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**From:** s9(2)(a) <[redacted]@msd.govt.nz>  
**Sent:** Friday, 7 August 2020 1:23 PM  
**To:** s9(2)(a) <[redacted]@privacy.org.nz>  
**Cc:** s9(2)(a) <[redacted]@privacy.org.nz>; s9(2)(a) <[redacted]@privacy.org.nz>; s9(2)(a) <[redacted]@msd.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>  
**Subject:** RE: OTI Documents for Consultation

Hi s9(2)(a) <[redacted]>

Please see attached the updated OTI Privacy Analysis, I've tracked in the changes for clarity. The changes include:

- An updated retention period for the selfie of 10 years and reasoning for this.
- A description of the monitoring MSD will implement to identify staff browsing of the selfie. FYI, your assumptions were right, we already monitor staff browsing.

**Few points to note**

- I've attached MSD's identity strategy. We're still in the early stages of designing this so it's very high level and conceptual; I don't think it'll be overly helpful for you but it's the best I could do sorry. My colleague s9(2)(a) <[redacted]> is happy to meet up and provide some more context if you'd like?
- I've updated the OTI privacy policy and this is currently with s9(2)(a) <[redacted]> for review. s9(2)(a) <[redacted]> can you please send s9(2)(a) <[redacted]> the updated version if you're happy with my changes.
- Go live for phase one of OTI is November. MSD will not collect the selfie for phase one. But, MSD plans to collect it for phase two, which is going live in February 2021.
- MSD has not set up a process to delete the selfie when a client provides new identification or redoes OTI. This is because clients only need to provide new identification or redo OTI if they apply for a new benefit after 10 years from the OTI transaction, at which point the selfie will be automatically deleted anyway.

Not great timing, but I'm on leave for the next two weeks from Monday. Given we've got a bit of time till go-live, it would be great to wait till I'm back to work through any outstanding concerns the Commissioner has. However, if you need to get touch with someone in my team please contact s9(2)(a) <[redacted]> .

Thanks

s9(2)(a) <[redacted]>

s9(2)(a) <[redacted]>  
Senior Advisor | Information Privacy & Sharing  
☎ s9(2)(a) <[redacted]>  
Ministry of Social Development  
Manaaki Tangata Manaaki Whānau

---

**From:** s9(2)(a) <[redacted]@privacy.org.nz>  
**Sent:** Wednesday, 5 August 2020 2:16 PM  
**To:** s9(2)(a) <[redacted]@msd.govt.nz>  
**Cc:** s9(2)(a) <[redacted]@privacy.org.nz>; s9(2)(a) <[redacted]@privacy.org.nz>; s9(2)(a) <[redacted]@privacy.org.nz>

s9(2)(a) @dia.govt.nz>

Subject: RE: OTI Documents for Consultation

Hi s9(2)(a)

Thanks to you and s9(2)(a) for taking the time to meet with us yesterday to discuss the OTI project.

To confirm, we have requested further information on the following from you:

- The replacement of the selfie (i.e. will there be a mechanism to delete an older selfie automatically when a User shares a new selfie with MSD?)
- Revised retention period for selfie (in the event the User shares the selfie with MSD)
- The existing controls MSD have in place to ensure security of information, prevent employee browsing, etc.
- MSD's wider identity verification strategy and how this project fits in
- A revised privacy statement (covering option to share selfie) that explains the different uses of the selfie by MSD (so the User can make an informed decision on whether to share the selfie with MSD)

Could you please also advise what you anticipate the new go-live date will be?

Thank you in advance for your help.

Ngā mihi

s9(2)(a), Policy Advisor

Office of the Privacy Commissioner Te Mana Matapono Matatapu

PO Box 10094, The Terrace, Wellington 6143

Level 8, 109 Featherston Street, Wellington, New Zealand

E s9(2)(a) @privacy.org.nz

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From: s9(2)(a) @msd.govt.nz>

Sent: Friday, 31 July 2020 9:06 am

To: s9(2)(a) @privacy.org.nz>

Cc: s9(2)(a) @privacy.org.nz>; s9(2)(a) @privacy.org.nz>; s9(2)(a)

@dia.govt.nz>; s9(2)(a) @dia.govt.nz>; s9(2)(a)

@dia.govt.nz>; s9(2)(a) @dia.govt.nz>; s9(2)(a)

@msd.govt.nz>

Subject: RE: OTI Documents for Consultation

Hi s9(2)(a)

Could we do anytime between 2 and 4.30 on Tuesday so my colleague s9(2)(a) can come (CCd in)

If not then Monday is fine, I'll just come by myself.

Thanks

s9(2)  
(a)

s9(2)(a)

Senior Advisor | Information Privacy & Sharing

s9(2)(a)

Ministry of Social Development

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From: s9(2)(a) <[redacted]@privacy.org.nz>

Sent: Thursday, 30 July 2020 4:49 PM

To: s9(2)(a) <[redacted]@msd.govt.nz>

Cc: s9(2)(a) <[redacted]@privacy.org.nz>; s9(2)(a) <[redacted]@privacy.org.nz>; s9(2)(a) <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>

[redacted] <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>

[redacted] <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>

Subject: RE: OTI Documents for Consultation

Hi s9(2)  
(a)

Yes, that would be helpful if you could bring your colleague who is designing MSD's wider identity strategy.

How about 3.30pm Monday 3 August at our office?

If this works, I will send out an email invite.

Thanks,

s9(2)  
(a)

---

From: s9(2)(a) <[redacted]@msd.govt.nz>

Sent: Thursday, 30 July 2020 4:06 pm

To: s9(2)(a) <[redacted]@privacy.org.nz>

Cc: s9(2)(a) <[redacted]@privacy.org.nz>; s9(2)(a) <[redacted]@privacy.org.nz>; s9(2)(a) <[redacted]@privacy.org.nz>; s9(2)(a) <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>

[redacted] <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>

[redacted] <[redacted]@dia.govt.nz>; s9(2)(a) <[redacted]@dia.govt.nz>

Subject: RE: OTI Documents for Consultation

Hi s9(2)  
(a)

Sure thing. I'm free all day Monday, or from 1 onwards on Tue and Wed.

Do you have questions around MSD's need to collect the selfie? If so I might invite a colleague who's designing MSD's wider identity strategy.

Thanks

s9(2)  
(a)

s9(2)(a)

Senior Advisor | Information Privacy & Sharing

s9(2)(a)

Ministry of Social Development

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From: s9(2)(a) <[redacted]@privacy.org.nz>

Sent: Thursday, 30 July 2020 4:00 PM

To: s9(2)(a) @msd.govt.nz  
Cc: s9(2)(a) @privacy.org.nz; s9(2)(a) @privacy.org.nz; s9(2)(a) @dia.govt.nz; s9(2)(a) @dia.govt.nz; s9(2)(a) @dia.govt.nz; s9(2)(a) @dia.govt.nz  
Subject: RE: OTI Documents for Consultation

Kia ora s9(2)(a)

Thank you for sending through the attached privacy analysis and for answering our questions below.

Would you be available to meet early next week to discuss some further questions we may have?


Look forward to hearing from you,

Ngā mihi

s9(2)(a), Policy Advisor  
Office of the Privacy Commissioner Te Mana Matapono Matatapu  
PO Box 10094, The Terrace, Wellington 6143  
Level 8, 109 Featherston Street, Wellington, New Zealand  
privacy.org.nz



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From: s9(2)(a) @msd.govt.nz  
Sent: Tuesday, 28 July 2020 7:03 pm  
To: s9(2)(a) @privacy.org.nz  
Cc: s9(2)(a) @privacy.org.nz; s9(2)(a) @privacy.org.nz; s9(2)(a) @dia.govt.nz; s9(2)(a) @dia.govt.nz; s9(2)(a) @dia.govt.nz; s9(2)(a) @dia.govt.nz  
Subject: RE: OTI Documents for Consultation

Hi s9(2)(a)

Please find attached MSD's privacy analysis on the OTI platform for your review.

PHRaE

MSD completed the PHRaE tool to assess the OTI platform. The tool was great to engage our in-house ethicist and prompt issues to explore but as we're still refining it, the report it produced is difficult to follow and repetitive. So, I've drafted a privacy analysis for you to review based off the information in the PHRaE report. This includes the ethical risks raised by our ethicist.

Selfie

MSD has decided to not make it compulsory for clients to agree to DIA sharing their selfie with MSD if they wish to use OTI to verify their identity. However, we believe there will be some clients that would like MSD to collect their selfie so their identity can be easily and safely authenticated if they visit a Service Centre. We would like to provide clients with the option, at the end of the OTI process, to consent to DIA sharing their selfie with MSD.

The Privacy analysis is drafted as if the optional sharing of the selfie is implemented in the solution. But we are holding off implementing this before we get your Office's opinion on the approach.

### Answers to the questions you raised regarding the collection of the selfie

- Please provide more detail on why MSD need to retain the selfie? Are any secondary uses/disclosures are anticipated?
  - Covered in the privacy analysis.
- What mitigations could be put in place to alleviate potential privacy or other risks (such as misidentification or discrimination)?
  - If staff feel uncomfortable about the accuracy of the selfie match to the individual, they can ask for a photo ID and/or ask security questions.
  - There are controls set out in the risk table of the privacy analysis to mitigate the risk of the selfie being used for an unauthorised secondary purpose.
- For example, what (if any) training will be provided to frontline MSD officers so that they can accurately compare the selfie with the person standing in front of them?
  - This will not be a new skill for our staff, they currently match photo ID to the individuals they meet to authenticate their identity. They can ask security questions if they're not comfortable with the accuracy of the match. There's no training planned.
  - If your Office feels strongly about the need for training I'd be keen to explore it further with you.
- Will MSD or DIA cross-check the selfies for duplicates/similarities?
  - I'm unclear what MSD would be checking the selfies it collected against. Can you please expand on this?
- MSD retention length of the selfie will be required – this must be tied to the use of the selfie and we anticipate this would be in months, not years, but would appreciate your advice.
  - Covered in the privacy analysis. The selfie will be deleted in-line with MSD's new Disposal Authority once it's implemented. This will likely be two years after the client dies. However, the client will be able to request deletion of their selfie at any point.
- What negative impacts (for individuals and for MSD) are anticipated if the selfie is not provided to MSD?
  - Covered in the privacy analysis, but briefly – a poorer client experience, higher risk of identity fraud and over collection of their information.

### Next steps

Please send through any questions you have whilst reviewing the Privacy Analysis. I'm also happy to meet and work through any concerns you have.

I'm conscious that I'm long overdue getting this analysis to your Office, but if you have capacity we would really appreciate a timely opinion on MSD's collection of the selfie so we can work to implement the solution.

Kind regards

s9(2)

(a)

s9(2)(a)

Senior Advisor | Information Privacy & Sharing

☎ s9(2)(a)

Ministry of Social Development

Manaaki Tangata Manaaki Whānau

---

From: s9(2)(a) <[s9\(2\)\(a\)@privacy.org.nz](mailto:s9(2)(a)@privacy.org.nz)>

Sent: Monday, 27 July 2020 10:56 AM

To: s9(2)(a) @dia.govt.nz>; s9(2)(a) @dia.govt.nz>; s9(2)(a) @msd.govt.nz>  
Cc: s9(2)(a) @privacy.org.nz>; s9(2)(a) @privacy.org.nz>; s9(2)(a) @dia.govt.nz>; s9(2)(a) @dia.govt.nz>  
Subject: RE: OTI Documents for Consultation

Hi s9(2)(a) and s9(2)(a)

Thank you very much for sending the below through.

s9(2)(a) is there any update on when we can expect to receive a copy of the PHRaE report?


Many thanks

Ngā mihi

s9(2)(a), Policy Advisor  
Office of the Privacy Commissioner Te Mana Matapono Matatapu  
PO Box 10094, The Terrace, Wellington 6143  
Level 8, 109 Featherston Street, Wellington, New Zealand  
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From: s9(2)(a) @dia.govt.nz>  
Sent: Monday, 20 July 2020 8:44 am  
To: s9(2)(a) @dia.govt.nz>; s9(2)(a) @privacy.org.nz>; s9(2)(a) @msd.govt.nz>  
Cc: s9(2)(a) @privacy.org.nz>; s9(2)(a) @privacy.org.nz>; s9(2)(a) @dia.govt.nz>; s9(2)(a) @dia.govt.nz>  
Subject: RE: OTI Documents for Consultation

Apologies,

Those were the wrong links. Use these instead.

Desktop: <https://marvelapp.com/prototype/24294j1g>

Mobile: <https://marvelapp.com/prototype/8g9h3f3>

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From: s9(2)(a)  
Sent: Monday, 20 July 2020 8:36 AM  
To: s9(2)(a) @dia.govt.nz>; s9(2)(a) @privacy.org.nz>; s9(2)(a) @msd.govt.nz>

Cc: s9(2)(a) @privacy.org.nz>; s9(2)(a) @privacy.org.nz>; s9(2)(a) @dia.govt.nz>; s9(2)(a) @dia.govt.nz>

Subject: RE: OTI Documents for Consultation

Mōrena,

Links to the latest screen layouts below.

Desktop: <https://marvelapp.com/prototype/24294j1g/screen/70845347>

Mobile: <https://marvelapp.com/prototype/8g9h3f3/screen/70845369>

s9(2)(a)

From: s9(2)(a) @dia.govt.nz>

Sent: Friday, 17 July 2020 10:35 PM

To: s9(2)(a) @privacy.org.nz>; s9(2)(a) @msd.govt.nz>

Cc: s9(2)(a) @privacy.org.nz>; s9(2)(a) @privacy.org.nz>; s9(2)(a) @dia.govt.nz>; s9(2)(a) @dia.govt.nz>

@dia.govt.nz>; s9(2)(a) @dia.govt.nz>; s9(2)(a) @dia.govt.nz>

@dia.govt.nz> Subject: RE: OTI Documents for Consultation

Hi

Thanks very much for your feedback. I have added some comments below.

#### Comments on the PIA

I have attached an updated PIA with track changes.

- We understand from DIA that data will only be stored in NZ, although in the unlikely event Daon need access to production data they are based in Australia. We have therefore inferred that the CLOUD Act will not apply. Can you confirm whether you agree? - **Can confirm we agree with this.**

Continuation of email chain available in public domain at: <https://fyi.org.nz/request/13970/response/53572/attach/6/Email%20correspondence%20for%20release.pdf> (from page 27)

Out of scope

**From:** Out of scope  
**Sent:** Tuesday, 1 November 2022 10:01 AM  
**To:** Out of scope  
**Subject:** FW: MSD identity verification solution

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**From:** s9(2)(a)  
**Sent:** Thursday, 22 October 2020 2:33 pm  
**To:** s9(2)(a) <s9(2)(a)@privacy.org.nz>  
**Cc:** s9(2)(a) <s9(2)(a)@privacy.org.nz>  
**Subject:** RE: MSD identity verification solution

Thanks s9(2)(a), that's really helpful.

s9(2)(a)  
**Senior Advisor** | Information Privacy & Sharing  
s9(2)(a) | s9(2)(a)  
Ministry of Social Development  
Manaaki Tangata Manaaki Whānau

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**From:** s9(2)(a)  
**Sent:** Monday, 19 October 2020 5:23 PM  
**To:** s9(2)(a)  
**Cc:** s9(2)(a)  
**Subject:** RE: MSD identity verification solution

Hi s9(2)(a)

Hope you had a good weekend and sorry for the delay in getting back to you.

Thanks for writing to us about whether we would have any initial concerns with the concept of MSD using a foreign company to perform identity checks in an overseas jurisdiction.

From a Privacy Act perspective, if those foreign companies were acting as agents of MSD (under [section 11](#) of the Privacy Act 2020 – and assuming the companies would not use the personal information for any of their own purposes) then MSD will be considered to still be holding the personal information and must meet the requirements of the Privacy Act. However, MSD's analysis should consider this situation more fully.

The Office has no in-principle objection to the use of offshore services – see for example our Office's use of Microsoft Azure (you can find a link to our PIA on the use of Microsoft Cloud Services [here](#)). We note that different countries have different laws that need to be accounted for in your privacy, human rights and ethics analysis. If a company operating offshore is not acting as an agent it will be subject to the [new IPP 12 under the Privacy Act 2020](#). You can find an analysis on jurisdictional risk in our Microsoft Cloud Services PIA on page 10 that may be of assistance (note this does not refer to the Privacy Act 2020 as the PIA was last updated in 29 August 2019).

We note that the public may raise concerns over the use of offshore services, even if these services do not create significant privacy risks. A full privacy assessment should be able to help assist in mitigating public concerns. For example, we note that in the recent [RNZ article on DIA's procurement of facial recognition technology](#) that DIA did not complete a full privacy impact assessment, an issue for which they were criticised.



Overseas data storage is also likely to raise issues relating to ethics and Māori data sovereignty. It is good to hear you will be doing a privacy, human rights, and ethics assessment of the solution, which will include a consideration of Maori data sovereignty. We recommend MSD consult and engage with Māori (for example with Te Mana Raraunga) as the best way to approach this issue.

Thanks again for reaching out to us.

**Ngā mihi**

s9(2)(a), Policy Advisor

Office of the Privacy Commissioner Te Mana Matapono Matatapu

PO Box 10094, The Terrace, Wellington 6143

Level 8, 109 Featherston Street, Wellington, New Zealand

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**From:** s9(2)(a) <s9(2)(a)@msd.govt.nz>

**Sent:** Wednesday, 14 October 2020 5:35 pm

**To:** s9(2)(a) <s9(2)(a)@privacy.org.nz>

**Cc:** s9(2)(a) <s9(2)(a)@privacy.org.nz>

**Subject:** RE: MSD identity verification solution

Hi s9(2)(a)

We're trading carefully here, so I would like to confirm one point.

GBG And Trulioo are foreign companies, and their solutions involve the individuals' identity information being processed in Australia. The information may be stored for a maximum of 72 hours by them.

We would like to check if you have any initial concerns with the concept of MSD using a foreign company to perform identity checks in an overseas jurisdiction.

As you recommended, we will be doing a privacy, human rights, and ethics assessment of the solution, which will include a consideration of Maori data sovereignty.

For context, this email has partly been sparked by the recent RNZ article on DIA's procurement of facial recognition technology, and Te Mana Raraunga's [statement](#) on that issue.

Thanks  
s9(2)  
(a)

s9(2)(a)

**Senior Advisor** | Information Privacy & Sharing  
s9(2) | s9(2)(a)  
Ministry of Social Development  
Manaaki Tangata Manaaki Whānau

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**From:** s9(2)(a) <s9(2)(a)@privacy.org.nz>  
**Sent:** Tuesday, 13 October 2020 1:31 PM  
**To:** s9(2)(a) <s9(2)(a)@msd.govt.nz>  
**Cc:** s9(2)(a) <s9(2)(a)@privacy.org.nz>  
**Subject:** RE: MSD identity verification solution

Hi s9(2)  
(a)

Thank you very much for following this up and my apologies for the delay in response.

We really appreciate the update.


We are not particularly familiar with any of the companies. We recommend MSD consider a privacy and ethics analysis when undergoing their procurement process/deciding which of the companies to proceed with.

We would be happy to review any additional information you may wish to provide on each company and look forward to hearing more from you.

**Ngā mihi**

s9(2)(a) **Policy Advisor**  
**Office of the Privacy Commissioner** Te Mana Matapono Matatapu  
PO Box 10094, The Terrace, Wellington 6143  
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**From:** s9(2)(a) <s9(2)(a)@msd.govt.nz>  
**Sent:** Monday, 12 October 2020 6:15 pm  
**To:** s9(2)(a) <s9(2)(a)@privacy.org.nz>  
**Subject:** FW: MSD identity verification solution

Hey s9(2)  
(a)

Just following up to check you received the below email, and if you'd like any further information.

Thanks

s9(2)  
(a)

s9(2)(a)

**Senior Advisor** | Information Privacy & Sharing

☎ s9(2) | s9(2)(a)  
(a)

Ministry of Social Development

*Manaaki Tangata Manaaki Whānau*

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RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

**From:** 9(2)(a) OIA  
**Sent:** Tuesday, 6 October 2020 5:55 pm  
**To:** 9(2)(a) OIA <[redacted]@privacy.org.nz>  
**Subject:** MSD identity verification solution

Hi 9(2)(a) OIA

Hope you're well. I've got an update on OTI, and some information on our next steps in this space.

### **Identity solution**

The development of the OTI solution is on hold.

We have conducted a market scan of other identity verification solutions we could use instead of OTI. This was sparked by a few issues, none of which were privacy related.

We have identified two providers of identity verification solutions that we're currently doing more due diligence on. These are [GBG](#) and [Trulioo](#).

A benefit of the GBG and Trulioo solutions is they already have agreements and sharing arrangements with NZ government agencies to verify a person's identity, using a range of documents (NZ and foreign passports, NZ driver's license, NZ firearms licence etc...). These solutions can be customised to meet MSD's needs.

We haven't got into the detail of designing how the solution would work, but to give you some idea, the provider will perform the identity checks (like the ones for OTI) with the relevant government agency, and give MSD confirmation that the client's identity has been verified and likely other information concerning that verification. The Provider does not use that information for their own purposes and will likely purge it immediately.

### **Next steps**

We plans to make a decision on whether to proceed with OTI, Trulioo, or GBG in the near future.

If we went with Trulioo or GBG, there are obviously a lot of privacy issues to work through, and we'll be doing a privacy assessment of the solution. We would like to work with you, like we have for OTI, to ensure we design a solution that protects the users' privacy.

At this stage, would you be able to share an initial view on whether there are any potentially problematic issues with these providers' practices, or general concerns with these solutions that MSD should take into account?

More than happy to talk through this if you'd like some more information.

Thanks

9(2)(a) OIA

9(2)(a) OIA

**Senior Advisor** | Information Privacy & Sharing

9(2)(a) OIA

Ministry of Social Development

*Manaaki Tangata Manaaki Whānau*