

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 also present challenges to ensure that data is used appropriately.

1. Purpose

- 1.1 The Data Ethics Advisory 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 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 the Te Tiriti o Waitangi; and
 - 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 comment 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, including 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 not advise or comment on digital solutions proposed by agencies but may be asked to provide comment on data use within these proposals.

2.5 The Group will work with other groups established to provide advice to government on the data system.

2.6 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.

3. Membership

3.1 The Group will have seven 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 four times per year. Members are expected to travel to Wellington for the meetings as required.

4.2 The quorum for Group meetings will be at least five 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, agendas, co-ordinate expert advice to the Group where necessary, and 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 Advisory Group to form a key part of the government data system's advisory structure.

6.2 While the Te Ao Māori Group is still in its co-design and establishment phase, it is likely that the 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 Māori;

- encompasses Māori insights and innovations that are applicable to addressing immediate or emerging data challenges; and
- guides alignment with the system-wide, integrated approach to engaging with Iwi Maori.

6.3 While the scope of the Group also provides for these issues to be given due consideration, its scope is much broader with a focus on helping agencies to realise the benefits of data while navigating uncertainties and risks, fostering the trust and confidence of New Zealanders, and ensuring that no undue harm or distress is created. The main imperative is to strike the right balance between innovative data use to improve public services and the extent to which society is comfortable with data use. As such, it is intuitive that any identified cultural considerations can be referred to the Te Ao Māori Group prior to the Group providing its final advice or recommendations.