires the support to be reduced	Low	High – Legislation requires entitlements to be reduced.



<b>Additional costs of the preferred option compared to taking no action</b>			
<b>Affected groups</b>	<b>Comment</b>	<b>Impact</b>	<b>Evidence Certainty</b>
	therefore regardless of improved information sharing the support would be reduced once know and any debt incurred would be reclaimed.		
Regulators (Office of the Privacy Commissioner)	There is a one-off administrative cost to government to develop the AISA.	Low – met within existing baselines	Medium – Costs of previous AISAs are well understood.
Veterans' Affairs	There is a one-off administrative cost to government to develop the AISA.	Low – met within existing baselines	Medium – Costs of previous AISAs are well understood.
	The AISA does not compel technology or process changes to occur.	Low – met within existing baselines	High – The majority of sharing is on an individual basis therefore technology exists to support this already.
Other Parties	There is a one-off administrative cost to government to develop the AISA.	Low – met within existing baselines	High – Majority of the cost is incurred by Veterans' Affairs.
	The AISA does not compel technology or process changes to occur.	Low – met within existing baselines	High – The majority of sharing is on an individual basis therefore technology exists to support this already.
<b>Total monetised costs</b>	Not applicable		
<b>Non-monetised costs</b>	Not applicable		

<b>Additional benefits of the preferred option compared to taking no action</b>			
<b>Affected groups</b>	<b>Comment</b>	<b>Impact</b>	<b>Evidence Certainty</b>
Veterans and their family and whānau	Cost saving as information will not need to be purchased	High	High – Multiple reports have identified areas for improvement

<b>Additional benefits of the preferred option compared to taking no action</b>			
<b>Affected groups</b>	<b>Comment</b>	<b>Impact</b>	<b>Evidence Certainty</b>
	in some instances e.g., birth certificates. Faster access to services and entitlements. Proactive identification of services and entitlements available.		around information sharing and the frustrations around the existing arrangements.
Regulators (Office of the Privacy Commissioner)	Legal clarity around the information sharing occurring.	Low	High – An Order in Council will be developed.
Veterans' Affairs	Reduced costs for providing services and entitlements to individuals who don't qualify.	Low	High – Overpayment amounts are quantifiable.
	Reduction in debt collection activities associated with over payment.	Low	High – Collection of debt is quantifiable.
	Improved data integrity.	Low to medium	Medium – The level of integrity issues is not quantified.
	More efficient service delivery and better protection against fraudulent interactions and transactions.	High	High – The level of time taken working with clients to gather information from other agencies is known.
<b>Total monetised benefits</b>	Not applicable		
<b>Non-monetised benefits</b>	Not applicable		

## Section 3: Delivering an option

### How will the new arrangements be implemented?

88. The legal arrangements underpinning the sharing of information is the AISA itself, which will be signed by the signing authorities of the parties to the AISA, and the Order in Council that will be approved by Executive Council.
89. A further two Cabinet approvals will be required as part of the process to develop the required Order in Council. It is expected these will occur as follows:
  - July 2023 - Approval of policy decisions and issuance of instruction to draft the Order in Council.
  - December 2023 – Approval by Executive Council.

Therefore, it is expected the AISA would come into force in early 2024.

90. Once these arrangements are in place, Veterans' Affairs will work with the parties to develop operating procedures, to outline exactly what information fields they need, including the business reason for each requirement, and the proposed details of how information will be shared, managed, and kept safe.
91. The operating procedures will be developed using standard templates utilised for other AISAs developed by DIA. As most of the proposed parties are already party to one of the DIA AISAs this will reduce the time needed to agree the template.
92. Generally operating procedures are developed by the lead agency initially and provided to the other agencies for review and comment. Usually, it takes less than a day to develop a set of operating procedures for a given information share.
93. The operating procedures are reviewed by the Office of the Privacy Commissioner and signed off at Chief Executive level by Veterans' Affairs and the other party.
94. Veterans' Affairs anticipates that information sharing will be put in place over a period of twelve months. Priorities and timing will be negotiated to make sure any urgent needs are addressed as soon as possible.
95. It is expected most of the information sharing will be conducted on an individual basis as each client engages with Veterans' Affairs or the other agencies about their needs. The exception to this is the flagging of Veterans within the health systems which is likely to occur in bulk on a regular scheduled basis.
96. It is not expected that significant IT changes are needed to operationalise the AISA as most of the information sharing will be on an individual basis through SEEMAIL or phone.
97. Ongoing information sharing services will be managed by the Business Systems team at Veterans' Affairs and supported by Legal. Veterans' Affairs are already party to another AISA and therefore are familiar with the requirements of developing and operating an AISA.

### How will the new arrangements be monitored, evaluated, and reviewed?

98. As required by the Privacy Act 2020 s154, Veterans' Affairs, as lead agency for the AISA, will report on the AISA annually or less frequently. The Office of the Privacy Commissioner will specify the frequency of reporting.
99. The normal expectation is that Veterans' Affairs will report on the operation of the AISA in New Zealand Defence Force's published annual report required under the Public Finance Act 1989. The report is expected to cover the rate of uptake of the AISA, the level of information sharing under the AISA, and handling of adverse actions affecting individuals whose information is shared.

100. Parties to the AISA will be required to report annually to Veterans' Affairs on their use of the AISA, including number of adverse actions as a result of the information shared under the AISA. Every party to the AISA must conduct regular internal audits of the operation of the AISA.
101. The Privacy Commissioner may review the operation of any AISA at any time, on the Commissioner's own initiative (Privacy Act 2020 s158). However, no such review may be conducted before the end of 12 months after the Order in Council (OIC) approving the AISA is made.
102. The Commissioner must provide a report on any such review to the relevant Minister if any major concerns are identified, and may recommend that the AISA should be amended, or that the OIC should be revoked. The types of circumstances that might prompt a major review of an AISA could include an AISA:
  - Operating in an unusual or unexpected way (not foreseen by the Commissioner of the parties when the agreement was entered into).
  - Failing to facilitate the provision of public services intended.
  - Unreasonably impinging on the privacy of individuals.
  - Operating in such a way that the costs of sharing information under the AISA outweigh the benefits.
103. In these circumstances the Minister is required to present the Commissioner's report and then the Government's response to the House of Representatives.
104. In the normal course of events, amendments can be made to an AISA at any time by the lead agency (Veterans' Affairs) if new needs emerge or the AISA needs to be updated (Privacy Act 2020 s157). Significant amendments must be notified to the Minister and the Privacy Commissioner, and the OIC must be amended through appropriate processes. Minor amendments (e.g., change of name of a party, fee updates etc) do not need to be notified in this way, and do not amend the OIC.
105. Stakeholders may raise concerns about the AISA and its operations with Veterans' Affairs at any time. The first opportunity was at the public consultation conducted at the drafting stage of an AISA. The AISA and reporting on the AISA are always publicly available.
106. In the event a veteran feels that their privacy has been compromised by the use of the AISA they are able to make a complaint to the agency concerned, Veterans' Affairs or the Office of the Privacy Commissioner in accordance with the Privacy Act.
107. 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.

## Appendix A – Scenario Submissions

Scenario	Desirable	Not Desirable
When leaving NZDF, NZDF can notify VA of all veterans with qualifying service so VA can reach out to advise the veteran of the services available to them.	25	
When a veteran wishes to become a client, VA can confirm their service history with NZDF.	25	
Where a veteran is claiming ACC and employed by NZDF, VA can process a request to top-up the veteran's salary /services without the need for the veteran to provide all their ACC cover documents to VA.	22	2
VA and/or MSD can increase benefits paid by MSD if the benefits are lower than the maximum claimable by a veteran.	20	2
VA and/or MSD can decrease benefits paid by MSD if the benefits are greater than the maximum claimable by a veteran.	19	4
Where a veteran is known to be deceased by either MSD or VA, they can advise the other party to cease payments.	25	
Where a veteran's contact details have been updated by either MSD or VA, they can advise the other party to keep the records aligned.	24	1
When a veteran's family applies for services from VA, they do not need to prove their relationship to the veteran to VA as they have already proven this with MSD.	23	2
Where a veteran is claiming ACC, VA can process a request to top-up the veteran's salary / services without the need for the veteran to provide all their ACC cover documents to VA.	22	3
Where a veteran is receiving ACC and support from VA, VA are able to check the veteran is not receiving more support than legislatively allowed.	24	1
When a veteran enters prison VA can cease financial payments to the veteran.	20	2
When a veteran leaves prison VA can automatically restart financial payments to the veteran.	22	1
When a veteran enters prison VA can provide details of the veteran's rehabilitation and treatment plan to ensure ongoing care.	22	2
When a veteran leaves prison Corrections can provide details of the veteran's rehabilitation and treatment plan to ensure ongoing care.	21	1
When a veteran is preparing to leave prison, VA is able to work with Corrections to develop a support plan for reintegration.	22	1
When Corrections are preparing submissions to the Parole Board, VA can provide details about the support available to the veteran.	24	1
When applying to become a client of VA the veteran does not have to provide a copy of their passport as this will be obtained from DIA.	23	

When applying to be a client or obtain services the veteran / other claimant does not have to provide copies of their birth, marriage, or death certificates as these can be accessed directly from DIA.	23	
If a veteran is claiming entitlements that are only available to NZ based veterans, then these may be investigated based on the location the veteran's passport is sent to.	22	2
If a veteran is claiming entitlements that are only available to NZ based veterans, then these may be investigated based on their travel movements out of the country.	20	3
DIA can provide the veteran a way to prove they are a veteran to other organisations in digital channels.	22	1
Health agencies are made aware a patient is a veteran through a veteran flag on the National Health Index, and therefore can offer more tailored services.	23	
GPs are made aware a patient is a veteran, so they can provide free appointments.	23	
When applying for an education bursary the veteran / other claimant is not required to provide evidence the child is attending school as this is confirmed by the Ministry of Education.	23	2