

3. Heritage New Zealand Information Gathering Standard – Transparency Statement

3.1 Overarching statement

Section 57 of the Heritage New Zealand Pouhere Taonga Act 2014 grants Heritage New Zealand Pouhere Taonga a limited range of powers for the purposes of investigating criminal offending under the same Act. This is the only way in which Heritage New Zealand Pouhere Taonga ('Heritage New Zealand') collects, uses and shares information gathered about members of the public or other entities (directly or indirectly) for the purpose of detecting or investigating potential.

We take care to exercise our information gathering powers appropriately and meet our obligations under the Privacy Act 1993, State Sector Code of Conduct, and Information Gathering Model Standards at all times.

Any such information gathering must be approved according to our internal authorisation process. That process is regularly reviewed, together with the associated activities, to ensure compliance with the law, our internal policies, and our risk management requirements.

Heritage New Zealand Pouhere Taonga does not, and will not, make use of external security consultants in relation to any of its activities. This statement applies to information gathered by us, our contractors, or any other third parties engaged by us.

3.1 What information is covered by this statement, and why does Heritage Zealand collect it?

This section explains how we collect, use and share information when we are carrying out the functions such as considering and investigating compliance breaches, complaints, and initiating our own investigations or inquiries.

Our legislation empowers us to demand the information we need to give effect to that legislation and ensure compliance, as well as carry out investigations and inquiries where we believe people or organisations may be in breach. Our statutory powers are outlined below.

We are also required to protect that information and only disclose what we consider is necessary to give effect to our legislated responsibilities.

Information collected directly

Most of the information we collect is provided directly by people or entities, or an authorised representative, as a requirement to fulfil statutory obligations and according to our powers as a regulator.

However, where we require information that is relevant to us considering and investigating compliance breaches, complaints, and initiating our own investigations or inquiries, we may gather information from people or entities using our statutory powers. Under the Heritage New Zealand Pouhere Taonga Act 2014 we are empowered to investigate possible offences relating to the modification or destruction of an archaeological site. We may do this by seeking responses from the parties possibly involved in the alleged damage to the archaeological site to ascertain what occurred.

Information collected from another person or agency

This may include us receiving or requesting information from other people, agencies or sources. Any such information will be gathered in accordance with our statutory powers and in compliance with the relevant legislation and any information sharing agreements, memoranda of understanding (MOUs) or similar. We will take all practicable steps to verify information received from third parties and will report any information that appears to have been obtained illegally to the police.

We may also collect publicly available information— for example media reports – where this is relevant to carrying out our compliance functions.

Collection by third parties

Where information gathering requires capacity or specialist capability that we don't have within our organisation, we may from time to time engage a third party to collect information for us. Such information gathering (including about individuals) is subject to standard legal limits relating to privacy, access to private property, and the privacy/security of communications by individuals, among other things.

We take care to exercise our information gathering powers, including by third parties, appropriately and in a way that meets our obligations under the Privacy Act 1993, the Bill of Rights Act 1990, the State Sector Code of Conduct, and Information Gathering Model Standards at all times.

Any such information gathering must be approved according to our internal authorisation process. That process is regularly reviewed, together with the associated activities, to ensure compliance with the law, our internal policies, and our risk management requirements.

3.3 What does Heritage New Zealand do with Information? Is it shared?

How it is used

In order to carry out our compliance functions, we may use the information we hold for audit or monitoring purposes. Where we identify the need to use the information further, consider or investigate compliance breaches, or complaints, or initiate our own investigations or inquiries, we will only do so if it is shared with other agencies.

When it is shared

We may share information where necessary in order to properly carry out our legislated functions. This information will be shared in accordance with our statutory powers and in compliance with the relevant legislation and any information sharing agreements, MOUs or similar with the other agency. We may include when we are considering and investigating compliance breaches, complaints, and initiating our own investigations or inquiries. We will take all practicable steps to verify information provided to third parties.

We may, for example, share information with:

- another regulator, oversight agency, or complaints body;
- the other party to a complaint, for the purpose of investigating and resolving the complaint;
- anyone we believe could provide information that is relevant to whether to investigate a complaint, or to an investigation or inquiry, including witnesses to complaint matters;
- the Police or another government agency, if required by law (for example to assist with the investigation of a criminal offence), or to report significant misconduct or breach of duty or where there is a serious threat to health or safety. If our staff are threatened or abused, we may refer this to the Police; and
- the Police if the information supplied by a third party appears to have been obtained illegally.

3.4 How well is it protected?

Information is stored and retained in accordance our Privacy Policy and in compliance with the Privacy Act 1993 and the Public Records Act 2005.

3.5 Governance

All decisions on information gathering for the purpose of regulatory compliance are under accountable to Heritage New Zealand's Regional Directors in the first instance, and overseen by the Deputy Chief Executive, Operations.

In cases where information gathering is required, legal advice is sought from Heritage New Zealand's legal advisors or, if necessary, Crown Law, on this Policy, and its implementation.

3.6 Review of operation of Information Gathering

Heritage New Zealand will undertake a review of the operation of this standard as part of the annual legislative compliance programme to check adherence to this Policy.

The Executive Team of Heritage New Zealand will undertake this review and provide the Board of Heritage New Zealand with the outcome of the review process. This will also be published on Heritage New Zealand's website annually after consideration by the Board.

3.7 Enquiries and complaints

If you have any enquiries about our information gathering activities, or believe we have not acted in accordance with this statement, you should contact us at the following address:

Privacy Officer
Heritage New Zealand
PO Box 2629
Wellington

information@heritage.org.nz

Attn: Privacy Officer