

29 September 2023

s9(2)(a)

Talofa s9(2)(a)

RESPONSE TO AN OFFICIAL INFORMATION ACT REQUEST

On 3 September 2023, you contacted the Ministry for Pacific Peoples (the Ministry) requesting under the Official Information Act 1982 (OIA), information relating to recruitment, HR privacy policies and conflicts of interest. I have outlined your specific requests and my responses to each below.

1. *HR Privacy policy measures to protect the information of previous applicants.*

All applicant information is stored in our Applicant Tracking System, the system can only be accessed by HR staff. Candidates can also request that their information be removed from the system.

2. *Number of days/months/years that your ministry stores (failed) job applicant information in your records/databases and why. Please provide the number of previous applicants stored in your system from 2010-2023 by gender, ethnicity, location, and type of role (e.g. deputy secretary etc); and reasons for not recruiting these applicants (e.g. limited or no proficiency in a Pacific language).*

There is no time limit on the stored information for candidates unless we request our system to be purged. Information may be held until conditions defined in the General Disposal Authority 6-3.2.2. Under this authority, the Ministry will destroy any unsuccessful job applicant information when all conditions have been met and administratively no longer required. Currently, there are 2778 candidates held in our system dating back to 16 October 2020.

Below is a table which provides a breakdown of the candidates by type of role applied for. We are unable to provide a breakdown by location, gender and ethnicity as these fields are optional when people apply for roles at the Ministry. Therefore, it would not be an accurate breakdown of candidates as some people have not completed these fields.

We are also unable to provide a breakdown by reason for not recruiting a candidate as this information is stored as notes against an application in the system. Regarding the reasons for not recruiting applicants, feedback is requested from Managers during shortlisting for candidates in the Ministry's Applicant Tracking System and these notes are kept against the candidate application. Candidates are either shortlisted or declined based on the requirements of the role as outlined in the Job Description and advertisement. This may relate to specific experience relating to the role, qualifications needed, experience level in their career, and how their application compares to other candidates applying for the role.

Table: Candidate information stored in the Ministry's Applicant Tracking System broken down by role and number of people applied for

Type of role	Number of people applied for
Assistant or Administrator/Coordinator	143
Trainer	16
Private Secretary	44
Advisor/Analyst	815
Senior Advisor/Analyst	708
Principal/Chief Advisor or Principal Analyst	354
Management Accountant	25
Design/Project Lead	41
Manager	469
Director	100
Deputy Secretary	47
Board roles	16
TOTAL	2778

3. *Number of times a senior staff member has accessed the records of previous applicants at your organisation (from 2010 to the present day) and why.*

As noted above, only HR staff have access to candidate information in the Applicant Tracking System. The system does not record the number of times HR staff access the system. I am therefore refusing this part of your request under section 18(e) of the OIA as the information requested does not exist.

4. *It is a fact that Pacific organisations including Pacific-led NGOs that are funded/sponsored by your ministry have a tendency to hire their immediate/extended family and close connections. I see that a lot of your staff were previously employed at Pacific-led NGOs or community organisations that serve Pacific populations.*

Please be advised that while the OIA allows New Zealanders to ask government agencies for information, there is no requirement to create new information, compile information they do not hold, respond to hypothetical questions or, as in this case, provide or prove an opinion. I am therefore refusing this part of your request under section 18(g) of the OIA this information is not held by the Ministry and there are no grounds for believing that the information is held by another department subject to the OIA.

5. *How do you ensure that your staff are adhering to privacy principles (e.g. preventative measures that will restrict the sharing of private information with their former colleagues at Pacific NGOs)?*

The Ministry has the following two policies and strategy in place to protect private information:

- Privacy Policy
- Privacy Impact Assessment Policy
- Privacy Strategy

In addition, the Ministry has two key resources to assess risk and impact against private information. These resources assist Ministry staff in applying the appropriate protective measures and are available as templates for staff to use.

- Initial Privacy Assessment Checklist
- Initial Privacy Risk Assessment Flowchart

6. *What is the number/proportion of your staff who have close connections/family/relatives at your ministry? Also, what is the number/proportion of staff who have close connections (e.g. formed employer/-ee) and/or are related to staff at the Pacific NGOs that you currently sponsor?*

There are 9 Ministry staff members who have a family connection at the Ministry.

The Ministry does not record whether its staff are related to staff at Pacific non-government organisations that it provides funding to. I am therefore refusing this part of your request under section 18(g) of the OIA as this information is not held by the Ministry and there are no grounds for believing that the information is held by another department subject to the OIA.

7. *As a public sector organisation, how do you mitigate senior staff members from recruiting family/close connections (if any)?*

Ministry staff are required to step down from a recruitment process if there is a conflict of interest or perceived conflict (including whether they have a family/close connection to a candidate). Further to this, all staff are required to regularly complete conflict of interest declarations to ensure any conflicts are managed appropriately.

8. *How do you ensure that senior staff members are held accountable for privacy breach(-es)? Please provide references to policy statements.*

I refer you to the following excerpt from the Ministry's Privacy Policy which outlines how all staff are held accountable for privacy breaches.

What happens if I breach this policy?

- *If you think you may have breached this policy, you should contact MPP's Privacy Officer immediately. MPP's Code of Conduct sets out the expectation that all staff will comply with all policies and procedures and actions found to be in breach of the Code of Conduct may result in disciplinary action.*

What happens if MPP breaches the Privacy Act?

- *[The Privacy Act 2020](#) gives the Privacy Commissioner greater powers to ensure businesses and organisations comply with their obligations. The Privacy Commissioner has the power to issue fines and actions against an agency for non-compliance.*

9. *Have you ever (or currently) maintained a blacklist for job candidates, suppliers/contractors or similar?*

No.

In line with standard OIA practice, the Ministry proactively publishes some of its responses to OIA requests. As such, this letter may be published on the Ministry for Pacific Peoples' website. Your personal details will be removed, and the Ministry will not publish any information that would identify you or your organisation.

Should you wish to discuss this response with us, please feel free to contact the Ministry at: oia_requests@mpp.govt.nz.

If you are dissatisfied with this response, you have the right, under section 28(3) of the OIA, to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Fakafetai lasi



Leatigaga Jason Tualima
**Deputy Secretary,
Corporate Services**