

Existing Guidelines Around Algorithms, Data and AI in New Zealand

Date	Group/ Institution	Description	Key Points	Links
September 2023	Privacy Commissioner	Questions and considerations around privacy for both organisations using/developing AI and end users.	Considerations of privacy principles - collection of personal information, testing of tools to make sure it is accurate, reliable, fair. Sets expectations for agencies using AI tools – leadership approval, impact assessments, transparency, engagement with Māori, ensure human review, ensure personal information is not retained or disclosed.	Privacy Commissioner Website Summary of privacy principles AI and Information Privacy Principles
August 2023	Ministry of Education	Provides an overview on generative AI, how it can be used and potential risks/issues.	Highlights the unreliability, inaccuracy and potential bias of AI as well as concerns around privacy – do not input personal data. Recommends not using AI to make decisions about learner’s work.	MoE Website
July 2023	Digital Govt	Guidance around GenAI for NZ Public Service - explainer, risks and benefits.	Recommendations around not using AI for sensitive datasets, managing privacy and security, being accountable (human decisions) and transparent. Also discusses and give list of public and paid AI - public AI lacks assurance of security, quality control.	Digital.govt.nz 1 page summary
February 2023	NZQA	Newsletter section on ChatGPT providing links to information on credible assessment, AI generators and	Senior leaders are advised to familiarise themselves with the technology, review and adjust assessment practices which might be impacted, consider long term implications on assessment, share information and strategies.	NZQA Newsletter

		detectors, as well as advice for senior leaders and teachers.	Teachers are advised to design assessment tasks differently (e.g. Through personal reflection), use flexible assessment or checkpoints. Pūtake (NZQA’s learning management system) will contain an authenticity online learning module with strategies to address AI evidence.	
2023	Te Kāhui Raraunga	Describes the Māori Data Governance (MDGov) Model – processes, practices and standards and policies that enable Māori as collectives and individuals to have control over Māori data.	<p>Key points: Iwi and hapu have sovereignty over iwi and hapu data; Data should be used for good; MDGov requires system leadership (e.g. Chief Māori Data Steward); Resourcing is essential; Lead with Māori values; Process and legal settings must be embedded.</p> <p>Considerations: Does the proposal allow for Māori exercise of rangatiratanga while recognising the right of the crown to govern? Have Māori had a role in design/implementation? Does the proposal enhance Māori wellbeing and build Māori capability or capacity? Is there any aspect of this issue that Māori consider to be a taonga? Does the proposal aim to achieve equitable outcomes? How does the proposal differ from previous efforts to address the issue? How does the proposal demonstrate that policy makers have looked at the proposal from the perspective of legal values such as natural justice, due process, fairness, and equity? How does the proposal demonstrate that policymakers have looked at the issue from the perspective of tikanga values?</p>	Māori Data Governance Model

			<p>Vision: Tuia te korowai o Hine-Raraunga – Data for self determination</p> <p>Values: Nurture data as taonga, be accountable, Put iwi-Māori data in iwi-Māori hands, Use data for good, Decolonise data systems</p> <p>Pou: Data capabilities and workforce development; Data infrastructure; Data collection; Data protection; Data access, sharing and repatriation; Data use and reuse; Data quality and system integrity</p>	
Dec 2021	Department of Internal Affairs	Data Protection and Use Policy outlines principles for values and behaviours to ensure good data practices (which focus on the wellbeing of people and communities) and help agencies provide respectful, trusted and transparent interactions and practices.	<p>Principles of He Tāngata: improve people's lives; Manaakitanga: respect people's mana and dignity; Mana Whakahere: give people choice and enable access; Kaitiakitanga: act as a steward with understanding and trust; Mahitahitanga: work as equals to create and share knowledge.</p> <p>Guidelines: Purpose matters (why are you collecting data, only collect what is needed), Transparency and choice (enable people to understand what is happening to their information, what choices they have and why), Access to information (make it easy for people to see and request correction of their information), Sharing value (ensure that information is used to create insights relevant and useful, deliver value and improved wellbeing)</p>	Data Protection and Use Policy Digital.govt.nz

December 2020	Stats NZ	Report on guidelines in Nga Tikanga Paihere: a framework guiding ethical and culturally appropriate data use. Application of tikanga and Te Tiriti o Waitangi. Includes principles, expectations and considerations.	Principles of Pūkenga: appropriate expertise, skills and relationships (whakapapa); Tika & Pono: confidence and trust; Kaitiaki: good data standards and practice (wānanga: organisations); Mauri & Wairua: clear purpose and action; Tapu & Noa: balance benefits and risks. Considerations of cultural awareness; community perspectives, support and engagement; accountability, monitoring and assurance; involvement in decision making process.	Nga Tikanga Paihere
November 2020	Stats NZ	Data stewardship framework for the government for better management and use of data, underpinned by trust.	Elements for effective data stewardship - Shared vision and a data culture that aligns with strategy; Rules and settings: legislation, policy, boundaries; Accountability: roles, governance structure; Capability and Quality: tools; People: capability, skills and communication; Influence and Advocacy: relationships to endorse, promote and support practice; Monitoring and Assurance: measurement of performance, assessing trends and developments.	Data.govt.nz 1 page summary
July 2020	Stats NZ	A commitment to ensuring transparency and accountability in the use of data so New Zealanders can have confidence in government agencies and how they use algorithms.	Commitment to transparency, treaty, data limitations and bias, privacy ethics and human rights, human oversight. Assessment of likelihood and impact by risk matrix – to determine use of charter.	Algorithm Charter Data.govt.nz

		Guidelines for use of algorithms by government agencies.		
March 2020	AI Forum NZ	Trustworthy AI in Aotearoa: AI Principles. Guiding principles for people involved in designing, developing and using AI to inform good practice in AI design, development and implementation, and draw attention to ethical and legal issues.	Recognition of role of government to ensure AI and emerging technologies serve the long-term public good and meet obligations under Te Tiriti o Waitangi. Principles of Fairness & Justice: respect laws, human rights, rights of Maori, democracy; Reliability, security and privacy: manage risks; Transparency: be able to be explained as appropriate, be auditable; Human oversight and accountability: determine liability; Wellbeing: systems should promote wellbeing of people and environment.	Trustworthy AI in Aotearoa
October 2018	Internal Affairs and Stats NZ	Algorithm Assessment report describes benefit and value of algorithms, as well as the importance of safeguards for privacy, ethics and good practice.	Recommendations: retain human oversight, consider implementation and procurement processes (e.g. treaty-based partnership approach), ensure privacy, ethics and human rights, explain how significant decisions are made, share best practice across agencies, formal processes to review algorithms that inform decision making	Algorithm Assessment Report
May 2018	Privacy Commissioner and Stats NZ	Principles for the safe and effective use of data and analytics to guide agencies in algorithmic decision-making.	Principles: Deliver clear public benefit, focus on people, understand the limitations, ensure data is fit for purpose, maintain transparency, retain human oversight.	Principles for data and analytics
No Date	Ministry of Social Development	Framework and tools to identify risks associated with collection, use and disclosure of personal information to provide	PHRaE – Privacy, Human Rights and Ethics framework applies principles from the Privacy Act 2020, Human Rights Act 1993, Te Tiriti o Waitangi, Data protection and use policy and Algorithm Charter for Aotearoa New Zealand. Suggests initial review of P, HR and E risks at	MSD Website PHRaE summary

		and evaluate effectiveness of services.	beginning of project inception and formal review prior to deployment as well as ongoing support and advice by subject matter experts.	
No Date	Data.govt.nz	Provides data toolkit around ethic, governance, storage, stewardship and management.	New Zealand policy supports open government and the release of open data (declaration 2011). Principles state that data should be open, protected, readily available, trusted and authoritative, well-managed, reasonably priced (preferably free) and reusable.	data.govt.nz/toolkit/