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Tēnā koe Phil Pennington

On 12 July 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *A copy of the full PHRaE report and any appendices/attachments on One Time Identity referred to by the Office of the Privacy Commissioner in mid-2020: - on 17 July OPC wrote that MSD had indicated this report would be with it 'by the end of the week'*
- *A copy of MSD's latest substantive report on its use, or otherwise, of OTI*
- *A copy of any record of MSD addressing (in whatever format) the OPC's concerns as recorded in emails between them, about retaining and using 'selfie' photos provided under OTI; OPC asks for info on "why MSD need to retain the selfie"*
- *A copy of the all/any advice provided to clients/customers/any external party re their use of or involvement in anything to do with OTI at MSD.*

On 9 August 2022, the Ministry advised you that, due to the consultations necessary to make a decision on your request, your request could not be responded to within the original timeframe. The Ministry advised that a response would be with you by 31 August 2022.

I sincerely apologise for the delay in providing this response to you. The Ministry has located further information that may be in scope of your request – in particular, relating to the second part of your request. We are currently assessing whether this information is in scope. As such, to avoid further delay, we are providing you with a partial release. The Ministry will provide a decision on the second part of your request by 30 November 2022.

When clients apply for assistance from the Ministry online, they currently have the option to either bring their identification documents (such as a passport or driver's license) to a service centre or upload the information themselves, which can be costly and time-consuming. The need to provide clients with an additional method for verifying their identity was highlighted during the COVID-19 lockdowns when service centres were temporarily inaccessible.

The Ministry's aim is to make it easier for clients to interact with us online and a key component of this is allowing clients to confirm their identity online. We are committed to ensuring the information clients share with us remains safe. The Ministry has systems and safeguards in place to control how we collect, manage and use client information to ensure it is handled appropriately.

I will address each section of your request in turn for clarity. Some sections are grouped together.

- *A copy of the full PHRaE report and any appendices/attachments on One Time Identity referred to by the Office of the Privacy Commissioner in mid-2020: - on 17 July OPC wrote that MSD had indicated this report would be with it 'by the end of the week'*

On 17 July 2020, the Office of the Privacy Commissioner (OPC) provided the Ministry – along with several other agencies – provisional advice on the One Time Identity (OTI) functionality. Shortly after this provisional advice, in October 2020, the Ministry's work relating to the design and implementation of the OTI tool was put on hold.

This work was delayed due to the identification of some critical gaps in the tool and due to changing priorities for the Ministry. The Ministry's COVID-19 response work – in particular, relating to the processing of the Wage Subsidy Scheme to ensure New Zealanders were supported during this time – took precedence over the OTI programme. Re-allocation of resource meant that OTI work was unable to progress without disruption. Only intermittent work was continued on the programme during 2021.

The Ministry's work relating to OTI – now known as the Ministry's Client Identity Verification project – remains under development. The Ministry has only completed the question list which is part of the process in formulating a Privacy, Human Rights and Ethics Framework (PHRaE) report. The Ministry has not yet produced a finalised PHRaE report as this work is still underway having been formally recommenced in July 2022. As such, your request for this document is refused under section 18(e) of the Act as the information requested does not exist.

- *A copy of any record of MSD addressing (in whatever format) the OPC's concerns as recorded in emails between them, about retaining and using 'selfie' photos provided under OTI; OPC asks for info on "why MSD need to retain the selfie."*

The engagement around the Ministry's work is substantial and as such, in order to expedite a response to you, the Ministry will be providing a summary of the information in scope below (section 16(1)(e) of the Act refers).

As noted, OTI itself was not implemented, and when the work on this paused, the Ministry took the opportunity to scan the market for other providers of Identity Verification solutions.

We continued to engage with the OPC throughout this work and seek their guidance and opinion on alternative providers and the work in general.

When the work on Identity Verification recommenced in July 2022, it had been determined that the Ministry would still be looking at the DIA solution. This work has now progressed where the Ministry has selected the DIA solution as its preferred option, and we are now in a design phase and currently working towards the timeframe of June 2023 to implement this solution. The Ministry will re-engage with OPC as part of our stakeholder engagement plan, to ensure we continue to work with them on the solution.

However, we can confirm that since the work has recommenced, the Ministry has made the decision not to obtain any 'selfies' as part of the verification tool we are utilising. The current proposal is that the Ministry only receives a notification back via the Department of Internal Affairs (DIA) tool confirming an individual's identity. The Ministry does not receive the live image captured by the DIA tool.

At no time has the Ministry used 'selfies' from clients as an identification tool.

In the spirit of being helpful, please find attached **Appendix One** containing the following email chains between the OPC and the Ministry on the use of 'selfies' as an identification tool:

- '*Sharing of the Identity Check: OTI Documents for Consultation*' – dated 7 August 2020
- '*MSD identity verification solution*' – dated 22 October 2020

You will note that the information regarding some individuals is withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

Some information is also marked as 'Out of Scope' as this information is administrative in nature.

The email chain '*Sharing of the Identity Check*' notes that the Ministry was drafting an OTI Privacy Analysis for the OPC. This draft document is withheld in full under section 9(2)(g)(i) of the Act to protect the effective conduct of public affairs through the free and frank expression of opinions. I believe the

greater public interest is in the ability of individuals to express opinions in the course of their duty.

Please note, the Privacy Analysis document referred to is not a finalised PHRaE report – as noted in the first section of your request, this has not yet been completed.

- *A copy of the all/any advice provided to clients/customers/any external party re their use of or involvement in anything to do with OTI at MSD.*

The Ministry has recently updated our website to notify clients about the initiative for clients to verify their identity online. This page notes that the work is still under development and is available at the following link: www.msd.govt.nz/about-msd-and-our-work/work-programmes/identity-check/identity-checks-and-online-verification.html.

Information relating to advice provided to external parties on the use of OTI includes our correspondence with the OPC and DIA. These emails are already in the public domain, released by DIA in two previous Official Information Act responses, at the following links:

- www.fyi.org.nz/request/13970-facial-recognition-technology-documentation#incoming-53572.
- www.fyi.org.nz/request/13970-facial-recognition-technology-documentation#incoming-54477.

All other emails in scope of this section of your request are released or summarised within this response as part of section three of your request.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports these principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui



Melissa Gill

**Deputy Chief Executive
Organisational Assurance and Communication**