



18 February 2025

Dave Samuels  
Secretary for Māori Development and Chief Executive  
Te Puni Kōkiri

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Tēnā koe Dave

### **Inquiry into the protection of personal information**

In June 2024, following a direction from the Prime Minister and the Minister for the Public Service, Acting Public Service Commissioner Heather Baggott appointed Pania Gray and Michael Heron KC to conduct an Inquiry into allegations that personal information provided to government agencies as part of Census 2023, or for Covid-19 vaccination purposes, had been misused by third-party service providers during the 2023 General Election.

Under the [terms of reference](#), the inquiry was to establish the facts and provide an independent assessment of government agency activity in relation to the allegations.

You have received an embargoed copy of the final report. Please keep this matter strictly confidential until public release.

Thank you for the support that you, your senior leaders and staff gave the inquiry leads during this process. I also acknowledge your agency's co-operation in providing the inquiry leads with access to all relevant documents and Te Puni Kōkiri (TPK) staff to complete the inquiry.

### **The findings and my expectations**

The inquiry has found that there were serious failures by several Public Service agencies to protect personal information and that those failings effectively left the door open to possible misuse. That is not an outcome we can accept. Whilst the inquiry found that appropriate conflict of interest provisions were provided for in TPK's contracts with relevant providers, it identified some significant gaps including:

- No potential, actual or perceived conflicts of interest were identified by the providers or discussed by the parties.
- TPK did not consider the conflict of interest provisions during the term of those contracts thereby limiting its ability to act as a safeguard for any potential, actual or perceived conflicts of interest. The ability to monitor, audit and hold providers accountable to the obligations created by those provisions is important.
- There was a lack of clarity between the Ministry of Health and TPK regarding responsibility for identifying and managing any conflicts of interest in those circumstances.

I expect TPK to revisit its processes to provide for a more active consideration of possible conflicts of interest. When there is a separation between the provision of services and an underlying contractual

agreement and data sharing agreement, TPK must work with the relevant Public Service agencies to ensure appropriate controls are in place and the responsibilities of each agency are clear.

I understand you have completed an external review of some of the contracts you hold/held with Te Pou Matakana and Te Whānau o Waipareira Trust for Covid 19 vaccinations. Taking that review into account, I request that you temporarily suspend, with immediate effect, entering into any new contracts, renewals and/or extensions of contracts with the relevant service providers,<sup>1</sup> until you provide me with assurance to my satisfaction that your contracts are fit for purpose and contain provisions for the adequate protection of personal information. I ask that you personally oversee how those matters are being addressed.

I want to be clear that I'm not asking you to pause or cancel existing contracts with these providers and there should be no disruption to service delivery in undertaking this assurance work. However, it's really important that you take immediate steps to learn from the findings of the Inquiry and make sure you have your contractual and implementation settings right going forward. If you have concerns about how to action this in accordance with any existing contractual obligations, I recommend you seek specific legal advice.

I also note that you are currently in the final stages of a procurement process for Whānau Ora, and that you are undertaking the necessary steps to strengthen the terms and conditions of its Outcome Agreement, including conflicts of interest management provisions. I would appreciate confirmation when this is complete.

### **Immediate steps to provide assurance**

As a first step, I would appreciate written confirmation today that you fully accept the findings and that you will take timely and decisive action to address them. I then expect you to report back on how you intend to address the findings of the report and the proposed timeframes for each action, and keep me informed, via your Assistant Commissioner Sandra Preston.

From there, I ask that you provide the Commission with progress reports every two months and, between those reports, keep Sandra regularly informed on your implementation of your action plan. Sandra is also available to answer any questions you may have about the content of this letter.

I will release the inquiry's final report today. When I do, I will write to Public Service chief executives, as this is a timely opportunity for every Public Service agency to ensure that they have robust policies and practices in place to address the issues highlighted by the report. I would appreciate you giving your personal attention to the matters set out in that letter.

Thank you for your personal leadership in relation to these matters.

Nāku noa, nā



Sir Brian Roche KNZM

Te Tumu Whakarae mō Te Kawa Mataaho  
Public Service Commissioner | Head of Service

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<sup>1</sup> As named in paragraph 30 of the Report (excluding any subsidiaries of the named service providers or related parties).