



### PURPOSE

This policy defines our principles for the management and use of data and information for which the Ministry has accountability in accordance with the Public Records Act (PRA) 2005. It supports the Ministry in using evidence to deliver better services and outcomes.

### SCOPE

This policy applies to data and information, regardless of format, held by the Ministry or for which the Ministry has accountability.

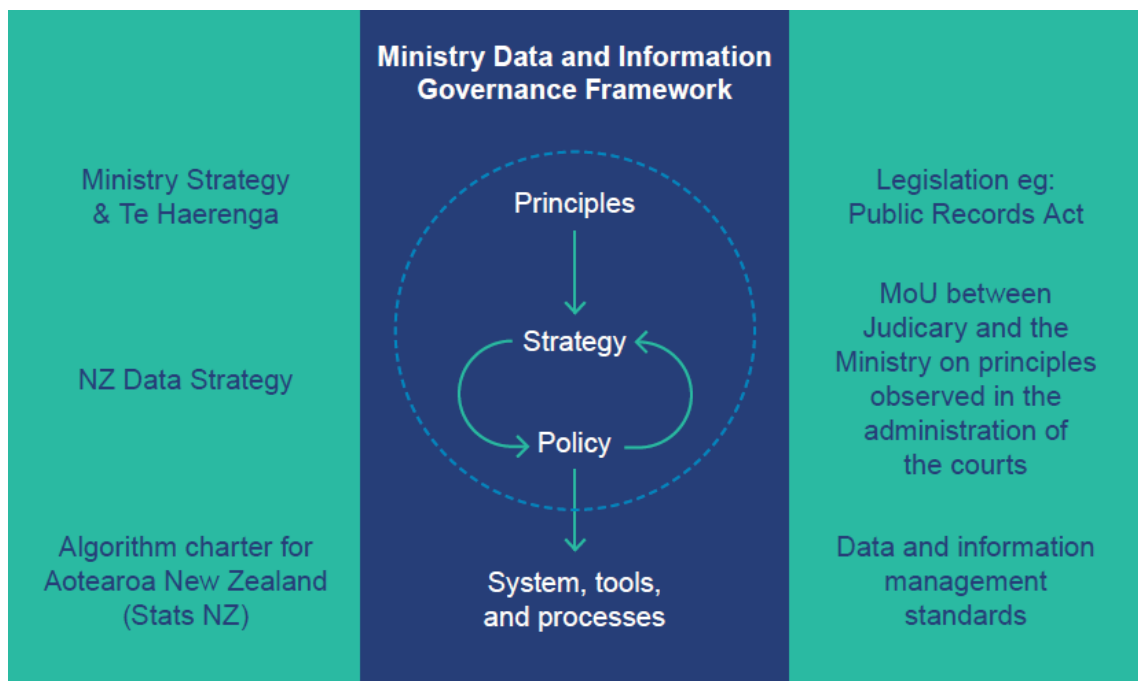
This policy covers and includes:

- all people<sup>1</sup> who carry out or support Ministry functions, or functions on behalf of the Ministry
- all business systems and activities performed by, or on behalf of, the Ministry
- all data and information created, used or received in the conduct of the Ministry's affairs.

This policy **does not** apply to Court, Judicial or Tribunal, information, data and records.

### CONTEXT

The Ministry operates within a wide and diverse environment. This is a constantly evolving landscape; the diagram below shows some of the key components.



Our data and information governance framework is regulated by legislation and standards and informed by strategies and policies. These define how Public Sector agencies collect, create, store, use and manage, disclose, and give access to data and information.

<sup>1</sup> Permanent and temporary employees, contractors, consultants, service providers and individuals seconded from other agencies.  
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It is very important that the distinction between Court, Ministry, and Judicial information is understood and respected. The Principles agreed by Judiciary and Ministry of Justice in the Administration of Courts<sup>2</sup> outlines our respective and shared responsibilities regarding the operation of the courts.

Court and judicial information is under the control and supervision of the Judiciary. Where the Ministry has permitted use of court information for administering the court system, statistical research and policy development, this is deemed “Ministry of Justice information” and this policy applies.

## OUR POLICY

Our policy will build a strong data and information culture and capability through:

- Carrying out [Data and Information Assessments](#) for new initiatives and changes to existing systems, services or processes where data and information is collected, created and used.
- Use of the Information Asset Register/Data Catalogue.

This policy should be read in conjunction with [Data and Information Guidance](#). The activities and good practices in this guidance support this policy.

Applying our principles enables the Ministry to:

- Use data and information as a valuable resource to meet strategic objectives
- Honour our responsibilities to Māori
- Meet government and public expectations on how we manage the data and information we hold to ensure trust in the justice system is maintained
- Work with sector partners and other agencies to derive greater value from collective data and information assets
- Support the administration of the Courts
- Measure our performance.

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### PRINCIPLE 1

Information is a core strategic asset

Data and information provide evidence of Ministry performance, supporting accountability and transparency; governance and management are fundamental to realising value.

#### Intent

- Appropriately govern data and information
- Manage and use Data and information well throughout their lifecycles
- Data and information is saved in a business system
- Tier 1 statistics<sup>3</sup> are relevant, authoritative and trustworthy, enabling national and international comparability
- Products and services are designed to ensure the availability and accessibility of data and information beyond the life of systems and services.

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### PRINCIPLE 2

Information is authoritative and trusted

As a trusted custodian of data and information the Ministry is accountable for safe and ethical use of data and information in our care.

#### Intent

- Data and information collection and use has a clear purpose
- Data and information is captured once, is accurate, complete and reliable; metadata is captured
- Data and information is accessible and discoverable where suitable, and comply with the relevant standards using common and understood terms
- Continuously improve data and information quality to support use and reuse within the Justice

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<sup>2</sup> Principles observed by Judiciary and Ministry of Justice in the Administration of Court - [MoU Statement of Principles](#)

<sup>3</sup> Tier 1 statistics are New Zealand's most important statistics, and are essential to help the Government, business, and members of the public to make informed decisions and monitor the state and progress of New Zealand; [data.govt.nz – Official statistics](#)

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sector and across the state sector

- Data and information assets have a business owner who has information management responsibilities
- Stipulate data and information responsibilities in contracts and agreements with any external parties who manage systems for or on behalf of the Ministry
- Identify risks when data is isolated from context, maintaining human oversight of how data is used to make decisions.

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### PRINCIPLE 3

Information is open, protected as needed

Data and information is open by default, safety and ethics are key considerations in decisions to use, release or share data.

**Intent:**

- Honour responsibilities to Māori by treating records of importance to Māori and the nation as taonga; showing appropriate sensitivity, respect and care
- Manage risk related to unintended access by managing data and information according to its government security classification
- Demonstrate awareness of the people behind the data, managing potential risks from reidentification through data matching
- Make the data and information we hold easily accessible and available internally and externally<sup>4</sup>, except where legislation (such as the Privacy Act 1993, the Official Information Act 1982), government guidelines, regulatory standards, or business risks specifically prevents it
- Respect the intellectual property rights of other parties in accordance with the Copyright Act 1994 and comply with any conditions contained in any license or sharing agreement that applies to the data and information the Ministry uses, or that the Ministry holds on behalf of another party.

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### PRINCIPLE 4

Information is digital by design, paper by exception

Data and information will be created, received and managed in digital form wherever possible.

**Intent:**

- Ensure consistency, discoverability and reuse of data and information, now and in the future with well-designed systems and processes, with management beyond the life of systems and services
- Reduce risk of information loss and support disaster recovery and business continuity
- Support the Ministry to demonstrate openness, enabling collaboration internally and externally
- Continue to manage paper while in a digital environment.

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## RESPONSIBILITIES

This section outlines the responsibilities of specific staff under this policy.

### People, Property and Enterprise Services Governance

- Oversight of data and information strategy, roadmap, and delivery
- Ensure outcomes for information and data meet our objectives.

### Executive Sponsor

- Strategic and executive responsibility for overseeing information and records management, as per the Information and Records Management Standard issued under section 27 of the Public Records Act 2005<sup>5</sup>.

### People Managers

- Monitor how information is managed, including through regular compliance reporting
- Manage quality, availability, safe use, risk, and disposal of data and information
- Ensure staff have been assigned responsibilities in role descriptions and

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<sup>4</sup> Externally through agreements such as Agency Information Sharing Agreements and Memorandums of Understanding. For more information please visit the Data & Information section on Jet.

<sup>5</sup> "Executive Sponsors", <https://archives.govt.nz/manage-information/resources-and-guides/governance/executive-sponsors>

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performance plans, and have the skills to use and manage data and information relevant to their role

- Promote staff completing the information and data module(s) on Thrive.

#### **Business owner**

- Ensure any new or altered, system, process, practice, or service contract meet this policy, undertaking a data and information impact assessment.

#### **Data and Information team**

- Establish, promote, and support data assurance and adherence to data standards, enabling data and information governance and stewardship.

#### **Employees, contractors and consultants**

- Understand and apply this policy
- Complete the data and information modules on Thrive
- Refer to the data and information guidance.

### **DEFINITIONS**

#### **Court information**

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Information, irrespective of format, remains under the control of the Court due to its inherent power to control its processes and practices, until disposed of either according to the practice of the Court or under legislation.

#### **Judicial information**

Personal information about judges (such as salary and leave) and judicial communications (whether they relate to particular cases).

#### **Data**

Data is 'raw', figures, values or details. When the data is put in context, interpreted and analysed it becomes informative/information [for a technical definition see ISO 16175-3:2012].

#### **Data and information stewardship**

Ensures responsible and ethical collection, management, safe and effective use, and appropriate disposal of data and information.

#### **Data quality**

A way to measure or assess how good or fit for purpose data is. Usually there are different aspects or factors to this such as accuracy, relevancy, timeliness, accessibility, consistency and completeness [for a technical definition see ISO/IEC 40180:2017].

#### **Disposal**

Actions to data and information including transferring control to another public office or the Chief Archivist, alteration or destruction, selling or discharging the data and/or information. Sourced from the Public Records Act 2005 [section 20 (1), (a) to (e)].

#### **Information**

The result of processing, gathering, manipulating, and organising data in a way that adds to the knowledge of the receiver. [Sourced from AS/NZS ISO 16175-1:2012].

#### **Information asset**

A body of information and/or records that can be defined and managed as a single unit, so it can be understood, shared, protected, and exploited effectively. [Sourced from GEA-NZ Information Asset Catalogue Guidelines v2.0].

#### **Lifecycle**

An approach to data and information management that recognises the value of information changes over time and must be managed accordingly from creation/collection, management and use, through to disposal (archive, transfer or destroy).

#### **Metadata**

"Data about data" or "information about information". Controlled information that describes, explains, locates, or in other ways makes it easier to retrieve, use, or manage an information resource [for a technical definition see ISO 16175-3:2012].

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**Record**

Information, whether in its original form or otherwise, including (without limitation) a document, a signature, a seal, text, images, sound, speech, or data compiled, recorded, or stored. Sourced from Public Records Act.

**Value (of information)**

Service potential or economic benefit (based on criticality) to the performance of the Ministry, performance of the Justice Sector, and value to NZ society.

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**RELATED POLICIES AND LEGISLATION**

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- Copyright Act 1994
- Official Information Act 1993
- Privacy Act 1993
- District Court Act 2016
- Senior Courts Act 2016
- Public Records Act 2005
- Information and Records Management standard and Implementation guide [issue under section 27 of the PRA 2005]
- Code of Conduct
- Privacy and Personal Information Policy
- ICT Acceptable Use Policy
- Information Security Policy
- Official Information Policy
- Social Media Policy
- Information Gathering Standards Policy
- Data Protection and Use Policy (DPuP) [<https://dpup.sia.govt.nz/>]
- Principles observed by Judiciary and Ministry of Justice in the Administration of Courts in an [MoU](#)
- [Algorithm Charter](#)

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