

The Data Ethics Advisory Group

Terms of Reference

Advances in digital and data environments are changing how we live, work and interact. These changing environments present considerable opportunities to improve the lives of people and communities and the way in which government operates, but they also present challenges to ensure that data is used appropriately.

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 Group members will provide advice, comments, views, and recommendations to the GCDS and State Sector agencies, to assist government to seize these opportunities appropriately.
- 1.3 Members 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:
 - providing fresh thinking and suggestions for how New Zealand's current data system may be changed and improved;
 - encouraging the innovative and ethical use of data in government
 - working in a constructive, collaborative, and open manner
 - reflecting the principles of Te Tiriti o Waitangi
 - helping build consensus and support needed to bring about change.

2. Role of the Group

- 2.1 The Group will provide independent advice and comments to the GCDS, and when requested by State Sector agencies to those agencies, on topics related to new and emerging uses of data. The Group will not directly provide advice or comments to Ministers.
- 2.2 Possible topics the Group could advise on include (but are not limited to):
 - specific new or emerging uses of data
 - issues such as the appropriate use of algorithms and risks surrounding algorithmic bias
 - appropriate governance of data initiatives.
- 2.3 The Group will also 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. This includes where the Group considers its advice and comments on an agency-specific topic will be useful across the State Sector.
- 2.4 The Group will work with other groups established to provide advice to government on the data system. This advice will consist of both formal contributions as well as

ad hoc guidance in response to publications or outputs from other bodies. The Group will meet with the Minister approximately once a year as these connections continue to formalise.

- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 Where appropriate, Group members reserve the right to deliver updated guidance for an item returning before the Group, via a nominated sub-committee of members outside of scheduled meetings.

3. Membership

- 3.1 The Group will have 7 members.
- 3.2 Members will be appointed by the GCDS for an initial 12 month term, following a call for expressions of interest.
- 3.3 The Group will collectively have expertise in privacy and human rights law, ethics, data and data analytics, Te Ao Māori, technology, public policy, and government interests in the use of data (social, economic and environmental).
- 3.4 One member position will be reserved for a member of the Te Ao Māori Co-Design Group that supports the Māori Data Governance work.
- 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 Non-government members may be paid sitting fees and costs relating to meeting attendance, consistent with the Cabinet Fees Framework for fees for statutory bodies.

4. Meetings

- 4.1 The Group will meet approximately 4 times a year. Members are expected to travel to Wellington for the meetings as required.
- 4.2 The quorum for Group meetings will be at least 5 members, including the Chair.

5. Secretariat

- 5.1 The Secretariat will be provided by the GCDS. Members of the Secretariat will attend meetings.
- 5.2 The Secretariat will receive proposals from State Sector agencies for the consideration of the Group, and will co-ordinate:
 - regular meetings and agendas
 - expert external advice to the Group where necessary
 - the provision of advice and comments back to agencies.
- 5.3 The Secretariat will, in discussion with the Group and agencies, publish the advice and comments of the Group in line with the Official Information Act.

6. Working alongside the Te Ao Māori Co-Design Group

- 6.1 Once established, the Te Ao Māori Co-Design Group will likely work alongside the Data Ethics Advisory Group to form a key part of the government data system's advisory structure.
- 6.2 While the Te Ao Māori Co-Design Group (Co-Design Group) is still in its establishment phase, it is likely that the Co-Design Group will focus on providing the GCDS and agencies (amongst others) with advice that:
 - provides a Māori world view of wellbeing and data sovereignty
 - guides how data can be managed and used in a way that aligns with the principles which guide government's partnership with iwi and Māori
 - encompasses Māori insights and innovations that are applicable to addressing immediate or emerging data challenges
 - guides alignment with the system-wide, integrated approach to engaging with iwi and Maori.
- 6.3 While the scope of the Data Ethics Advisory Group also provides for these issues to be given due consideration, its scope is much broader. The main imperative is to strike the right balance between innovative data use to improve public services and the relevant legal, moral, and regulatory compliance. As such, it is intuitive that any identified cultural considerations can be referred to the Co-Design Group prior to the Data Ethics Advisory Group providing its final advice or recommendations.

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