The red tape

Version control

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Approved by

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I Moffat, Chief Executive Officer

DINZ DATABASE: DATA ACCESS AND SHARING POLICY

Contents

Scope

This protocol governs the **confidentiality** of VelTrak data, that is how data about individuals and organisations is protected from third party disclosure without authorization of the person or organization concerned. In scope is data **use** by DINZ and data **disclosure** to third parties.

Out of scope are matters of data **privacy**, privacy being a person's ability to control the availability of data about themselves. That is because the data entered into VelTrak about a person or business is either automatic or extremely limited in scope, users have direct access to all their personal information by virtue of logging into VelTrak and the considerations relating to data entry are dealt with in the VelTrak terms and conditions of use that each user must accept.

Out of scope are matters of data **security** – how *all* VelTrak information is protected from inadvertent or fraudulent disclosure, is wired into VelTrak itself by virtue of the systems, products and processes used to create and run the software on the various devices.

Context

As the database creator and owner, DINZ asserts its right to deal in VelTrak data for industry good purposes and subject to the law.[1] The DINZ board approved principles for the sharing of VelTrak information in July 2020 (see below) and determined that the CEO could approve detailed protocols applying those principles. While protocols are to cover foreseeable circumstances relating to data access, unforeseeable circumstances where data access is sought wlll arise, for which the principles should be applied directly.

Data availability to users

VelTrak provides data of different types to each user type.   There are 5 user types: DINZ, veterinarians, farmers, independent buyers and packhouses. Each has access to data on transactions in which they participate ("one-up, one-down") but no further, except for DINZ.

DINZ has access to limited transactional information pertaining to farmers, independent buyers and packhouses. DINZ can trace a particular stick through the supply chain but cannot access any Velvet Status Declaration (VSD), Agent Velvet Status Declaration (AVSD) or Velvet Transfer Record (VTR) associated with the stick, only the number of that document. DINZ can access data on the businesses farmers, buyers and packhouses transact with, but cannot see data on how many sticks are involved in each transaction.

DINZ does not have access to any user's account other than its own.

Principles

    a) DINZ must at all times comply with legislation (e.g. Privacy Act) in its treatment of data.[2]

    b) Personal or commercial information used or shared by DINZ must be for performance of its statutory powers and functions.[3]

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[1] Following specific legal advice procured from Minter Ellison, 2020

[2] see Appendix 1

[3] See Appendix 2

c) When sharing information, DINZ must aggregate information pertaining to individual users of the same class to such an extent that individual people or businesses cannot be directly or indirectly identified, except where necessary to perform the function or exercise the power.
d) An individual's or business's permission should be obtained before identifying personal or confidential information is shared with a third party, unless the industry good arising from its sharing would significantly outweigh any detriment to the person.
e) DINZ must record instances of personal or confidential information sharing.

DINZ use or disclosure of VelTrak data

The following table identifies whether disclosure can be permitted depending on the type of person or organization wishing to use or obtain disclosure of the information request (left hand column), the alignment of the request with the purpose of the data being held (second header row) and the granularity of the data sought (third header row).

Where a situation is not covered by this table, the decision-maker should apply the Principles directly.

	Data type			
	In accordance with strict purpose of the database[4]		**Not in accordance with strict purpose of the database**	
Data Requester	**Personal (specific individual's or business's) data**	**Other data**	**Personal (specific individual's or business's) data**	**Other data**
DINZ	Permitted	Permitted	Not permitted unless use is consistent with DINZ's powers and functions	Not permitted unless use is consistent with DINZ's powers and functions
Original Data provider	n/a: all participants have access to their own data.[5]	n/a	n/a	n/a
Database user seeking information about transactions of third party database users	not permitted: VelTrak itself sets one-up one-down data sharing provisions that DINZ should not override	n/a	Not permitted	Not permitted unless- • *aggregation threshold* met; • disclosure for this purpose would be within the powers and functions of; • non-disclosure

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[4] See appendix 2

[5] If a user claims to be locked out of VelTrak so cannot access it, there is a password reset function they should use.

				• agreement to restrict use to agreed purpose is made; and • there may be a charge for DINZ's time in compiling data.
Third parties (e.g. the Ministry for Primary Industries, Ospri, local councils, overseas velvet customers)	Not permitted unless non-disclosure agreement to restrict use to agreed purpose is made; and relevant parties are informed about the disclosure as soon as reasonably practicable.	Not permitted unless NDA to restrict use to the agreed purpose is made.	Not permitted unless- • disclosure for this purpose would be within the powers and functions of DINZ; and • the person in question consents	Not permitted unless- • *aggregation threshold* met • disclosure for this purpose would be within the powers and functions of DINZ; • non-disclosure agreement to restrict use to agreed purpose is made; and there may be a charge for DINZ's time in compiling data.

Aggregation threshold

The aggregation threshold is the level of aggregation of personal data relating to several persons into an anonymized pool of data from multiple persons from which the data pertaining to individuals in the pool is neither identifiable nor discoverable through reasonable searches.

The threshold depends on the type of information. Where the persons involved could be few in number, data from other sources could identify the persons concerned and enable reasonable inferences of their respective shares of the data. In these circumstances, the threshold may be nil. Suggested thresholds are as follows, but they are not exhaustive as there are many different types of data in VelTrak or different ways of asking for it.

Sample data request	Sample threshold
Tags supplied by vets in a particular area	No fewer than 3 vets in the area in question
Tags bought or sticks traded by farmers in a particular area	No fewer than 15 farms in the area in question
Number of sticks purchased by independent buyers in a particular area	No fewer than 5 buyers known to operate in the area in question
Number of sticks bought by packhouses in a particular area	No fewer than 3 packhouses operating in the area in question
Number of independent buyers in operation in a particular area	No fewer than 3 buyers in the area in question

Where a new aggregation threshold is required, this should be documented and applied to other later requests for information of the same type.

Where a threshold is not met, DINZ may ask the requester if the requester is interested in data further aggregated. Example: a velvet processor wishes to know how many sticks are being traded by independent buyers in the Waikato. If there are only 2, but 5 buyers are operating in the North Island, DINZ could ask the requester if it is interested in number of sticks sold in the North Island.

Relationship to other databases

If the information could be obtained from another database with fewer restrictions, the other database should be used.
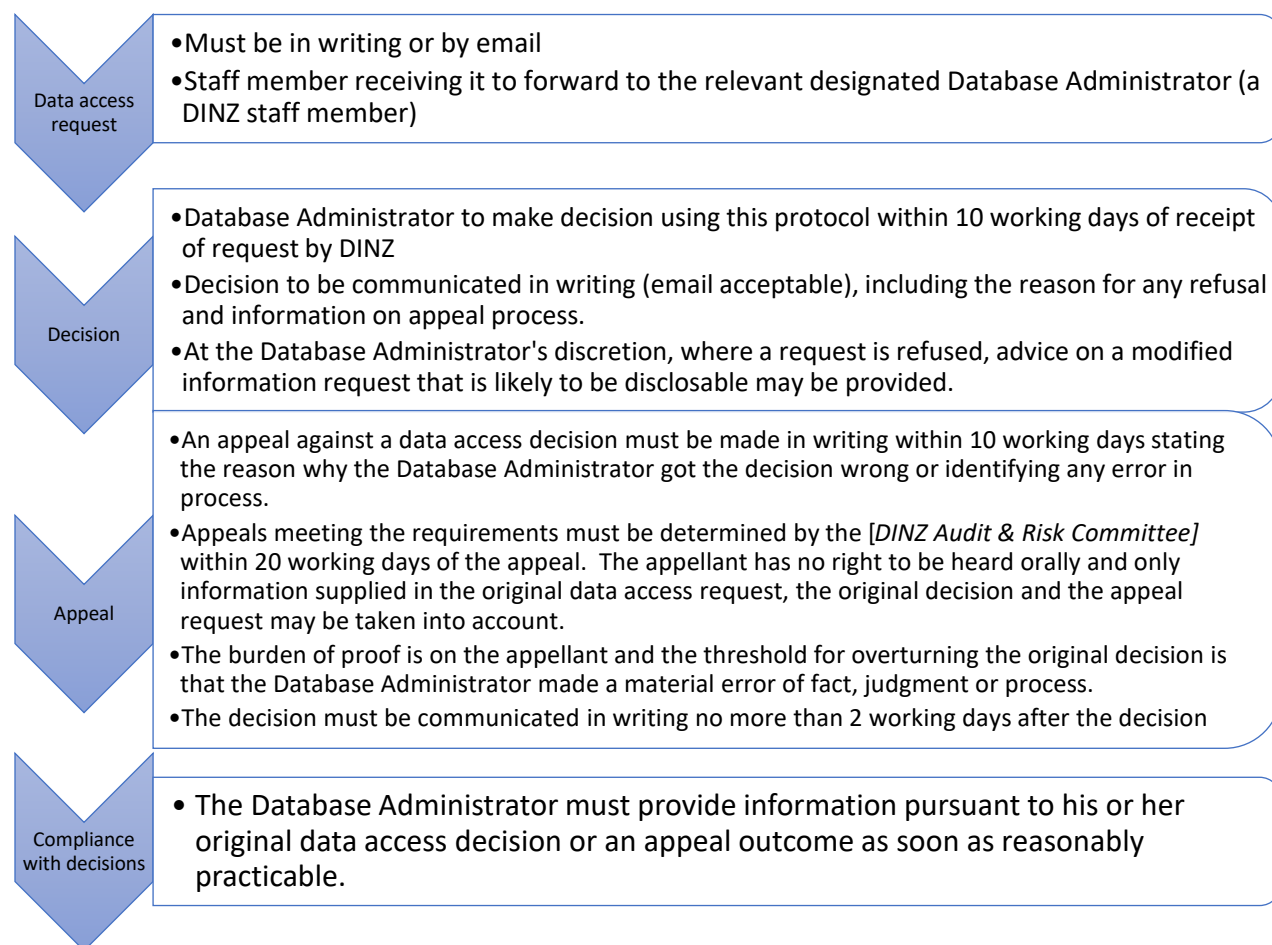
The decision-making process
Data access by DINZ staff

Access to database information by DINZ staff to carry out their normal duties that rely on use of the database shall not require decisions by any other staff member, nor do those instances of data access require documentation. The DINZ staff should use this protocol to determine whether their own data access is permitted.

Where DINZ staff are unsure whether their use of the data is permitted, they should make a data access request to the Database Administrator (using the procedure below) but they may not appeal the Data Administrator's decision.

Data access by non-DINZ staff

Data access request
- Must be in writing or by email
- Staff member receiving it to forward to the relevant designated Database Administrator (a DINZ staff member)

Decision
- Database Administrator to make decision using this protocol within 10 working days of receipt of request by DINZ
- Decision to be communicated in writing (email acceptable), including the reason for any refusal and information on appeal process.
- At the Database Administrator's discretion, where a request is refused, advice on a modified information request that is likely to be disclosable may be provided.

Appeal
- An appeal against a data access decision must be made in writing within 10 working days stating the reason why the Database Administrator got the decision wrong or identifying any error in process.
- Appeals meeting the requirements must be determined by the [*DINZ Audit & Risk Committee*] within 20 working days of the appeal. The appellant has no right to be heard orally and only information supplied in the original data access request, the original decision and the appeal request may be taken into account.
- The burden of proof is on the appellant and the threshold for overturning the original decision is that the Database Administrator made a material error of fact, judgment or process.
- The decision must be communicated in writing no more than 2 working days after the decision

Compliance with decisions
- The Database Administrator must provide information pursuant to his or her original data access decision or an appeal outcome as soon as reasonably practicable.

Record keeping

The Database Administrator must keep a log into which details of all formal data access requests, decisions and follow-up actions are recorded. The log shall be available for inspection by the DINZ Board, the *DINZ Audit & Risk Committee* and any other party authorized in writing by the CEO.

Notifications of data access or sharing

Each Database Administrator must make available through a standard DINZ communication channels a summary report of data access decisions made in the preceding 12 months. The summary should include the identity of the requester except where the request pertained only to the requester's personal information. An example of a data access report template is shown below:

Request number	Identify of requester	Type of information requested	Whether information disclosed at first instance (yes/no/in part)	Whether appeal utiliised (n/a / no / yes)	Appeal outcome (refused/granted)	Whether all timeframes met (yes/no)

Charges for data provision

Where, under the protocol, charges may apply to the provision of data, DINZ shall not undertake the work to furnish the request unless and until-

a) The CEO has approved the Data Administrator or another staff member spending time compiling the data;
b) the CEO has agreed that charges should apply;
c) the Data Administrator has furnished the requester with a time and maximum cost estimate; and
d) the Requester has agreed in writing to pursue the request and undertaken to pay the charge.

Changes to the protocol

Changes to the protocol must be approved by the CEO and shall be notified by DINZ to its stakeholders through selected communications channels.

APPENDIX 1 - Key elements of the Privacy Act 2020

Personal information

Personal information is data from which an individual can be identified, or "personal identifiable information. It includes names, phone numbers and email addresses.

Use of personal information

Organisations can generally only use personal information for the purpose it was collected.

Sometimes other uses will be allowed, such as if the new use is directly related to the original purpose, or if the person in question gives their permission for their information to be used in a different way.

Disclosure of personal information

An organisation may disclose personal information when:

- disclosure is one of the purposes for which the organisation got the information
- the person concerned authorises the disclosure
- the information is to be used in a way that does not identify the person concerned
- disclosure is necessary to avoid endangering someone's health or safety
- disclosure is necessary to uphold or enforce the law.

APPENDIX 2 - DINZ statutory powers and functions from the *Deer Industry New Zealand Regulations 2004*

5   Functions of DINZ

(1)   The functions of DINZ are—

(a)   to promote and assist the development of the deer industry in New Zealand:

(b)   to assist in the organisation and development of the marketing of products derived from deer:

(c)   to assist in the development of existing and new markets for products derived from deer:

(d)   to maintain statistics and disseminate relevant information to members of the deer industry:

(e)   to undertake, and arrange to be undertaken, research into deer and into processing methods for slaughtered deer:

(f)   to monitor, and from time to time report on, the eco- nomics and efficiency of all components of the deer industry:

(g)   to act in combination or association with any person or body of persons whether in New Zealand or elsewhere (whether by acquiring shares or other interests in a company or otherwise) engaged, concerned, or interested in the processing, marketing, or distribution of deer or products derived from deer:

(h)   to report from time to time to the Minister and to the Minister of Foreign Affairs and Trade—

(i)   on trends and prospects in overseas markets in respect of products derived from deer; and

(ii)   on movements of costs and prices or other factors likely to affect the economic stability of the deer industry; and

(iii)   on any other matters that DINZ considers appropriate, or that the Minister or the Minister of Foreign Affairs and Trade may request:

(i)   to account to levy payers on DINZ's activities and its use of levy money and other resources:

(j)   to perform any other functions that may be conferred on it by or under these regulations or any other enactment.

APPENDIX 3 – PURPOSES OF THE DATABASE

VelTrak

- To efficiently manage velvet tag ordering by veterinary practices and despatch by DINZ
- To supply veterinary practices with sufficient velvet tags to meet their customers' needs, including-
  - ensuring that particular farmers or particular veterinary practices are not causing supply shortages to the sector as a whole through tag hoarding; and
  - verifying whether a particular customer's tag purchases could be being diverted to a third party; and
  - understanding DINZ tag stock holdings and needs.
- To manage the transactions involved in the sale of tags by DINZ to veterinary practices
- To improve the accuracy of velvet production forecasting by DINZ
- To identify to the users key traceability information about the transfer of velvet ID tags and tagged velvet.
- In the event of a food safety, biosecurity or public health incident, to enable identification, the most recent known whereabouts of a stick of velvet of concern and sticks that may have come into contact with the stick in question
- To verify the identity of persons liable to pay velvet levy
- To verify the participation in the velvet industry of persons eligible to benefit from DINZ services or representation on the DINZ board
- To verify the participation in the velvet industry of persons liable to audit or inspection for compliance with animal welfare or food safety law