



Overarching statement

The State Services Commissioner's core roles and responsibilities relate primarily to individual Public Service departments and their chief executives. The Commissioner:

- appoints and employs Public Service chief executives
- reviews the performance of Public Service chief executives
- investigates and reports on matters relating to departmental performance.

This transparency statement explains how we collect, use and share information gathered about members of the public or other entities (directly or indirectly) to support those roles and responsibilities. This includes;

- enabling the State Service Commissioner to conduct inquiries, investigations or inspections under sections 8, 9 and 10 of the State Sector Act 1988, or where Commissioner has certified it is reasonably necessary that the provisions of the Inquiries Act 2013 specified in section 9A(2) of the State Sector Act 1988 apply in relation to an investigation, and to more generally ensure that high standards of integrity and conduct are maintained in the State services as described in section 4(d) of the State Sector Act 1988, and promote and reinforce those standards (section 6(h)).
- taking appropriate steps to respond to potential threats to the physical security of staff, or the security of information or places.

Legislative framework

We take care to exercise our information gathering powers appropriately and meet our obligations under the State Sector Act 1988, Privacy Act 1993, Inquiries Act 2013, the Bill of Rights Act 1990, the State Sector Code of Conduct, and relevant SSC policies and procedures at all times.

In the case of inquiries, investigations or inspections, our legislation empowers the State Service Commissioner to conduct any inspections or investigations that the Commissioner considers necessary or the Minister directs, including the ability obtain information and enter premises under sections 8, 9 and 10 of the State Sector Act 1988, or, where Commissioner has certified it is reasonably necessary, apply the provisions of the Inquiries Act 2013 specified in section 9A(2) of the State Sector Act 1988 in relation to an investigation.

Inquiries, investigations or inspections are initiated via the Commissioner invoking his authority under section 8 and/or section 9A(2) of the State Sector Act 1988. The Commissioner can choose to put in place processes to ensure quality control and independently test the processes and conclusions of an inquiry through peer review.

Under section 23 of the State Sector Act 1988 the State Service Commissioner has the ability to delegate this authority to a nominated person or persons. In that situation they are acting on behalf of the Commissioner and have the same legislative obligations and powers as the Commissioner.

We are also required to protect that information and only disclose what we consider is necessary to give effect to our legislated responsibilities.

This statement applies to information gathered by us, our contractors, or any other third parties engaged by us, or to whom the Commissioner has delegated any of their functions.

What information is covered by this statement, and why do we collect it?

This section explains how we collect, use and share information when we are initiating or conducting inquiries, investigations or inspections, or taking appropriate steps to respond to potential threats to the physical security of staff, or the security of information or places.

Information collected directly

The information we collect is provided directly by people or entities, or an authorised representative, according to our statutory powers including information required for initiating or conducting our own inquiries, investigations or inspections.

Information collected from another person or agency

This may include us receiving or requesting information from other people or agencies. Any such information will be gathered in accordance with our statutory powers and in compliance with the relevant legislation and any information sharing agreements, memoranda of understanding (MOUs) or similar.

We will take all practicable steps to verify information received from third parties.

From time to time we receive integrity queries or complaints from members of the public. Where this relates to a specific agency or agencies, we may make contact with the agency or agencies (or where appropriate their monitoring agency) to verify or evaluate the statements made. If this cannot be done without disclosing the name of the person making the query or complaint, we seek that person's approval before contacting the agency. Our actions will be informed by the principles of the Privacy Act 1993 and the Information Gathering model standards.

We also collect information as part of the appointment and performance evaluation processes for Public Service leaders under the State Sector Act. The information is collected with the person's knowledge and in compliance with relevant employment law.

We may also collect publicly available information – for example media reports – where this is relevant to our legislated powers and functions.

Collection by third parties

In exceptional circumstances, and where information gathering requires capacity or specialist capability that we don't have within our organisation, we may from time to time engage a third party to collect information for us. Such information gathering (including about individuals) is subject to standard legal limits relating to privacy, access to private property, and the privacy/security of communications by individuals, among other things.

Any such information gathering must be procured and approved according to our internal processes, clearly setting out the business need and scope of work, and include the expectations and obligations we have of the third party with regard to conduct. That process, and the related activities, are regularly reviewed to ensure compliance with the law, our internal policies, and our risk management requirements.

What do we do with it? Do we share it?

How we use it

We only use the information we gather to fulfil our statutory functions, including where it is relevant to us initiating or conducting our own inquiries, investigations or inspections. We will only do so if required or permitted by law, or with the authorisation of the person or entity that is the subject of the information.

When we share it

We may share information where necessary in order to properly carry out our legislated functions. This information will be shared in accordance with our statutory powers and in compliance with the relevant legislation and any information sharing agreements, MOUs or similar with the other agency. This may include where it is relevant to us initiating or conducting our own investigations or inquiries. We will take all practicable steps to verify information provided to third parties

We may, for example, share information with:

- a statutory oversight agency or complaints body
- anyone we believe could provide information that is relevant to whether to investigate a complaint, or to an investigation or inquiry, including witnesses
- the Police or another government agency, if required by law (for example to assist with the investigation of a criminal offence), or to report significant misconduct or breach of duty or where there is a serious threat to health or safety. If our staff are threatened or abused, we may refer this to the Police.

How will we protect it?

Information is stored and retained in accordance our privacy policy and internal information policies, protocols and guidelines, and in compliance with the Privacy Act 1993 and the Public Records Act 2005.

Enquiries and complaints

If you have any enquiries about our information gathering activities, or believe we have not acted in accordance with this statement, you should contact us at the following address:

State Services Commission
2 The Terrace
P O Box 329
Wellington 6140

Phone [+64 4 495 6600](tel:+6444956600)

Or by email at commission@ssc.govt.nz.

Guidance on how to request information under the Official Information Act 1982 is available [here](#).