

The Privacy, Human Rights and Ethics (PHRaE) Framework

What is the PHRaE?

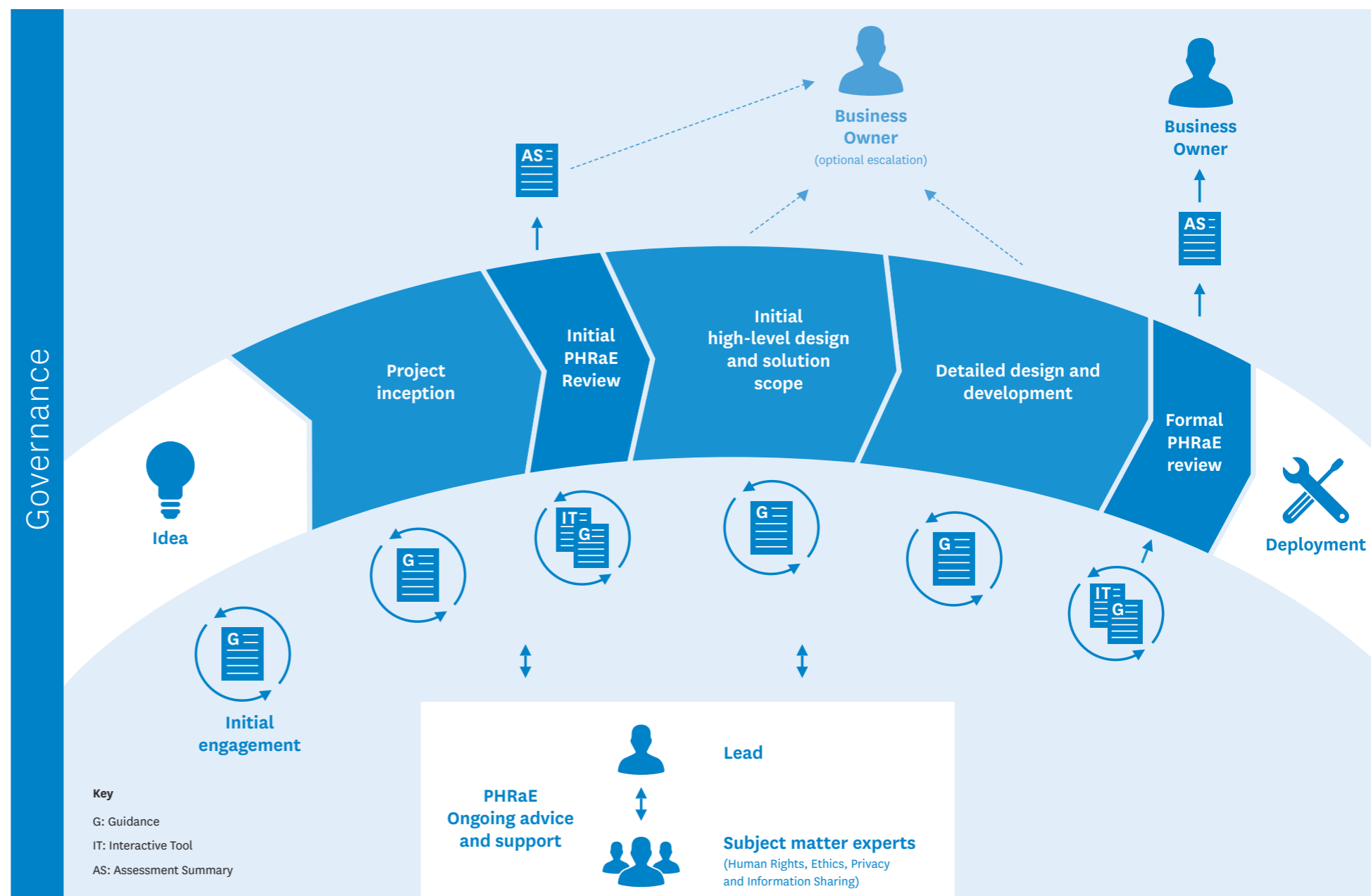
- A set of capability and tools with which users of information interact to ensure that people's Privacy (P), Human Rights (HR) and Ethics (E) are considered from the design stage of a new initiative.
- Engages projects in an iterative and active discussion throughout the project's lifecycle about the P, HR and E interests of people whose information they're using.
- The tools prompt discussion and capture the evidence of how the project has considered the P, HR and E and the basis for decision making in relation to these rights.
- The PHRaE combines the previously separate processes for privacy impact, human rights and ethical assessments, enabling a more streamlined and consistent approach.

Advantages in using the PHRaE

- Risks that MSD could be impinging on peoples P, HR or E rights are identified early so that we can modify our design or implementation approach.
- Early decisions to not progress initiatives, or to accept risk if value outweighs risk, can be made if risks cannot be mitigated.
- MSD can demonstrate that we understand the risks to people's P, HR and E and how we plan to manage them.
- P, HR, and E risks are often closely related. An integrated process allows MSD to assess these elements as a whole and consider the wider contextual environment.
- On-going discussions with projects throughout the project lifecycle, and over multiple projects, builds the organisational capability in responsible use of personal information.
- Demonstrates a consistent and transparent practice and shows MSD's commitment to being a responsible custodian of personal information.

Current use and next steps

- We have developed PHRaE tools, tested them and received feedback.
- The PHRaE has been trialled on new uses of personal information.
- Feedback from key internal and external stakeholders indicated we needed a smart tool that would tailor the assessment based on the specific circumstances of the initiative, and ensuring the Treaty of Waitangi considerations are factored in.
- We are currently developing a prototype of an online, interactive assessment tool via an iterative process, with a view to ensuring that other agencies can use it, regardless of capability.
- There is significant interest and broad support from across Government to the PHRaE framework. The Digital Government Leadership Group has endorsed the development towards an all-of-government capability.
- We are implementing the use of the materials and the central capability at MSD in the coming months, and the materials will also be tested with other agencies shortly thereafter.



Broad areas covered through the framework

- What are you trying to achieve and why?
- What are the likely benefits and harms and to whom?
- Is it necessary to use personal information?
- Are you legally able to use the information that we already hold?
- Will personal information be used for the purpose it was collected?
- How and from whom will any new information be collected?
- How will you ensure information is kept safe?
- How will you ensure the information used to make decisions is accurate?
- Will people be able to access their information?
- Will the initiative discriminate against some people?
- How will we engage with people about what we are doing with their information?
- Will personal information be shared with others and if so why?

Description of this diagram

Projects must engage with the PHRaE process as soon as a proposal to use personal information moves beyond a mere idea, and complete the interactive tool as they develop the project. A PHRaE Lead will be assigned to the project who provides guidance on the process and works with the project throughout the design and development cycle.

There are two formal review points in the process. The first will follow an early workshop and inform decisions about whether to progress to detailed design and development. The second review will be carried out once the final design of the proposal is agreed. The Lead will produce a final report documenting the process of identifying the PHRaE risks and how these are to be mitigated. By the final review, all significant risks should have been addressed or accepted by the business owner.