

Data Ethics Advisory Group

Terms of Reference

Version 4.0 May 2025



**Te Kāwanatanga
o Aotearoa**
New Zealand Government

Document history

Version	Author	Description of changes	Date
1.1	Ellen Cox, Governance and Executive Support (Stats NZ)	Original Terms of Reference updated to reflect best practice and the current focus of the Group	30 November 2022
1.2	Ellen Cox, Governance and Executive Support (Stats NZ)	Updates to 'Fees and remuneration' section and 'Communication and reporting'	22 December 2022
1.3	Fiona Sinclair, Governance and Executive Support (Stats NZ)	Updates made as per feedback received at meeting held 30 November 2022. Additional updates to Membership to align with other committees governed by Stats NZ	8 February 2023
2.0	Fiona Sinclair, Governance and Executive Support (Stats NZ)	Updating number of members and quorum.	9 June 2023
3.0	Fiona Sinclair, Governance and Executive Support (Stats NZ)	Updating meeting frequency and timings.	1 March 2024
4.0	Sanja Antonijevic, Senior Governance Advisor (Stats NZ)	Updating number of members and quorum	28 May 2025

Reviewers

Name	Title	Version
Fiona Wharton	Principal Advisor, Centre for Data Ethics and Innovation	4.0
Emma MacDonald	Director, Centre for Data Ethics and Innovation	4.0
Sandra Honey	Principal Governance Advisor	4.0

Endorsement (on behalf of the Government Chief Data Steward)

Name	Title	Version
Kate Satterthwaite	DCE – Chief of Staff	4.0

Sign-off

Name	Title	Date
Professor Colin Simpson	Chair of the Data Ethics Advisory Group	10/06/2025
Mary Craig	Acting Government Chief Data Steward	

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1 Purpose

- 1.1. The Data Ethics Advisory Group ('the Group') is convened by the Government Chief Data Steward (GCDS) to assist the New Zealand Government to maximise the opportunities and benefits from new and emerging uses of data, while responsibly managing potential risks and harms.
- 1.2. The Group will provide advice, comments, views and recommendations to the GCDS and Public Sector agencies, to assist government to seize these opportunities appropriately.
- 1.3. The Group will provide wider system and societal thinking about factors that affect new or emerging uses of data, including those issues which have the potential to affect the government data system, by:
 - a. providing fresh thinking and suggestions for how Aotearoa New Zealand can obtain the most value from its data resources
 - b. encouraging the innovative and ethical use of data in government
 - c. working in a constructive, collaborative, and open manner, and helping to build consensus and support to bring about change, and
 - d. reflecting the principles of Te Tiriti o Waitangi.

2 Scope

- 2.1. The Group will provide independent advice and comments to the GCDS and, when requested by Public Sector agencies, to those agencies, on topics related to new and emerging uses of data. The Group will not directly provide advice or comment to Ministers, except where they are concerned that their guidance has been misinterpreted or applied in bad faith (Refer to Section 5 – Operating principles).
- 2.2. Possible areas the Group could advise on include, but are not limited to:
 - a. specific new or emerging uses of data
 - b. issues such as the appropriate use of algorithms and potential risks surrounding AI
 - c. appropriate governance of data initiatives.

3 Membership

- 3.1. The Group will have the maximum of NINE members, including the Chair.
- 3.2. Committee members will be appointed by the GCDS for a term of either two or three years initially but may be appointed for up to another two terms of two years to enable continuity in membership of the Committee. As and when existing members come up for reappointment, or new members are appointed, the GCDS, in conjunction with the Chair, will consider the existing skills and experience offered by the members and the diversity of expertise desired, before seeking further re/appointments. Further terms are at the discretion of the GCDS.
- 3.3. Members are required to attend each meeting. Observers, presenters and guests are invited to attend whole or part of the meeting at the discretion of the Chair.
- 3.4. The Group will collectively have expertise in:
 - a. privacy and human rights law
 - b. ethics
 - c. data and data analytics
 - d. Te Ao Māori
 - e. technology

- f. public policy
- g. government interests in the use of data (social, economic, and environmental)
- h. Pasifika voice
- i. Community representation.

Designation	Name	Title
Chair	Professor Colin Simpson	Professor of Population Health, Faculty of Health at Victoria University of Wellington
Member	Dr Will Koning	Director of Data and Analytics for the Government and Public Sector practice at EY
Member	Kate O'Connor	Chair, Northern B Health and Disability Ethics Committee, Ministry of Health.
Member	Russell Craig	Independent Data and Digital Technology Expert
Member	Jonathan Kilgour	Research Lead, Scion
Member	Jonathan Godfrey	Senior Lecturer, School of Mathematical and Computational Sciences, Massey University
Member	Andrew Sporle	Managing Director, iNZight Analytics

Conflicts of interest

- 3.5. Actual, potential, and perceived conflicts of interest will need to be declared both as part of an expression of interest and at the start of every meeting.
- 3.6. The Secretariat maintains a declaration of interests for all actual, potential or perceived financial and non-financial interests for the Chair and all Group members.
- 3.7. The Secretariat ensures the declarations are current and that an item is listed on the agenda to seek any new declarations at each meeting and notifies the Chair accordingly.

Fees and remuneration

- 3.8. Non-government members may be paid sitting fees and costs relating to meeting attendance, in accordance with the *Revised Fees Framework for members appointed to bodies in which the Crown has an interest*.
- 3.9. Group members will be remunerated at a pro-rated daily rate of \$450 + GST on the basis that the preparatory work, attendance and follow up work after each meeting takes up to 5.5 hours (i.e., \$300 + GST per meeting for members). The Chair will be remunerated at a pro-rated daily rate of \$900 + GST per meeting (i.e., \$600 + GST for up to 5.5 hours per meeting).
- 3.10. Members may be paid extra fees when significant preparation and/or travel time is required prior to meetings subject to obtaining prior approval by Stats NZ.
- 3.11. Members who are employees of the wider Public Sector are not entitled to be paid fees for Group business if this is conducted during regular paid work time (i.e., members cannot be paid twice by the Crown for the same hours).
- 3.12. The Secretariat will complete travel and accommodation on behalf of members and will not reimburse members for travel or accommodation booked without prior approval.
- 3.13. Stats NZ will also reimburse members for actual and reasonable expenses incurred in relation to performing their duties as a member of the Group, provided that:
 - Stats NZ has given prior written consent for the expense,

- the expense is charged at an actual and reasonable cost, and
- the claim for expenses is supported by GST receipts.

4 Roles and responsibilities

Role	Responsibilities
Chair	<ul style="list-style-type: none"> • Responsible for the overall direction of the meeting • Directs and confirms the agenda • Sets the priorities and annual work programme and convenes the meeting • Facilitates effective meetings which stimulate robust debate and critical thinking to enhance effective provision of advice • Sets the tone to ensure an effective culture is developed and maintained, and the Group successfully fulfils its purpose • Provides leadership and is accountable for the agreed outcomes of the Group • Endorses the membership of, and any changes to, the Group's membership to the GCDS • Brings objective insights, cultural and /or alternative perspectives that challenge the status quo, encourages critical thinking • Offers strategic recommendations, shares industry trends, and helps address specific challenges, utilising their expertise and niche skillset • Is the official spokesperson for the group and the key advisor to the GCDS regarding the Group's operations • Directs the Secretariat • Seeks relevant subject matter expertise to support outcomes, as required • Responsible for managing actual, potential or perceived conflicts of interest of members as declared in the interests register and at meetings • May excuse themselves or be asked to step out of meetings where appropriate (i.e., in response to a conflict of interest) • Appoints a chair in their absence.
Member	<ul style="list-style-type: none"> • Supports the Chair in contributing to discussions and provision of advice • Champions the work of the Group and never publicly disagrees with outcomes after meetings • Prepares before meetings to ensure robust discussion and provision of advice and completes their respective actions • Brings objective insights, cultural and /or alternative perspectives that challenge the status quo, encourages critical thinking • Offers strategic recommendations, shares industry trends, and helps address specific challenges, utilising their expertise and niche skillset • Always acts in the collective interest of the Group and does not lobby for their own area of interest or responsibility • Promotes the Group's ground rules and desired culture through their own behaviours and inputs • Declares actual, potential or perceived interests for recording in the Interest Register and declares any actual, potential or perceived conflict of interest to the Chair, and at the start of each meeting • May excuse themselves or be asked to step out of meetings where appropriate (e.g. in response to a conflict of interest).
Attendees	<ul style="list-style-type: none"> • Declare any actual, potential or perceived conflict of interest to the Chair, and at the start of each meeting • Support papers and/or discussion



	<ul style="list-style-type: none"> • May excuse themselves or be asked to step out of meetings where appropriate, e.g., in response to a conflict of interest, or privileged discussions, etc.
Observers	<ul style="list-style-type: none"> • May request a copy of the papers for discussion at the meeting • Declare any actual, potential or perceived conflict of interest to the Chair, and at the start of each meeting • Attend the meeting, at the discretion of the Chair, for reasons such as a development opportunity • May excuse themselves or be asked to step out of meetings where appropriate, e.g. in response to a conflict of interest, or privileged discussions etc.
Executive Governance	<ul style="list-style-type: none"> • Responsible for providing centralised secretariat and advisory support on behalf of the Centre for Data Ethics and Innovation • Promotes “centre of excellence” governance practices in supporting the effective operations of the Group • Manages the forward agenda and sets individual meeting agendas in consultation with the Chair • Coordinates, reviews, and distributes meeting material and provides a quality assessment of all material submitted to the Group • Records, maintains, and disseminates actions, advice provided, forward agenda items on behalf of the Chair • Takes care of the physical and virtual environment of the Group and arranges all meeting logistics • Reviews papers to ensure they meet quality standards • In conjunction with the Chair, inducts new members.

5 Operating principles

- a. The Group encourages early, consistent, and direct involvement of relevant agencies.
- b. The Group is supported by a culture of continuous review, improvement, transparency, and effective risk management.
- c. The Group will provide advice and comments to the GCDS, either on request or following discussion with the GCDS, on emerging trends, issues, areas of concern, and opportunities for innovation of which the Group becomes aware, including where the Group considers its advice and comments on an agency-specific topic will be useful across the Public Sector.
- d. The Group may work with other groups established to provide advice to the GCDS on the data system. This will consist of both formal contributions as well as ad hoc guidance in response to publications or outputs from other bodies.
- e. The Group is neither a commissioning or governance committee, and has no powers of endorsement, approval, direction or veto on any project initiative or proposal put before it.
- f. The Group reserves the right to extend an invitation to the Minister of Statistics where they are concerned that their guidance has been misinterpreted or applied in bad faith.
- g. The guidance of the Group is not absolute. All feedback given will include a check-back-in feature predicated on either time since the item was seen by the Group and/or thresholds in changes made to the project.



6 Logistics and house rules

Meeting operations

6.1. The Group is supported by the Secretariat, who ensures the effective and efficient operation of the meeting by putting in place the following arrangements, in consultation with the Chair:

Topic	Role
Frequency	The Group will meet six times a year. Dates will be agreed on by the Chair in consultation with the Secretariat.
Notice of meetings	Meeting dates will be set for the Group at the beginning of each calendar year.
Setting the agenda	The Secretariat sets the agenda in consultation with the Chair.
Distribution of meeting papers	<p>The agenda with the relevant papers is distributed virtually to the Committee members no later than 3 (three) working days prior to the meeting.</p> <p>It is at the discretion of the Chair to accept late agenda items and papers.</p>
Ad-hoc meetings	Ad-hoc meetings can be scheduled on an exception basis. These may be held virtually. All other procedures, rules and practices for regularly scheduled meetings will remain in place for ad-hoc meetings.
Quorum	<p>A quorum is 4 members in attendance, including the Chair or person delegated by the Chair to chair the meeting.</p> <p>In the event there is no quorum, a decision to reschedule the meeting will be made by the Chair.</p>
Minutes of meetings	The Secretariat records the minutes of the meeting. The Chair reviews the draft minutes prior to the minutes being approved by the Group at their next meeting.
Actions arising from meetings	The Secretariat records all actions and matters arising from the meeting. The Secretariat commissions the actions from the meeting and maintains an action log to record and track progress updates.



Communication and reporting

Topic	Role
Communication of advice made by the Committee	The Secretariat communicates the advice from the meeting in a succinct manner with consistent messaging to all interested parties at the same time (to avoid overlap, causing confusion, duplicated effort, and conflicting outcomes).
Reporting	<p>The Secretariat will, in discussion with the Group and agencies, publish the advice and comments of the Group on data.govt.nz in line with the Official Information Act 1982.</p> <p>The Group will provide independent advice to the GCDS and/or the Minister of Statistics on emerging trends, issues, areas of concern, and opportunities for innovation. This could include meeting with the GCDS and/or the Minister of Statistics on an annual basis.</p> <p>The Official Information Act 1982, the Privacy Act 2020, and the Ombudsman Act 1975 apply to the operation of the Group. Information held by the Group is deemed to be information held by the Government Chief Data Steward.</p>

7 Review of Terms of Reference and Group self-assessment

- 7.1. The Terms of Reference will be reviewed by the Group and agreed by the Chair and GCDS on an annual basis.
- 7.2. The Group will conduct an annual self-assessment to determine whether the Group is operating successfully and whether any changes need to be made.

[Redacted Signature]

Professor Colin Simpson
Chair
Date: 10 June 2025

[Redacted Signature]

Mary Craig
**Acting Chief Executive, Government Statistician and
Government Chief Data Steward**
Date: