

## 1. What does section 66D say?

### *“Section 66D - Public notification of information about combined datasets*

*(1) To avoid doubt, a child welfare and protection agency may use information relating to a child or young person to produce, link, or analyse datasets of information and produce combined datasets.*

*(2) If a child welfare and protection agency links or analyses datasets or produces combined datasets from more than 1 source, it must notify, at least once a year, on an Internet site maintained by the agency, an independent person, or a class of independent persons:*

- (a) the types of information used in the combined datasets*
- (b) the sources of those types of information*
- (c) the purpose or purposes served by creating or analysing the combined datasets*
- (d) the privacy safeguards relating to the use of the combined datasets.”*

## 2. Who does section 66D apply to?

It applies to anyone who is considered to be a child welfare and protection agency as set out in the Oranga Tamariki Act 1989 (referred to as an ‘agency’ or ‘agencies’ here). This includes people who work in central government agencies, local government services, and organisations outside government. For information on who is classified as a child welfare and protection agency, visit the Oranga Tamariki website and search ‘information sharing’ to find the guidance document.

## 3. What is meant by a dataset?

There’s no definition of a dataset in the Oranga Tamariki Act 1989 (referred to as ‘the Act’ here). For the purposes of section 66D, we understand it to be data held by an agency about individuals (e.g. children and young people) and aspects that can be related to those individuals such as services they are receiving from the agency.

## 4. So what is a combined or linked dataset?

This isn’t specified in the Act either, but it is commonly understood to be situations where another agency requests and receives a dataset in order to link it with a separate dataset they hold, and they then use that data to create a combined dataset. Oranga Tamariki understands that simply sharing information about a particular case or cases (for instance, at interagency meetings) does not create a combined dataset, even if that information is entered into a computer system to store and enable future access to it.

*Disclaimer: this information has been produced by Oranga Tamariki and is intended as guidance only. It should not replace independent legal advice.*

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## **5. What if the combined dataset is never intended to be made public or shared beyond the agency itself. Does the notification requirement still apply?**

In our opinion, yes. We consider the notification requirement in section 66D applies anytime datasets are linked/analysed from more than one source and used to produce a combined multiple source dataset for the agency's own purposes.

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## **6. What happens if two agencies both agree to share their respective data to create a combined dataset, and both agencies then used it for their own purposes, would both agencies have to publicly notify their use of the combined dataset on their respective websites?**

It is implied in Section 66D that each agency is responsible for notification of their own use of combined dataset(s). If more than one agency uses a combined dataset for any purpose, then each agency will need to make a separate notification its website.

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## **7. What level of detail is needed for the public notification?**

This isn't set out in the Act. At a minimum it will need to cover the 4 aspects set out in section 66(2)(a) to (d) of the Act (see response to question 1). To assist agencies, we are developing a template and an example of the type of notification Oranga Tamariki will be making about its use of combined data. The template and notification example will be available on the Oranga Tamariki information sharing webpage in the next few months.

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## **8. What if the agency creating the combined dataset doesn't have its own website?**

Section 66D(2) says the notification can also be made on an internet site maintained by "an independent person, or class of independent persons". This means the site of notification does not necessarily need to be the agency's own website. There's a description of what is meant by independent person and classes of independent persons in section 2 of the Act and in the Oranga Tamariki Information Sharing Guidance. Briefly it includes health professionals and children's workers.

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## **9. When do agencies have to publicly notify their use of combined datasets?**

Section 66D states agencies have to notify their use combined data annually. As section 66D came into force on 1 July 2019, this means agencies must put a notification up on an internet site by no later than 1 July 2020.

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For guidance on using information sharing provisions in the Oranga Tamariki Act 1989, visit the Oranga Tamariki website and search 'information sharing'.

For guidance on using information sharing provisions in the Family Violence Act 2018, visit the Ministry of Justice website and search 'information sharing'.

