The New Zealand Psychological Society
Te Rōpū Mātai Hinengaro o Aotearoa

28 February, 2017

John Edwards
Privacy Commissioner
Office of the Privacy Commission
PO Box 10094
The Terrace
Wellington 6143

Cc Sebastian Morgan-Lynch
Senior Policy Advisor

Dear John

The sharing of client information

The New Zealand Psychological Society (NZPsS) has been approached by members concerned about the requirement from the Ministry of Social Development (MSD) that psychologists working for non-governmental organisations (NGOs) be required to sign contracts in which they agree to provide individual client-level data as a condition of funding. We understand this includes personal information; name, date of birth, primary ethnicity, iwi, gender, geographic area and dependents' names and dates of birth. The rationale for requiring this information appears to be related to the gathering of statistics to determine the level of use of services, cost of services, double dipping of services and to provide measures of outcomes. I am writing to you to outline some of the issues this requirement raises for psychologists in relation to privacy and the implications for their clients.

Our concerns

Client privacy and wellbeing

The New Zealand Psychological Society (NZPsS) supports the collection of data for research to ensure continuous quality improvement of services to clients. We believe however, that collection of client data needs to have strict legally enforceable policies and processes in place to ensure the privacy of clients is protected and the data is used for the express purpose it is collected. We have not yet seen any information that gives us the assurance that these policies and processes are in place. We are particularly concerned that there does not seem to be a clear demarcation on who will have access to this data and for what purpose.

Psychologists work with clients in a broad range of contexts including ACC, CYFs, Corrections, educational settings and mental health units etc. We are particularly concerned about clients who are at risk. For example, those who are in violent relationships may be concerned about revealing their personal details and as a result may avoid or end psychological treatment. We are also concerned that clients may be disadvantaged (for example in accessing WINZ or other benefits if their data is interpreted out of context. This could leave some of our most vulnerable citizens without access to the support and services they require.

Ethical issues for psychologists

Psychologists are registered with the New Zealand Psychologists Board under the Health Practitioners Competence Assurance Act and abide by a Code of Ethics. Failure to abide by the Code of Ethics can lead to complaints being made to the Board. Our members are currently being placed in the untenable situation of being asked to sign contracts which appear to contravene Section 1.6. which specifically requires them to “recognise and promote persons’ and peoples’ rights to privacy.” It could be argued also that other principles of the Code of Ethics related to respect for dignity, responsible caring, integrity in relationships and social justice are also in danger of being breached.

Seeking clarification

We are seeking clarification from you on the following:

- There appears to be no specific limits to the use of the collated personal information. Can you confirm if the Privacy Commission will ask this to be carried out?
- The MSD does not appear to have planned to address the privacy and ethical issues we have raised in our letter. Can you clarify if they are legally required to do this?

We ask the Privacy Commission to request the MSD delay the implementation of its data collection policy until regulatory authorities, professional associations and non-governmental organisations have the opportunity to consider in detail the risks and ethical issues that will impact on some of New Zealand’s most vulnerable citizens.

Yours sincerely

Q Abraham

Quentin Abraham
President, New Zealand Psychological Society