Data Ethics Advisory Group

Terms of Reference

Version 1.3 February 2023

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

Reviewers

Name	Title
Gillian Parry	Senior Advisor, Data System Leadership
Caleb Stone	Data Broker, Data System Leadership
Tennille Maxey	Manager – Policy, Data System Leadership
Caleb Johnstone	General Manager – Data System Policy, Data System Leadership

Endorsement (on behalf of the Government Chief Data Steward)

Name	Title
Dr Craig Jones	Deputy Government Statistician and Deputy Chief Executive – Data System Leadership

Sign-off

Name	Title	Date
Professor Colin Simpson	Chairperson of the Data Ethics Advisory Group	
Mark Sowden	Government Chief Data Steward	

Contents

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 State 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 the Te Tiriti o Waitangi

2   Scope

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, 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 risks surrounding algorithmic bias
   c.   appropriate governance of data initiatives.

3   Membership

3.1   The Group will have SEVEN members, including the Chairperson.

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 re-consider the balance of skills and experience desired and that is offered by existing members.

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, and

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	Associate Dean of Research and Innovation, 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		
Member		
Member		
Member		

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 perceived, potential and actual financial and non-financial interests for the Chairperson 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 Chairperson accordingly.

Fees and remuneration

3.8   Non-government members may be paid sitting fees and costs relating to meeting attendance, in accordance with the *Fees Framework for members appointed to bodies in which the Crown has an interest*.

3.9   Ordinary members will be remunerated at a rate of $450 per meeting, consistent with the Cabinet Fees Framework for fees for statutory bodies. The Chair will be remunerated at a rate of $900 per meeting.

3.10   This includes payment for a half day meeting, preparation for the meeting and travel time when travelling on the same day.

3.11   Members may be paid extra fees when significant preparation and/or travel time is required prior to meetings.

3.12   Members who are employees of the wider State 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).

3.13   The Secretariat will book travel and accommodation on behalf of members and will not reimburse members for travel or accommodation booked without prior approval.

3.14   The Secretariat will reimburse members for incidental costs directly incurred as part of performing their duties as a member of the Group, provided these have prior approval.

4 Roles and responsibilities

Role	Responsibilities
Chairperson	• 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 decision-making • Sets the tone to ensure the Group successfully fulfils its purpose • Sets the tone to ensure an effective culture is developed and maintained • 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 • Is the final decision-maker with support from Group members. • 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. • Ensures connections to other related entities/Committees.
Member	• Supports the Chairperson in contributing to discussions and decisions • Champions the work of the Group and never publicly disagrees with outcomes after meetings • Prepares before meetings to ensure robust decision-making and complete their respective actions • 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.
Secretariat	• Responsible for providing centralised secretariat and advisory support • Coordinates, reviews, and distributes meeting material and provides a quality assessment of all material submitted to the Group • Records, maintains, and disseminates actions, decisions, risks and manage these on behalf of the Chairperson • Takes care of the physical and virtual environment of the Group and arranges all meeting logistics • Promotes "centre of excellent" governance practices in supporting the effective operations of the Group • Has the mandate to reject papers which do not meet quality standards (in consultation with the Chairperson).

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 State 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 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 Chairperson:

Topic	Role
Frequency	The Group will meet at least 4 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 Chairperson.
Distribution of meeting papers	The agenda with the relevant papers is distributed virtually to the Committee members no later than 3 (three) working days prior to the meeting. It is at the discretion of the Chairperson to accept late agenda items and papers.
Extra-ordinary meetings	Extraordinary meetings can be scheduled on an exception basis. These may be held virtually (or by email if required). All other procedures, rules and practices for regularly scheduled meetings will remain in place for extraordinary meetings.
Quorum	A quorum is 50 percent of members in attendance, including the Chairperson. In the event there is no quorum, a decision to hold an informal meeting with the present members, to reschedule the meeting or to ratify any approvals will be made by the Chair.
Minutes of meetings	The Secretariat records the minutes of the meeting. The Chairperson reviews the draft minutes prior to the minutes being approved by the Committee at their next

	meeting.
	The Secretariat will maintain a decision log to record any decisions taken at the 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 decisions made by the Committee	The Secretariat communicates the decisions 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	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.
	Supported by the Secretariat, the Chair (on behalf of the Group) will write to the GCDS after each DEAG meeting to outline the project/s discussed, the recommendations and next steps. This information would then be compiled into the Health of the Data System report produced annually.
	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.
	The Official Information Act 1982, the Privacy Act 2020, and the Ombudsman Act 1975 apply to the operation of DEAG. Information held by DEAG is deemed to be information held by the Government Chief Data Steward.

7   Review of Terms of Reference

7.1   The Terms of Reference will be reviewed on an annual basis.

8   Group self-assessment

8.1   The Group will conduct an annual self-assessment to determine whether the Group is operating successfully and whether any changes need to be made. This will include a review of the Terms of Reference.

Professor Colin Simpson
Chairperson
Date: 13.3.2023

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Mark Sowden
Government Chief Data Steward
Date   15.3.2023