

Data Ethics Advisory Group

The Data Ethics Advisory Group is formed of independent experts to provide advice to government agencies on issues relating to data use and innovation. The Group was established in July 2019 with the aim of empowering agencies to use data effectively and innovatively whilst managing risks in order to maintain the trust and confidence of New Zealanders. You can find current details of the Group, its work and its members on the data.govt.nz website.

Thank you for bringing your item before the Data Ethics Advisory Group. It was great to have you with us and we hope you found the discussion valuable.

Feedback in summary:

The Group was impressed by the Ministry of Education [MoE]'s thoughtfulness around this issue. The Group found it encouraging that MoE has already thought through the issues, looked at the risks, came up with possible solutions, weighed up these options and came to the Group with a clear plan for implementation. The Group was concerned that the wording of the letter seeking consent by Principals to participate in the PISA 2009 study did not reflect the intended use of that data for research. The Group recommends MoE contacts the principals, explains the issue with the PISA 2009 consent letter, explains how MoE intends to fix the problem by adding the data to the IDI and how it intends to do this.

Members were impressed that:

MoE had already thought the issues through, assessed the risks, came up with possible solutions, weighed up these options and came to the Group with a clear plan for implementation.

Members had concerns that:

The PISA 2009 data would be used for purposes other than what it was collected for and other than what the Principals (and by implication the children and caregivers) provided consent for.

Members recommend:

- That MoE contact the Principals, address the issues regarding consent for the PISA 2009 data to be used for research, explain that MoE intends to fix that problem by adding the data to the IDI and the steps it intends to take to achieve this, including how the data will be protected.
- After MoE has contacted the Principals, MoE can start working with Stats NZ on adding the PISA 2009 data to the IDI as it will be better safeguarded in the IDI.
- That separate space with additional checks and balances be created within the IDI to protect this data and consideration be given to whether it is automatically linked.

Members noted:

- Education data from the PISA study fills an important gap in allowing researchers to understand how education achievement, and other social factors, can impact later life.
- The wording on the PISA participation letter to Principals was changed for subsequent PISA data (2012, 2015, 2018) and that this data has been added (or is scheduled to be added) to the IDI.
- That the 2009 PISA data had already been used by education researchers, in contravention of the assurance made in the 2008 letter to Principals.
- In 2009, there was also a parents survey. There are not enough benefits for adding this data to the IDI and would be contrary to the terms under which parents gave the information and their understanding of how it would be used.

We look forward to hearing from you in the future

We note that this is a one-off issue, but would welcome any other opportunity to provide guidance if this would be helpful.

Please get in touch with the Group's secretariat should you have any questions about the guidance you have received. We are always delighted to hear from you.

We would also note that the Group reserves the right to extend an invitation to the Minister where they are concerned that their guidance has been misinterpreted or applied in bad faith.