

Information Access and Management - Targeted Assurance Review

Te Pūrongo Arotake ā Roto

Internal Audit & Assurance FINAL Advisory Report

2024/25

Office of the Chief Executive

1. Te kōrero whakataki, kōrero tāhuhu me ngā whāinga *Introduction, background and objectives*

Oranga Tamariki (the Ministry) was made aware of allegations about the misuse of data by Whānau Ora Commissioning Agency, the Waipareira Trust, and Manurewa Marae. The Ministry funds the Waipareira Trust and Manurewa Marae (the providers) for contracted services with tamariki and rangatahi.

The Chief Executive requested assurance around the adequacy of contractual obligations with the above providers regarding their access to and oversight of their use of Ministry data. This was an advisory review.

We were asked to provide assurance in two areas:

1. Contractual obligations and monitoring provisions

Conditions of contract(s) between the Ministry and the organisation(s) cited above around information governance, access, sharing, privacy, and oversight are robust and adequate.

2. Access held, validity and oversight

The level of access to Ministry data held by the provider(s) (or their nominated individuals) is appropriate and overseen sufficiently.

2. Te rāpopotonga matua *Executive Summary*

We did not find any immediate areas of concern in relation to the scope of this review.

We did find areas of contract management and information sharing that could be strengthened.

By way of context there is a distinction between systematic information sharing which should be addressed in contracts and information between any child wellbeing agency (whether contracted or not) in order to address specific safety, wellbeing concerns for individual children. The latter is positively enabled through section 66 of the Oranga Tamariki Act. Safe child protection practice relies on people sharing information confidently and safely, and this includes knowing the legal framework that they are sharing information within, gaining consent or advising people whose information is being shared where possible and recording what information has been shared and why.

The providers in scope did not have direct access to data in Oranga Tamariki CYRAS system. Established referral processes are in place; whānau consent around sharing information is a pre-requisite. Information is also encouraged to be shared at sites and staff co-locations with providers and other relevant central public agencies through informal arrangements. The intent of this practice seeks collaborative and positive outcomes for all concerned, and this sharing is permitted by the legislation, however, there is not consistently a record of the justification of information shared. This creates a legislative compliance risk to the Privacy Act 2020, section 66C of the Oranga Tamariki Act 1989 and the Public Records Act 2025. However, because information in this context is being shared with whānau consent and within the parameters of the legislation this sharing is low risk.

IN-CONFIDENCE

During the review we identified broader suggested enhancements to contract management and information sharing practices with our providers in the Ministry. These related to:

- Improving aggregated oversight and controls over the three different Ministry expenditure streams.
- Review contract clauses and provisions to ensure they reflect current legislation regarding information sharing, conflicts of interest and privacy.
- Ensuring that information sharing frameworks between Oranga Tamariki, and providers are established, in line with contractual conditions.
- Improving the monitoring of access to CYRAS data and of user access provisions.
- Strengthening expectations and oversight practices where Ministry employees are co-located and/or seconded to/with providers.

Internal assurance acknowledges that work towards addressing these findings has occurred during and after completing our fieldwork. This includes a Practice Note reminding Kaimahi about their obligations regarding information sharing and privacy.



**Ngā putanga, ngā taunaki me te
mahere mahi**

***Findings, recommendations and
action plan***



3. Ngā putanga taipitopoito me te ngā taunaki *Detailed Findings and recommendations*

During the process of this advisory engagement the Internal Assurance team noted the findings below. These are grouped by theme and presented on an exception basis.

Related Parties

Covering a timeframe of January 2023 to June 2024 (as that included the Census period in April 2023) we established:

The Ministry has service contracts with Waipareira Trust and Manurewa Marae for:

- **Manurewa**

The Rangatahi Ora programme aims to reduce youth crime and anti-social behaviour by providing safe activities for rangatahi to learn new skills and develop strong cultural connections.

- **Waipareira**

Strategic Partnership Agreement (signed at the end of 2023):

“Following the Report of Concern (ROC) Oranga Tamariki in collaboration with Te Whānau o Waipareira will complete a whānau assessment (core assessment) in consultation with whānau and assess the level of support required to meet whānau outcomes. Support for tamariki and their whānau (including unborn pēpi) will be for a minimum of 3 months from completion of the whānau assessment (core assessment).

The provider will support eligible rangatahi on their path to adulthood and long-term wellbeing. This will include preparation for their transition from care or youth justice; provide proactive contact and support as they establish themselves; and assist the rangatahi to further develop their skills and achieve independence. Relevant Service Specification, Supported Accommodation.

This Financial Assistance will directly support rangatahi to remain or become independent and to meet their immediate needs in emergency or crisis situations. Financial assistance includes but is not limited to contributions to education, short term assistance to find or keep accommodation, engagement in employment, medical items, and assistance to access services”.

We also determined that there are several ‘related parties’ to these entities that are suppliers of the Ministry. These are entities with parent/subsidiary status or the same ‘people of significant control’ as Directors etc. Please see Appendix 1, accordingly we extended our work to include these related parties.

Providers are paid via three different ‘channels’ in Oranga Tamariki (i.e CYRAS, FAC and SAP¹). Many of these providers are set up in our financial systems multiple times under different supplier numbers in the multiple ledgers. There is currently a lack of aggregated supplier oversight/overview of supplier

¹ CYRAS - Care and Protection, Youth Justice, Residential and Adoption Services, all Child related costs should be going through this ledger.

FAC – Fund and Contracting, all contracts should be going through here even if they are child related, SAP – All the rest of the expenditure this is the main Finance information Management system.

expenditure and contract monitoring to ensure full visibility and that suppliers are correctly and accurately paid for the services they are contracted for.

There has been minimal contract monitoring, and the contract requirements of the outcome agreement with Te Whānau o Waipareira regarding information sharing framework agreed to by each party has not occurred, to date. However, because information sharing in this context is being shared with whānau consent and within the parameters of the legislation this sharing is low risk.

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Contracts

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Internal assurance has reviewed the providers officers against Oranga Tamariki employee records and noted no undisclosed conflicts of interest that were significant to this engagement.

There has been no Privacy Impact Assessments, Memorandum of Understanding (MOU), information sharing frameworks, or contract monitoring, in relation to these arrangements with the specific providers we looked at. We would expect the Ministry Privacy Team to be consulted when ad-hoc arrangements occur to ensure that we are meeting our obligations under the Privacy Act.

There is a number of out of contract / ad-hoc local arrangements not contained within the contracts. This includes co-location of Oranga Tamariki staff at Manurewa Marae, who has access to CYRAS.



Risk: *Uncontracted ad-hoc arrangements are made with providers without formal agreements or through privacy assessments and vetting then there is a possibility of unclear expectations, non-compliance with laws and regulation and inconsistent performance.*

Recommendations:

- Templates for contracts are improved to include the legal recommendations.
- Review all contracts with providers to ensure that the provisions are brought in line with the updated templates.
- Review secondment agreements to include what device the staff will be using and what access to Oranga Tamariki systems will be retained are included in the agreements.
- Develop training for site managers to know when they need to escalate their local arrangements and what privacy considerations they need to have.

Complaints

We had nil returns for all areas we asked if they have received complaints in relation to the specific providers covered in this engagement in relation to information sharing or privacy. In addition to those internal enquiries, an eDiscovery resulted in a large amount of ‘hits’ with the word “complaint” and the providers names. However, this is not unexpected due to the nature of the services provided. There were too many hits for Internal Assurance to process, therefore we have limitations with the completeness of these attestations. The collection of these has been difficult due to the large number of sources and channels in which complaints can come through to the Ministry without any single source of connection.

Risk: *Without a connected complaint management system, complaints can be missed or not effectively addressed by the correct function using the correct methodology.*

Recommendation: Oranga Tamariki should review its complaints paths and processes to ensure that the process is clear on what needs to be reported to who.

Information Access

There is known access risks with third-party access to CYRAS which were detailed in a paper that went to Mana ōrite (a sub-committee of the senior leadership committee, Te Riu) in October 2023. Risks were noted, but we could not locate sufficient evidence that they have been properly addressed at the time of this engagement. Note this is a general risk and there is no evidence that staff co-located at Te Whānau o Waipareira or Manurewa have accessed information inappropriately. Our Terms of Reference included the ability to report on observations or general risks and to make recommendations to strengthen the control environment of the Ministry.

The general risks are in relation to:

- Seconded employees to external parties do not have their information access or their CYRAS access documented in secondment agreements.
- When changing positions internally access is not reviewed, potentially leaving staff with a large amount of access. This potentially included access to confidential cases without modification or monitoring.

- Historical provider access not being identified, reviewed or monitored.

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Staff seconded to or co-located at providers have not demonstrably had their information access reviewed prior. CYRAS footprint reports show high volumes of case access occurring and a high level of access rights. This access may be valid, however no internal monitoring has occurred to assure access levels and volumes are valid.

We also note that standard secondment agreements do not have adequate provisions to address the access to Oranga Tamariki Systems or devices that are retained and used by the seconded party.

When referrals are completed, or information shared with external parties there is not consistent adequate documentation of this on the CYRAS files, in potential breach of the Public Records Act 2005, Privacy Act and Section 66c of the Oranga Tamariki Act.

Changes to section 66 of the Oranga Tamariki 1989 Act from 2019 included new provisions. They give child welfare and protection agencies the ability to request, collect, use, and share personal information for purposes related to the wellbeing and safety of tamariki.

The new provisions are designed to put the child at the centre, and enable the right support and services to be provided to them and their whānau.

Risk: *CYRAS by its nature holds extremely sensitive data, when this data is misused, it has previously led to breaches of privacy and in extreme situations harm.*

Recommendations:

- Reinstate the third party CYRAS access working group, with the goal to create a permanent process which addresses risks and supports the findings of the Dentons Privacy Review.
- Review the current CYRAS access provisions to ensure that only staff that require access have access to CYRAS, that staff have the right level of access and that only staff with the need to see Confidential cases have access to them.
- Develop a process to continuously review CYRAS access levels and include an automatic notification from HR when a staff member moves position – internally or seconded externally.

The remaining risks will be addressed by the actions in the Privacy Action plan.

Information Governance and Privacy

We are aware of staff being located at the Manurewa Marae; however, HR were unable to tell us if any other staff are located with other providers.

We identified that whanau and case related Information is shared freely and informally between the Ministry and other central agencies (i.e Police, Kainga Ora, the Ministry of Social Development etc) and at 'community hubs' situations too. Staff at sites we spoke to are encouraged to do so. This aligns to the strategic goals and future state of Oranga Tamariki: partnering and working collaboratively as community and inter-agency level. We were told that providers will attend allocation meetings to determine if they want a case to be referred to them. We are unaware of co-location, or MoU's to formalise/govern information sharing.

Although we did not find any ill intent with these informal practices, it confirms the lack of understanding of personal information and privacy requirements the lack of appropriate documentation



and evidenced reason when information is shared. Accordingly, legislative compliance against the Privacy Act 2020, section 66c of the Oranga Tamariki Act and the Public Records Act 2005 cannot consistently be demonstrated.

After our review and coupled with successive practice reviews that have shown the impact of a failure to appropriately share info in a child protection context there was a Practice Note issued by the Chief Social Worker in December 2024.

The Practice Note was on the need to balance permissive / proactive info sharing and maintaining privacy. It reminded Kamahi about their obligations to work within legal, professional, and organisational requirements to safeguard the personal information. This practice note included not discussing in open spaces, having personal information visible and accurately recording all decision about the use or sharing of personal information.

Further work is ongoing to continue to socialise these practice requirements through professional development and learning programs for staff.

As this was after testing Internal Assurance cannot comment on the effectiveness of this Practice Note.

Risk: *if Information management and privacy practices are inadequate then sensitive data may be exposed, misused or lost leading to unauthorized access or disclosure, and damage to the Ministries reputation.*

Recommendation:

- Information sharing guidance is improved to include the need to document when information is shared and to who and why.
- Training for all mandatory e-learning is reported to all managers for their staff.
- Senior leaders to ensure that they are completing their Mandatory e-learning especially Privacy, Information Security and employee browsing.

Ngā Āpiti

Appendices



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Āpiti B: Te tūmau kōrero mō te arotake ā roto

Appendix B: Terms of Reference

1. Te kupu whakataki me te horopaki

Introduction and context

Oranga Tamariki (the Ministry) has been made aware of allegations about the misuse of data by Whanau Ora Commissioning Agency, the Waipareira Trust, and Manurewa Marae.

The Ministry funds the Waipareira Trust and Manurewa Marae (the providers) for contracted services with tamariki and rangatahi.

The Chief Executive has sought assurance around the adequacy of contractual obligations with the above providers regarding their access to and oversight of their use of Ministry data.

2. Ngā tūraru nui

Overall risks

Sensitive information can be exploited for financial and /or political gain or sabotage through identity theft, privacy breaches, and national security compromise. Sensitive information must be protected from loss, theft, corruption, damage, and unauthorised access.

Personal Information is protected through the Privacy Act 2020.

3. Ngā whāinga

Objectives

This review was to provide assurance on the two following areas:

1. **Contractual obligations and monitoring provisions**

Conditions of contract(s) between the Ministry and the organisation(s) cited above around information governance, access, sharing, privacy and oversight are robust and adequate.

2. **Access held, validity and oversight**

The level of access to Ministry data held by the provider(s) (or their nominated individuals) is appropriate and overseen sufficiently.

4. Te tirohanga whānui o ngā mahi

Scope of work

The scope of this work is any entity in the Te Whanau o Waipareira Group, Whanau Ora, Manurewa Marae, and any relevant related parties we identified during this engagement that the Ministry pays to deliver services with.

We have:

- Obtained, reviewed, and consulted with the Ministry legal team around requirements in the contract(s) with the providers and their impact on information security and privacy.

- Reviewed any delegations held by the providers and any impact on their access to Ministry information.
- Analysed and reviewed user access privileges that have been given to the providers and assess its appropriateness/alignment as part of the contract provisions.
- Reviewed information accessed by providers and/or their nominated delegates to ensure (where possible) that it was and is appropriate.
- Reviewed officers of the providers against Ministry employee Masterfile data to determine if any there are any conflicts of interest (perceived, potential, or actual).
- Reviewed and considered any complaints received by Oranga Tamariki about the providers in the scope of this review and their impact regarding data access and usage.
- Any other procedures that the internal assurance team deem necessary to address the risks identified above.
- Produced a report detailing our findings and any risks identified as part of our fieldwork.

Out of Scope: this engagement did **not** review any contracts or processes related to other specific entities (Ministry procured providers) and their access to Ministry information. We may have however reported on observations or general risks that arose during this engagement and made recommendations for management to strengthen the control environment of the Ministry.

Ngā herenga o te kaimahi tātari kaute ā-roto

Limitations inherent to the internal auditor's work

We have undertaken the internal audit of the process, subject to the following limitations.

Internal control

Internal control, no matter how well designed and operated, can provide only reasonable and not absolute assurance regarding achievement of an organisation's objectives. The likelihood of achievement is affected by limitations inherent in all internal control systems. These include the possibility of poor judgement in decision-making, human error, control processes being deliberately circumvented by employees and others, management overriding controls and the occurrence of unforeseeable circumstances.

Future periods

The assessment of controls relating to the process is that at . Historic evaluation of effectiveness is not always relevant to future periods due to the risk that:

- ▶ The design of controls may become inadequate because of changes in the operati environment, law, regulation or other; or
- ▶ The degree of compliance with policies and procedures may deteriorate.

Ngā kawenga o ngā kaiwhakahaere me ngā kaimahi tātari kaute

Responsibilities of management and internal auditors

It is management's responsibility to develop and maintain sound systems of risk management, internal control and governance and for the prevention and detection of irregularities and fraud. Internal audit work should not be seen as a substitute for management's responsibilities for the design and operation of these systems.

We shall endeavour to plan our work so that we have a reasonable expectation of detecting significant control weaknesses and, if detected, we shall carry out additional work directed towards identification of consequent fraud or other irregularities. However, internal audit procedures alone, even when carried out with due professional care, do not guarantee that fraud will be detected.

Āpiti C: Te tuku pūrongo
Appendix C: Report distribution



Name	Title	Report Distribution
Andrew Bridgman	Chief Executive	Draft & Final
Cassandra Anderson	Deputy Chief Executive - People, Culture and Enabling Services	Draft & Final
Emily Hockly	Chief Legal Officer	Draft & Final

Ngā huihuinga tahi – Discussion meetings held with:

Name	Title
Emily Hockly	Chief Legal Officer
Cassandra Anderson	Deputy Chief Executive - People, Culture and Enabling Services
Stephaine Short	Acting Director, Office of the Chief Executive



whakaritea te pūrongo tātari kaute ā-roto nei mō Oranga Tamariki e ngā tāngata e whai ana:

Review prepared on behalf of Oranga Tamariki by:

Name	Rebecca Tonkin
Title	Principal Advisor, Assurance
	[Redacted]
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Name	Emma Hine
Title	Director Risk and Internal Assurance
	[REDACTED]
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Ngā karamihi me ētahi atu kōrero

Acknowledgements and further information

The Internal Audit and Assurance team would like to thank all staff for their co-operation and assistance in completing this internal audit review.

This report has been prepared as commissioned by Oranga Tamariki, and is for your sole use. If you have any queries regarding this internal review please contact the Director Risk and Internal Assurance.