



Te Tira Ahu Ika A Whiro

**VETERANS'
AFFAIRS**

New Zealand

Public Discussion Document

Proposal to share veterans' information

The discussion is open from 29th August 2022 until 5pm on 7th October 2022

Go to www.veteransaffairs.mil.nz/aia

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1. Introduction

1.1. What is the purpose of consultation?

This public discussion document seeks views on the:

- Challenges associated with sharing information about veterans and their family and whānau;
- Proposed options to improve the sharing of information; and
- Possible Approved Information Sharing Agreement (AISA).

This public consultation process is an important step to make sure Veterans' Affairs understands a broad range of views on what it is proposing. It is also a legal requirement - the Privacy Act requires Veterans' Affairs, as the lead agency, to consult about any AISA with the public before it can be submitted to Cabinet for approval. Discussing the proposals with the public ensures that Veterans' Affairs:

- Is clear and transparent about why Veterans' Affairs wants to make the changes;
- Understands people's views; and
- Can address any concerns expressed.

1.2. Who is being consulted?

Anyone is welcome to provide feedback on the proposals. Feedback can be provided on the public discussion questions included in this document and/or by providing general feedback.

We are keen to consider a wide range of views and to ensure that we have considered critical issues including cultural perspectives. This document is being provided directly to a range of organisations that may be interested in changes to information sharing, to make them aware of the discussion.

The Privacy Commissioner is also required to consider the privacy implications of an AISA under the Privacy Act and may provide a submission.

1.3. What is not covered in this public consultation process?

This public consultation process is focused on what information should be shared between the parties to improve delivery of services, entitlements, and support to veterans and their family and whānau.

Veterans' Affairs is not consulting on:

- Services, entitlements, and support to veterans and their family and whānau.
- The eligibility criteria for services, entitlements, and support to veterans and their family and whānau.

2. Background

2.1. Who is Veterans' Affairs?

Veterans' Affairs provides services, entitlements, and support to veterans with injuries and illnesses related to qualifying service so that they can be well at home, at work, and in their communities. Veterans' Affairs is a unit within the New Zealand Defence Force which operates under the Veterans' Support Act 2014.

Veterans' Affairs works alongside other government agencies and veterans' groups to:

- Support veterans with qualifying service, as well as their family and whānau.
- Celebrate their courage, comradeship, and commitment.
- Commemorate their loss and sacrifice.

Veterans' Affairs does this by:

- Providing support to veterans with injuries and illnesses relating to qualifying service, their family and whānau, so they can be well at home, at work, and in their communities.
- Helping coordinate commemorative activities.
- Maintaining over 180 service cemeteries throughout New Zealand.
- Working with other organisations that also support and advocate for veterans.

Veterans' Affairs clients range in age from 19 to more than 100 years old, and include retirees, those in civilian life, current service members, and their families and whānau. It is estimated that there are over 31,000 New Zealanders who could be eligible for support, services, and entitlements from Veterans' Affairs. The average age of a veteran supported by Veterans' Affairs is in excess of 80 years.

Veterans' Affairs provides services to veterans and their family and whānau residing in New Zealand and overseas. In all cases, the provision of a service will depend on whether a veteran or their family and whānau have applied for or elected to utilise a particular service.

2.2. What types of support are available to veterans and their family and whānau?

Examples of the types of support provided by Veterans' Affairs to veterans and their family and whānau include:

- Treatment or rehabilitation when a veteran is sick or injured.
- Mental health support.
- Financial support if a veteran cannot work full time or at all, expenses associated with treatment, impairment compensation, support for children and dependants, and expenses associated with the death of a veteran.
- In-home rehabilitation/support to independence, including home modifications, training for independence, home help, child care payments and attendant care.
- Vocational rehabilitation for veterans returning to work and continuing recovery while at work and vocational assistance for a veteran's spouse or partner if a veteran is unable to undertake vocational rehabilitation.
- Support to participate in commemorations of service including events, travel, and projects.

2.3. Which government agencies are involved in supporting veterans and their family and whānau?

A number of government agencies are currently involved in providing services, support or entitlements to veterans and their families and whānau alongside Veterans' Affairs.

Agency	Relationship
Accident Compensation Corporation	Depending on the scheme the veteran is part of, based on their qualifying service, certain conditions are not covered by ACC but funded by Veterans' Affairs instead. Veterans' Affairs may also top up ACC payments.
Department of Corrections	Rehabilitation services stop when a veteran is in prison (subject to a few exceptions) and are passed over to the Department of Corrections (Corrections) to provide. On release, the obligation to provide these services is passed back to Veterans' Affairs. Financial payments to the veteran stop when they are in prison. Veterans' Affairs may provide support services to aid a veteran's reintegration on release and may also provide information to Corrections for provision to the Parole Board.
Inland Revenue	Income information is used to determine compensation payment amounts paid to veterans. These payments are based on previous income or lump sums depending on the circumstances. On a veteran's death Veterans' Affairs may provide child care payments, income compensation or pensions for spouses, partners, children and dependents, depending on the veteran's service and whether the veteran's death is service-related.
Ministry of Social Development	Administer and pay the Veteran's Pension on behalf of Veterans' Affairs.
New Zealand Defence Force	Confirm the veteran's service to determine if he or she may be eligible for Veterans' Affairs services. Provide health records to enable ongoing care and determination of coverage for support such as impairment compensation.
Ministry of Health	Provide medical care to veterans and their families and whānau.

2.4. How is information about veterans currently shared?

Before Veterans' Affairs was established in 1999, the Ministry of Social Development was responsible for the War Pensions Act 1954. During that time, the Ministry of Social Development had greater ability to receive information from other agencies such as Corrections and the Department of Internal Affairs than Veterans' Affairs currently does. However, these sharing provisions were not carried over when Veterans' Affairs separated from the Ministry of Social Development.

Most of the information required to assess entitlement for services must now be provided by veterans or their family and whānau. Due to the age of many veterans, much of this is provided in paper form and sent by post. For example, if a veteran needs to prove their income, they're required to locate last year's tax statement in their physical records, then make a copy and post this to Veterans' Affairs. This places a burden on the veteran, their family and whānau, and results in delays to the provision of services.

Information is also sought from other government agencies e.g., ACC, with the veteran's consent. The veteran provides consent at the time that they first access Veterans' Affairs services, but this may have been given many years prior. Even with reminders, due to the makeup of the veteran community, many are not in a position to remember giving consent. There is a further challenge in relation to consent as a number of veterans are incapable of providing informed consent, and may not have a representative who is legally authorised to consent on their behalf.

Question 1: Do you think Veterans' Affairs has described the current situation accurately?

If you answered "no", please tell us what you think may be incorrect or missed out.

2.5. What problems are caused by the lack of information sharing?

As data held by the various government agencies responsible for veterans' care is often incomplete or not comprehensive, many veterans may not know about, or are otherwise missing out on services, support or entitlements they may be eligible for.

Within the context of seeking health services, a veteran may fail to provide details about their service history to their General Practitioner (GP). With knowledge that a patient is a veteran, a GP would be able to make the appropriate enquiries during the consultation, to narrow down and identify a potential diagnosis. In some cases, this may also extend to advising on the veteran's likelihood to develop certain health conditions, such as those resulting from exposure to a toxic environment when serving in Viet Nam, based on the veteran's last date of active service.

Equally, the inability to share information makes it difficult to exercise powers to not provide services, to adjust services, prevent fraud or mistaken identity, and to prevent the accumulation of debt. For example, when a veteran enters prison, their financial entitlements cease. However, there is no ability for Corrections to advise Veterans' Affairs of a veteran becoming a prisoner. Therefore, the veteran continues to receive support until a point where their location becomes known. At this point they then have a debt owing to Veterans' Affairs, which needs to be repaid on release. This can become more of an issue, as upon release, the veteran is required to contact Veterans' Affairs to re-establish their support as Corrections can't advise of their upcoming release.

The issues regarding information sharing were identified in the [Paterson Report](#) in June 2017. A recommendation was made that "*Veterans' Affairs reviews its information-sharing and relationship arrangements with the Defence Force and ACC, progresses information-sharing arrangements with IRD for the purposes of weekly compensation and broader tax issues, and explores ways to share information with health practitioners.*"

The challenges around access to information and the need to provide information are illustrated in the surveys completed by Veterans' Affairs of their clients. There were 186 comments about the need to improve information sharing in the latest survey. The following are examples of this:

- "Please streamline information exchange between NZDF, medical and VA."
- "I needed help with the paperwork at the beginning, it can be tough if you are not literate and there is so much information required, its (sic) hard to get it all together."
- "A lot of paperwork, intense paperwork and a lot of it wasn't about my problem."
- "I had to assist VA with getting information, I feel VA is indifferent – they should do this."
- "The detail required to fill in the form is unnecessary, it should be able to come pre-printed with what I've already been over. This should be got from the system rather than making vets keep filling in forms, especially vets with dementia, it's unnecessarily difficult."

Question 2: Do you think Veterans' Affairs has described the current challenges accurately?

If you answered "no", please tell us what you think may be incorrect or missed out.

3. Impacts on Individuals

3.1. What are the benefits of increasing information sharing about veterans?

Improving information sharing about veterans and their family and whānau has the potential to significantly improve the delivery of services, entitlements, and support to veterans and their family and whānau by:

- Easing the burden for veterans and their families and whānau when assessing eligibility for services by reducing the number of documents that need to be provided. For example, not requiring copies of a marriage certificate when a spouse applies for support following a veteran's death.
- Allowing organisations to correctly identify an individual who is a veteran and their family and whānau for the purposes of support. For example, it will enable a GP to know an individual is a veteran and therefore be aware of medical conditions that they may be more susceptible to, due to their service history.
- Government agencies will be able to promptly adjust their services, if the veteran's situation changes. For example, ceasing financial support when a veteran is in prison, meaning that a debt is not incurred that needs to be repaid on their release.
- Protection of public revenue through timely adjustment in funding where another government agency is providing support. For example, adjustment of payments to a veteran when they are receiving support from the Ministry of Social Development.
- Proactive notification to veterans and their families and whānau of services and entitlements that they are eligible to receive. For example, notifying veterans when they leave active service that they have qualifying operational service and are therefore able to apply for support from Veterans' Affairs.

Question 3: Are there any benefits of sharing information about veterans that Veterans' Affairs hasn't talked about?

If you answered "yes", please tell us what you think has been missed.

3.2. What are the expected negative impacts on individuals?

As a result of the information sharing, services provided to veterans and their family and whānau may be stopped or reduced where it is shown that they no longer qualify for the services, entitlements, or support.

The Privacy Act requires the government agency who is going to negatively impact an individual, based on the information received under an AISA, to write to them and provide them with ten working days to advise if the information is incorrect and therefore the wrong decision has been made.

Veterans' Affairs has a process to correct errors when it becomes aware of them. Veterans' Affairs also has an established review and appeals process in place for use in scenarios where a veteran or their family and whānau do not agree with a decision that Veterans' Affairs has made, or where the veteran or their family and whānau is unhappy with the level or extent of service received or not received. The review and appeals process is comprised of the following steps:

- A discussion with Veterans' Affairs about a decision made, or service levels.
- A review of the decision or service, either by a Review Officer or the Veterans' Service Review Panel (if in relation to meeting the definition of qualifying service).
- An appeal to the Veterans' Entitlement Appeal Board.
- An appeal to the High Court of New Zealand.

This process will remain unchanged regardless of the changes in information sharing. Therefore, any decision made based on information received through information sharing can still be subject to review and appeal.

Question 4: Are there any risks or negative impacts that Veterans' Affairs hasn't identified?

If you answered "yes", please tell us what you think has been missed.

4. Options

4.1. What was considered when comparing options?

Veterans' Affairs has identified that gathering the information required about veterans from the government agencies holding it will decrease the administrative burden on veterans and their family and whānau. In addition, it will decrease the delays associated with providing the information so veterans and their family and whānau can receive services quicker.

The collection, use, and sharing of personal information is regulated by the Privacy Act 2020. It is not possible to use non-regulatory approaches (for example, a commercial contract) to allow personal information to be shared, therefore only regulatory options were considered.

Veterans' Affairs examined possible options to improve the information sharing relating to veterans and their family and whānau. When considering the options, the following were taken into account:

- Efficiency for veterans and their family and whānau – This will occur when veterans and their family and whānau are not required to provide information already held by another government agency.
- Accuracy and timeliness of information – This will occur when Veterans' Affairs and other government agencies are able to gain access to information from an authoritative source in a timely fashion.
- Transparency regarding how information will be shared and used by government agencies – This will occur when veterans and their family and whānau are able to access information in one central location about how their information will be shared.
- Achievability within a reasonable time (up to two years) – This will be based on the process steps that are required to implement the option and the expected timeframes based on other similar work within New Zealand.

Privacy was not considered as one of the criteria, as veterans and their family and whānau are required by law to provide the majority of the information to the relevant government agencies as part of receiving services from them.

Question 5: Do you think Veterans' Affairs has used the right criteria to assess the options?

If you answered "no", please tell us what criteria you think should be added or left out, and why.

4.2. What options were considered?

The four options that were considered and evaluated by Veterans' Affairs were:

- **Status quo** – this would involve making no changes to the way information is shared.
- **Development of a number of Memoranda of Understanding (MOUs)** – this would involve putting in place a small number of MOUs between government agencies and Veterans' Affairs to support sharing under the exceptions to the Privacy Act or other legislation where allowable.
- **Development of an Approved Information Sharing Agreement (AISA)** – this would enable two-way sharing with government agencies for a variety of specified purposes. For more information about AISAs visit <https://www.privacy.org.nz/privacy-act-2020/information-sharing/approved-information-sharing-agreements/>
- **Amend primary legislation** – this would involve an extensive process to update the Veterans' Support Act 2014 and other primary legislation.

Question 6: Do you think Veterans’ Affairs has considered the right options?
 If you answered “no”, please tell us what option you think should be considered and why.

4.3. How do the options compare?

Status quo

If the status quo was maintained due to current limitations in the ability to share information, heavy administrative burdens (with costs attached) are placed on veterans and their family and whānau in providing evidence of the various requirements such as proof of marriage or income received. Information about information sharing that is occurring is currently explained in the Veterans’ Affairs privacy statement provided to veterans and their family and whānau.

Development of a number of Memoranda of Understanding (MOUs)

Putting in place a small number of Memoranda of Understanding (MOUs) between government agencies and Veterans’ Affairs to support sharing under the exceptions to the Privacy Act or other legislation, where allowable is expected to take approximately twelve months to be completed. The majority of the sharing would occur with the individual’s consent.

However certain information, for example records relating to an individual’s birth, marriage or death cannot be shared under an MOU. Information about information sharing under the various MOUs would be explained in the Veterans’ Affairs privacy statement provided to veterans and their family and whānau.

Development of an Approved Information Sharing Agreement (AISA)

An AISA would allow sharing of information between the parties without the need for an individual to provide consent and would allow all the required information to be shared between the parties. The process to develop an AISA is approximately eighteen months. An AISA would have an additional level of transparency over the privacy statement in that the agreement is publicly available and included in legislation.

Amend primary legislation

In the event of legislative change an update would be made to the Veterans’ Support Act 2014 and other primary legislation such as the Births, Deaths, Marriages, and Relationships Registration Act 2021. Amending legislation is a lengthy process and includes public consultation, Select Committee processes and political debate. Achievability is a concern with this option, given the length of the process of legislative change and the changing government priorities at this time.

Options analysis

The following table summarises the options analysis in Appendix A.

Criteria	Status quo	MOUs	AISA	Legislative change
Efficiency	-	+	++	++
Accuracy and timeliness of information	-	+	++	++
Transparency	+	+	++	+
Achievability		++	++	-
Total	1 + 2 -	5 +	8 +	5 + 1 -

Key: ++ meets criteria + partially meets criteria - does not meet criteria

Question 7: Do you agree with the assessment of the options?

If you answered “no”, please tell us why.

4.4. What is the preferred option?

As a result of this analysis, Veterans’ Affairs have identified the preferred option is to create an AISA because it meets all four of the criteria. An AISA would enable the sharing of information with and by Veterans’ Affairs about veterans and their family and whānau, without additional effort required by the individual.

In contrast to using MOUs, an AISA would enable information to be shared with all the government agencies involved including those with legislative barriers, such as Corrections and the Registrar-General, Births, Deaths and Marriages (Registrar-General) where legislation prevents sharing under an MOU.

Using an AISA would also enable predictable and consistent outcomes for the government agencies involved. It is proposed that information about how the AISA functions will be readily available, easy to navigate, and clear and easy to understand.

Question 8: Do you agree with the development of an AISA as the preferred option?

If you answered “no”, please tell us what you think the preferred option should be and why.

5. A Proposed AISA

5.1. Which government agencies are proposed to be involved?

The proposed parties to the proposed AISA are:

- Accident Compensation Corporation (ACC)
- Department of Corrections (Corrections)
- Te Tari Taiwhenua | Department of Internal Affairs (DIA)
- Health New Zealand (Health NZ)
- New Zealand Customs Service (Customs)
- NZDF Health, NZDF Accredited Employer Programme Unit, NZDF Human Resources Service Centre, the Personnel, Archives and Medals Units and the Heritage, Commemorations and Protocol Units within the New Zealand Defence Force (NZDF)
- The Māori Health Authority (MHA)
- Te Tāhuhu o te Mātauranga | Ministry of Education (MOE)
- The Ministry of Health (MOH)
- The Ministry of Social Development (MSD)
- Kairēhita Matua – Whānautanga, Matenga, Mārenatanga | The Registrar-General, Births, Deaths and Marriages (Registrar-General)
- Veterans' Affairs which is a unit of New Zealand Defence Force (Veterans' Affairs)

Inland Revenue were requested by Veterans' Affairs to be part of a potential AISA in order to provide details of veterans' income and details of child support payments made by a veteran. However, Inland Revenue advised that information can currently be shared under a Memorandum of Understanding under the Tax Administration Act where consent is obtained without the requirement for an AISA.

Veterans' Affairs is the proposed lead agency for the AISA. This means Veterans' Affairs will be responsible for the ongoing management and oversight of the AISA and reporting on how it is used by the various parties.

Question 9: Do you think the government agencies proposed to be included in the AISA are correct?
If you answered "no", please tell us which government agency you think should be included or removed.

5.2. What information may be shared?

The proposed AISA proposes information may be shared about veterans, their family and whānau and people who provide non-professional support to the veteran. It is proposed the following information may be shared about veterans under an AISA:

- Current and previous names
- Date and place of birth
- Contact details
- Passport details
- The fact they are a veteran, their last date of active service, and details relating to their service
- Current rehabilitation and treatment plan details
- Sentence details
- Current services provided by Veterans' Affairs
- Current and previous services provided by ACC

- Any date they enter or leave prison
- Any prison release and reintegration plans
- Any travel movements outside of New Zealand
- Knowledge of if they are working
- Any benefits being received
- Any current and previous partners of the veteran
- Relationship information relating to children, dependants, and whāngai
- Birth, marriage, civil union, death, and name change records.

It is proposed the following information may be shared about a veteran’s family and whānau under an AISA:

- Current and previous names
- Date and place of birth
- Contact details
- Current services provided by Veterans’ Affairs
- Education enrolment information
- Identity and relationship information relating to children, dependants, and whāngai
- Birth, marriage, civil union, death, and name change records.

5.3. What information will not be shared?

Veterans’ Affairs recognises that health records, for example specialist reports or x-rays, are especially sensitive.

Therefore, where these are required to be shared between the organisations to support a veteran it is proposed this sharing will not occur under the AISA. Instead, it is proposed the current process of seeking consent to share these records will be followed and they will be shared in accordance with the Privacy Act and the Health Information Privacy Code.

Question 10: Do you think the range of information proposed to be shared under a potential AISA is too restrictive, about right, or too broad?

If you answered “too restrictive”, please tell us what you think should be included and why.

If you answered “too broad”, please tell us what you think should not be included and why.

5.4. When will information be shared?

It is proposed under the potential AISA the majority of information will be shared when the veteran or their family and whānau apply for services with the relevant government agency. For example, when applying for an educational grant, details of the person’s educational enrolment will be confirmed.

When a veteran is first accepted as a client of Veterans’ Affairs it is proposed the health providers will be advised they are a veteran and their last date of active service. No other health information will be exchanged at this time.

Under an AISA it is proposed information will be shared without the veteran’s request if they enter or leave prison. In this event, Veterans’ Affairs will be notified by Corrections so that they can commence or cease services to the veteran as appropriate.

5.5. How will information be shared?

In general, information will be shared on a per person basis as required under an AISA, typically this will be exchanged using secure email (SEEMail) or via phone.

Some of the government agencies proposed to be involved in the AISA are currently developing new information sharing capabilities. These will allow Veterans' Affairs to confirm details using a query and answer service via a website or similar technology.

6. Proposed Uses of Information under a Proposed AISA

6.1. How does Veterans' Affairs and New Zealand Defence Force propose to use the information shared under a proposed AISA?

When a veteran leaves active service with the New Zealand Defence Force (NZDF) they currently have to apply to Veterans' Affairs to be a client. It is proposed that NZDF will advise Veterans' Affairs of those veterans who are leaving with qualifying operational service and therefore may be eligible for support from Veterans' Affairs.

When a veteran or their family or whānau apply to Veterans' Affairs for services or support, details of the relevant veteran's service may need to be confirmed to ensure the relevant conditions are met to qualify for the requested support.

As an ACC Accredited Employer NZDF manage their employees' injuries by 'standing in the shoes' of ACC. Therefore, if a veteran is employed by NZDF they manage the provision of ACC services. If a veteran has injuries and illnesses relating to qualifying operational service occurring on or after 1 April 1974, in addition to support from ACC the veteran may be eligible for support from Veterans' Affairs.

To determine the individual coverage to be provided by NZDF, as an ACC Accredited Employer, and Veterans' Affairs they need to utilise information provided to the other party to determine the eligibility and entitlement to services from each organisation. Once coverage is confirmed, NZDF, as an ACC Accredited Employer, and Veterans' Affairs will work together to facilitate the rehabilitation and treatment of the veteran.

Question 11: Do you think the proposed use of information relating to NZDF is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

6.2. How do Veterans' Affairs and the Ministry of Social Development propose to use the information shared under a proposed AISA?

The level of support provided by Veterans' Affairs can differ depending on the level of support being provided by the Ministry of Social Development (MSD). Therefore, it is proposed that MSD is able to provide details of the benefits being provided to the veteran, to ensure the correct entitlements are paid.

Equally, MSD benefits provided can differ depending on the level of support being provided by Veterans' Affairs. Therefore, it is proposed that Veterans' Affairs is able to provide entitlement details to MSD, to ensure that the correct benefits are paid.

In some circumstances, members of a veteran's family and whānau may be eligible for services and support from Veterans' Affairs. Veterans are already required to provide details about their family and whānau to MSD. Therefore, to prevent the veteran, spouse, partner, child or dependant having to supply the same information to Veterans' Affairs, it is proposed that Veterans' Affairs is able to access this information to determine if an individual is able to access services and support that they have requested from Veterans' Affairs.

Question 12: Do you think the proposed use of information relating to MSD is too restrictive, about right, or too broad?

If you answered “too restrictive”, please tell us what you think should be included and why.

If you answered “too broad”, please tell us what you think should not be included and why.

6.3. How do Veterans’ Affairs and ACC propose to use the information shared under a proposed AISA?

Coverage by ACC began on 1 April 1974 and extends to all service occurring from this date onwards. If a veteran has injuries and illnesses relating to qualifying operational service occurring on or after 1 April 1974, in addition to support from ACC the veteran may be eligible for support from Veterans’ Affairs. To determine the individual coverage to be provided by ACC and Veterans’ Affairs to a veteran and their family or whānau they need to utilise information provided to the other party to determine their eligibility and entitlement to services from each organisation. Once coverage is confirmed, ACC and Veterans’ Affairs will work together to facilitate the rehabilitation and treatment of the veteran.

Question 13: Do you think the proposed use of information relating to ACC is too restrictive, about right, or too broad?

If you answered “too restrictive”, please tell us what you think should be included and why.

If you answered “too broad”, please tell us what you think should not be included and why.

6.4. How do Veterans’ Affairs and Corrections propose to use the information shared under a proposed AISA?

When a veteran enters custody the responsibility for providing rehabilitation and treatment passes from Veterans’ Affairs to Corrections. To ensure that the veteran transitions into Corrections care in the best way possible, Veterans’ Affairs would like to share details regarding the veteran’s current rehabilitation and treatment so this can be continued as appropriate. Equally when a veteran leaves custody, information regarding their rehabilitation and treatment is provided to Veterans’ Affairs to enable ongoing rehabilitation and treatment.

When a veteran enters prison, their financial entitlements cease. It is proposed that Corrections advise Veterans’ Affairs of a veteran becoming a prisoner so that entitlements are promptly updated, and the veteran does not incur a debt that will need to be repaid on their release.

Similarly, when a veteran is leaving prison Veterans’ Affairs may be able to assist with providing support services. It is proposed that information about potential support options available for the veteran is able to be shared by Veterans’ Affairs with Corrections. This will enable Corrections to include these in the veteran’s reintegration plan and submissions to the Parole Board as appropriate.

Upon release, it is proposed that Corrections can advise Veterans’ Affairs of the veteran’s release so that the veteran’s entitlements can be reinstated promptly, and rehabilitation and treatment can commence.

Question 14: Do you think the proposed use of information relating to Corrections is too restrictive, about right, or too broad?

If you answered “too restrictive”, please tell us what you think should be included and why.

If you answered “too broad”, please tell us what you think should not be included and why.

6.5. How do Veterans' Affairs and the Department of Internal Affairs propose to use the information shared under a proposed AISA?

As part of becoming a client of Veterans' Affairs, a veteran and their family or whānau must confirm their identity. Currently this is typically achieved by the veteran providing a copy of their passport. Veterans' Affairs would like to be able to access the veteran's passport details, held by Te Tari Taiwhenua | the Department of Internal Affairs (DIA), so that it can confirm the details provided are accurate, and also potentially not require the veteran to provide a copy of their identity documents.

The Registrar-General is part of DIA. However, the Registrar-General is an independent statutory role established under the Public Services Act 2020. Therefore, the Registrar-General must enter into any agreement as a separate party to DIA. Further information about how information provided by the Registrar-General is used is available in section 6.7 below.

A veteran living outside of New Zealand can still receive support including treatment and rehabilitation, services under the Veteran's Independence Programme, along with some financial entitlements. The location the veteran's passport was sent to could be used as part of an investigation into a veteran's location, if there were suspicions that the veteran is based overseas and is claiming entitlements that they were not entitled to.

DIA provide a number of digital identity services e.g., RealMe. DIA is currently developing their digital identity services as part of introducing the Digital Identity Trust Framework Bill into Cabinet. As part of this, DIA would like to offer veterans the ability to prove that they are a veteran to other organisations through inclusion of a veteran flag. This will enable veterans to then prove through digital channels that they are a veteran and gain access to services and other benefits in the same way that is possible now through showing a physical Force4Families or RSA club card.

Question 15: Do you think the proposed use of information relating to DIA is too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

6.6. How do health agencies propose to use the information received from Veterans' Affairs under a proposed AISA?

With knowledge that a patient is a veteran through a flag against a person's National Health Index identifier, it is expected that a GP or other health provider would be able to make the appropriate enquiries during a consultation, to narrow down and identify a potential diagnosis. In some cases, this may also extend to advising on the veteran's likelihood to develop certain health conditions, such as those resulting from exposure to a toxic environment during service in Viet Nam, based on the veteran's last date of active service.

With knowledge of a patient's veteran status, this will enable the GP or health provider to provide advice on what additional services or treatment they may be entitled to from Veteran's Affairs and other organisations.

There is potential that in the future veterans may be able to receive free appointments with their GP for a period after they finish active service. This will enable the veteran to transition from New Zealand Defence Force health care.

Question 16: Do you think the use of information by health agencies proposed is too restrictive, about right, or too broad?

If you answered “too restrictive”, please tell us what you think should be included and why.

If you answered “too broad”, please tell us what you think should not be included and why.

6.7. How does Veterans’ Affairs propose to use the information received from the Ministry of Education, Customs and the Registrar-General under a proposed AISA?

A child of a Scheme One veteran may be entitled to financial support if they are undertaking full-time study at secondary school, or full-time or part-time tertiary study. Veterans’ Affairs proposes to confirm the enrolment status of a child at a registered school if they apply for financial support from Te Tāhuhu o te Mātauranga | Ministry of Education (MOE).

A veteran living outside of New Zealand can still receive support including treatment and rehabilitation, services under the Veteran’s Independence Programme, and some financial entitlements. A veteran’s travel movements may need to be confirmed if Veterans’ Affairs has suspicions that they are overseas and claiming entitlements they were not entitled to.

A veterans’ children, partner and other dependents are entitled to support from Veterans’ Affairs. In order to access this support, they need to provide evidence of the relationship. This is currently achieved by providing copies of birth, death and marriage records held by Kairēhita Matua – Whānautanga, Matenga, Mārenatanga | the Registrar-General, Births, Deaths and Marriages. It is proposed that rather than requiring the purchase of these certificates from the Department of Internal Affairs, Veterans’ Affairs will be able to confirm the details directly.

Question 17: Do you think the use of information from Ministry of Education, Customs and the Registrar-General, Births, Deaths and Marriages proposed is too restrictive, about right, or too broad?

If you answered “too restrictive”, please tell us what you think should be included and why.

If you answered “too broad”, please tell us what you think should not be included and why.

7. Keeping the Information Sharing Safe under a Proposed AISA

7.1. How is privacy protected?

Each of the government agencies who are proposed to be a party to the AISA are required to put in place safeguards to make sure that the privacy of individuals is protected, and that any risk to privacy is minimised. The Privacy Impact Assessment included with this consultation document discusses the privacy risks that may eventuate from the AISA and how these risks will be managed.

Any complaints about the sharing of information can be made to Veterans' Affairs, any government agency involved, or to the Privacy Commissioner. Veterans' Affairs requires all parties to the AISA to inform them of any complaints relating to the AISA. In the event of a complaint Veterans' Affairs will consult with the parties to the AISA and the Privacy Commissioner to identify any improvements that may be needed to address any concerns.

7.2. Who has access to the information shared?

Personal information can only be shared under an AISA where Veterans' Affairs is either providing the information or receiving it. This means that personal information will not be shared between other organisations except where the law allows it, even if the organisation is a party to the AISA. Additional parties who receive information under the AISA can only use it for the purposes specified in the AISA.

7.3. What happens if there is a privacy or security breach?

If personal information shared under the proposed AISA is inappropriately accessed or shared, the internal investigation process for the party involved will be applied. Each party will detail their processes for handling a breach in the operating procedures.

If, after an internal investigation, it is confirmed that a breach has occurred, then the party must notify Veterans' Affairs and New Zealand Defence Force.

The party who holds the information will also assess the breach and, if it is likely to cause a high risk to individuals involved, then they will notify the Privacy Commissioner and impacted individuals as required by law.

If a party's actions are found to have caused the breach, then Veterans' Affairs may commence actions to remove the party from the AISA.

7.4. How will the information be managed?

All personal information shared under the AISA must be managed in accordance with the Privacy Act and each government agency's internal information security policies and adherence to the Protection Security Requirements (PSE) information security requirements. More information about these requirements is available at <https://www.protectivesecurity.govt.nz/about-the-psr/overview/information-security/>.

Processes and procedures will be in place and documented in the AISA operating procedures to make sure personal information that is shared under the proposed AISA is:

- Correct and up to date
- Used only for the purposes detailed in the AISA
- Protected from unauthorised access and misuse

- Held only as long as required.

7.5. How will Veterans' Affairs monitor and evaluate the sharing of information?

As the lead agency, Veterans' Affairs will regularly review how an AISA is working. Veterans' Affairs is required to include a report on the AISA as part of its annual report on a schedule specified by the Privacy Commissioner.

Detailed arrangements for monitoring and reporting are agreed with each party as part of developing operating procedures prior to any sharing commencing. These operating procedures are consulted with the Privacy Commissioner as part of the development process. Each party will be required to provide reports on their actions under the AISA in accordance with the agreed operating procedures.

The Privacy Commissioner has a power to review the operation of the AISA at any time. All parties are required to cooperate with any such review.

At any point in time any party to the AISA can cease sharing information with another party.

Question 18: Are the proposed safeguards and monitoring arrangements too restrictive, about right, or too broad?

If you answered "too restrictive", please tell us what you think should be included and why.

If you answered "too broad", please tell us what you think should not be included and why.

8. Submissions

8.1. What questions would Veterans' Affairs like you to consider?

There are a number of questions Veterans' Affairs would like you to consider when providing your feedback on the proposals. These are included through this document along with information to inform your answer. The following is a recap of these questions:

No	Question	Page
1	Do you think Veterans' Affairs has described the current situation accurately?	6
2	Do you think Veterans' Affairs has described the current challenges accurately?	6
3	Are there any benefits of sharing information about veterans that Veterans' Affairs hasn't talked about?	7
4	Are there any risks or negative impacts that Veterans' Affairs hasn't identified?	8
5	Do you think Veterans' Affairs has used the right criteria to assess the options?	9
6	Do you think Veterans' Affairs has considered the right options?	10
7	Do you agree with the assessment of the options?	11
8	Do you agree with the development of an AISA as the preferred option?	11
9	Do you think the government agencies proposed to be included in the AISA are correct?	12
10	Do you think the range of information proposed to be shared under a potential AISA is too restrictive, about right, or too broad?	13
11	Do you think the proposed use of information relating to NZDF is too restrictive, about right, or too broad?	15
12	Do you think the proposed use of information relating to MSD is too restrictive, about right, or too broad?	16
13	Do you think the proposed use of information relating to ACC is too restrictive, about right, or too broad?	16
14	Do you think the proposed use of information relating to Corrections is too restrictive, about right, or too broad?	16
15	Do you think the proposed use of information relating to DIA is too restrictive, about right, or too broad?	17
16	Do you think the use of information by health agencies proposed is too restrictive, about right, or too broad?	18
17	Do you think the use of information from Ministry of Education, Customs and the Registrar-General of Births, Deaths and Marriages proposed is too restrictive, about right, or too broad?	18
18	Are the proposed safeguards and monitoring arrangements too restrictive, about right, or too broad?	20

8.2. How do you make a submission?

You can make a submission about the proposals by:

- Writing a submission and sending it to vanzpol@nzdf.mil.nz with the subject line "Veterans' Affairs Information Sharing discussion"; or

- Writing a submission and posting it to:
Veterans' Affairs Policy Team
PO Box 5146
Wellington 6140
New Zealand

Electronic submissions are encouraged wherever possible.

You can provide feedback and submissions until 5pm on 7th October 2022.

8.3. What will happen with your submission?

When the submission process is complete, Veterans' Affairs will prepare a report for the Minister for Veterans to make recommendations about the changes to information sharing. Your submissions will be used to create this report. Veterans' Affairs is also required to provide their Minister with a copy of any submissions.

As the lead agency, Veterans' Affairs may include your submission, in whole or in part, when publishing feedback on the discussion process. Your personal details will not be disclosed. If you do not want your submission published, please specify this within your submission.

8.4. How does the Official Information Act 1982 apply?

Your submission may be subject to release under the Official Information Act 1982. If you want your submission to be withheld under the Official Information Act, please advise in your submission why you think it should not be released if requested.

8.5. Where can I get further information?

If you have any questions or would like more information about the proposals, you can:

- Visit the website www.veteransaffairs.mil.nz/aisa; or
- Contact us by email vanzpol@nzdf.mil.nz.

Appendix A – Options Analysis

Option A - Status quo

This would involve continuing to use the current provisions and methods for information sharing between the parties. There would be no change in the arrangements.

Veterans' Affairs has a number of Memoranda of Understanding (MOUs) with the Ministry of Social Development and ACC that involve information sharing. These agreements were in place prior to the Privacy Act 1993. In terms of the sharing of personal information, these agreements have no basis in law as since 1993, the Privacy Act has provided that personal information may only be shared through either authorisation under the Privacy Act or primary powers in legislation.

There are a number of barriers for retaining the status quo, including the need to heavily rely on consent from the individual. Due to current limitations in the ability to share information, heavy administrative burdens (with costs attached) are placed on veterans and their family and whānau in providing evidence of the various requirements such as proof of marriage or income received. This often results in delays in providing services.

The inability to share personal information also makes it difficult for agencies to exercise their powers:

- To provide services correctly in terms of their legislation;
- Not to provide services to an ineligible person;
- To adjust, reduce or stop services; and
- To prevent fraud or overpayment occurring which must then be repaid by the individual.

Information about information sharing that is occurring is currently explained in the Veterans' Affairs privacy statement provided to veterans and their family and whānau. Further information is also provided at the time the information is collected from the individual.

Option B - Development of a number of Memoranda of Understanding (MOUs)

This option would involve putting in place a small number of Memoranda of Understanding (MOUs) between government agencies and Veterans' Affairs to support sharing under the exceptions to the Privacy Act or other legislation, where allowable. It is expected that this process would take approximately twelve months to be completed.

The majority of the sharing would occur under the exceptions to the Privacy Act which allow sharing with consent. Therefore, the challenges regarding consent would still apply.

There are some circumstances where even with the individual's informed consent, information cannot be shared under an MOU due to legislative restrictions. These include the sharing of information relating to:

- Sex offenders or high-risk offenders by Corrections;
- An individual's enrolment at a registered school in NZ by Te Tāhuhu o te Mātauranga | Ministry of Education; and
- An individual's birth, marriage, civil union, or death by the Registrar-General.

The option of putting in place a number of MOUs would assist in addressing specific information sharing gaps. However, it will still result in some gaps where the veterans and their family and whānau will be required to provide the information needed.

Information about information sharing under the various MOUs would be explained in the Veterans' Affairs privacy statement provided to veterans and their family and whānau. Further information would also be provided at the time the information is collected from the individual.

Option C - Development of an Approved Information Sharing Agreement (AISA)

An AISA is a legal mechanism made by Order in Council under Part 7 subpart 1 of the Privacy Act that authorises the sharing of personal information between organisations to facilitate the provision of public services or government policy.

For more information about AISAs visit <https://www.privacy.org.nz/privacy-act-2020/information-sharing/approved-information-sharing-agreements/>

An AISA would enable information about veterans and their family and whānau to be shared between the parties. The details of the specific information that may be provided and received by each party, and the uses and purposes for which shared information may be used by that party, are set out in the AISA.

A key difference between an AISA and a MOU is that an AISA can also authorise departures from the information privacy principles (IPPs) that each organisation is required to follow under the Privacy Act if there is a clear public policy justification and the privacy risks of doing this are managed appropriately. An AISA will usually adjust the following IPPs:

- IPP 2 - personal information should usually be collected directly from the individual concerned.
- IPP 10 - information collected by a party should usually only be used for the purpose for which it was originally collected.
- IPP 11 - personal information should not usually be disclosed to another person or organisation.

The other difference is an AISA can be used to share information about:

- Sex offenders or high-risk offenders by Corrections;
- An individual's enrolment at a registered school in NZ by Te Tāhuhu o te Mātauranga | Ministry of Education; and
- An individual's birth, marriage, civil union or death by the Registrar-General.

By providing certainty around information to be shared, an AISA removes doubt around privacy implications and barriers to information sharing under the Privacy Act. AISAs are also public documents. An AISA can only be made if it meets a certain standard, including having checks and balances in place to protect the privacy of individuals. The Privacy Act sets out a transparent process to make an AISA, which includes:

- Consulting with the Privacy Commissioner, who can also review an AISA once it comes into effect and make other recommendations for change;
- Undertaking consultation with affected persons; and
- Requiring an Order in Council to bring the AISA into force.

An AISA will reduce duplication of effort by combining multiple existing and possible new MOUs into a single agreement. This will provide greater transparency for people wishing to understand how their personal information may be used and shared.

The complete process for developing an AISA is approximately eighteen months.

Option D - Amend primary legislation

This option would update the Veterans' Support Act 2014 and other primary legislation such as the Births, Deaths, Marriages, and Relationships Registration Act 2021.

Amending legislation is a lengthy process and includes public consultation, Select Committee processes and political debate. The speed of the process would depend on how the changes to the legislation relating to veterans rate against other government priorities, whether the changes are considered controversial, and the availability of specialist policy resources to lead the work.

Achievability is a concern with this option, given the length of the process of legislative change and the changing government priorities at this time. There is also a limited case for a change of this nature, given that the Privacy Act already provides an option, in the form of an AISA, to enable sharing between organisations.