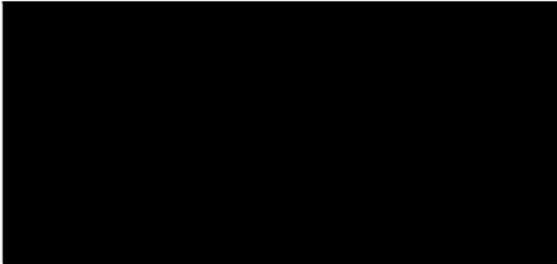


26 June 2020



Thank you for your email of 9 June 2020 requesting the following under the Official Information Act 1982 (the OIA):

Smart Homes Pilot

1. *Was there an RFP or similar for the Pilot? If yes, please provide a copy.*
2. *Was there communication with the Office of the Privacy Commissioner prior to the commencement of the Pilot regarding privacy aspects of the Pilot? If yes, please provide copies of all related correspondence between Housing Corporation and the Office of the Privacy Commissioner.*
3. *How many tenants who were invited to participate in the Pilot did not give their consent?*
4. *How many withdrew consent in the course of the Pilot?*
5. *Please provide a copy of the full Privacy Impact Assessment that was undertaken for the Pilot. We note that only a summary was provided in the information released by the Housing Corporation.*
6. *Please provide copies of the 'first results' of the Pilot and any subsequent review or evaluation of the Pilot should they be available.*
7. *How many participants made a request for their information under the Privacy Act?*
8. *Were any privacy concerns raised by participants in the course of the Pilot? If so, what were those concerns and what answers were provided to the participants?*
9. *Have any participants in the Pilot provided feedback that the sensors supplied useful information that enabled them to make changes? If so, what was that feedback and what changes were they able to make?*

Wider Smart Homes Project

10. *Please provide a copy of the RFP for the Smart Homes Project – Electronic Sensor and Data Transmission that opened on the GETS website on 18 November 2019 and closed on 16 December 2019.*
11. *Please also include a copy of the contract, customer privacy information statement (or similar) and consent form(s); and questions from RFP respondents with their corresponding answers (suitably anonymised and without including any commercially sensitive information).*
12. *Who is the contracted supplier(s)?*
13. *Please provide information about the technical system and particular sensors they are using/intending to use (producer/type).*
14. *What locations have been chosen for the project?*
15. *Has the rollout commenced or has it been delayed due to the COVID-19 pandemic? If it has been delayed, what is the anticipated new starting date?*

16. Please confirm the measurements for the project – air temperature, air quality (carbon dioxide levels), air pressure, light, humidity, power consumption, external conditions (which need to be described),

17. Please confirm how the data elements are being transmitted, and what steps have been taken to ensure that the transmission is secure?

18. Please confirm whether other data is collected as part of the Project or whether the data collected from homes is then linked with other information about tenants in Kāinga Ora's systems (for example whether it is stored on a tenant file or otherwise associated with the name(s) of tenant(s); the address, or a unique identifier/customer number?

19. Has there been communication with the Office of the Privacy Commissioner about this wider Smart Homes Project? (additional to any information relating to question 2 above)? If yes, please provide copies of all related correspondence between Kāinga Ora Homes and Communities (or Housing Corporation if need be) and the Office of the Privacy Commissioner.

20. What is the status of the Housing Corporation policy – POL -312 Smart Homes Policy with respect to the wider Smart Homes Project?

21. Was a new privacy impact assessment undertaken or has the existing privacy impact assessment for the Pilot been updated for this project? If yes, please provide a copy of the full assessment.

22. Is it intended that data from this Project will be shared with other agencies (whether in the public or private sector) including adding it to Stats NZ's IDI? If so, which agencies will it be shared with, what information will be shared, and what purposes will it be shared for?

23. Does Kāinga Ora plan to secure (or anonymise) the shared data against re-identification of the residents and, if so, how do you plan to do that?

24. What safeguards are in place to prevent data being used in punitive ways (we note, for instance, that the Housing Corporation POL 312 stated that access to MSD and the Police would be upon request only as under any enactment – which presupposes that there might be circumstances in which it might be shared for law enforcement or other potentially punitive reasons.

25. What governance arrangements are in place, in particular to protect the data against function creep during the life of the project? For example, what group or person within Kāinga Ora will oversee the project, approve any changes to processes or to data collection, approve new uses or information sharing, ensure security is adequate, and determine how long data should be retained?

26. Does Kāinga Ora intend to publish (in aggregated form) the results of any evaluation of the project? If so, when is such a publication likely to occur?

27. Please provide copies of any Cabinet papers and advice to previous Ministers and the current Minister which include material about privacy issues relating to the Smart Homes Pilot and the wider Smart Homes Project.

Documents that fall within the scope of your request and that are being released are listed in Appendix 1 and attached. The appendix indicates the provision of the Act applied where redactions have been necessary.

Some information has been withheld under the following sections of the Act:

- section 9(2)(j) – to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

I have responded to your questions in the order presented.

Smart Homes Pilot

1. Was there an RFP or similar for the Pilot? If yes, please provide a copy.

No, an RFP was not undertaken for the Pilot.

2. Was there communication with the Office of the Privacy Commissioner prior to the commencement of the Pilot regarding privacy aspects of the Pilot? If yes, please provide copies of all related correspondence between Housing Corporation and the Office of the Privacy Commissioner.

No, there was no communication with the Office of the Privacy Commissioner prior to the commencement of the Pilot regarding privacy aspects of the Pilot.

Kāinga Ora – Homes and Communities (formally Housing New Zealand - HNZC) developed a policy based on external legal advice, the HNZC in house legal team and privacy officer, specifically to manage the data and privacy of tenants participating in Smart Homes Pilot.

3. How many tenants who were invited to participate in the Pilot did not give their consent?

All tenants who were invited to participate in the Pilot did so. No tenant was included without their written consent.

Please note that participation in the Pilot was voluntary and tenants were able to opt-in or out at any stage of the Pilot.

4. How many withdrew consent in the course of the Pilot?

Only one person withdrew and that was not for privacy reasons.

5. Please provide a copy of the full Privacy Impact Assessment that was undertaken for the Pilot. We note that only a summary was provided in the information released by the Housing Corporation.

A Privacy Impact Assessment (PIA) was not drafted “initially” for the pilot because the privacy implications of the project had already been legally reviewed as part of a wider assessment of our compliance with the Residential Tenancies Act 1986 (RTA). In accordance with that advice, a comprehensive and plainly drafted authorisation form was designed to address the privacy and RTA issues.

A PIA was later prepared and that document is the one you refer to that has been released under earlier OIA requests which are viewable on our website at <https://kaingaora.govt.nz/publications/official-information-requests/>.

6. Please provide copies of the ‘first results’ of the Pilot and any subsequent review or evaluation of the Pilot should they be available.

Please find attached a copy of the *Customer Survey Summary Presentation for the Close of the Pilot*.

7. How many participants made a request for their information under the Privacy Act?

No participants have made a request for their information under the Privacy Act.

8. Were any privacy concerns raised by participants in the course of the Pilot? If so, what were those concerns and what answers were provided to the participants?

No privacy concerns were raised by participants in the course of the Pilot.

Participants were provided with a fact sheet and phone numbers to call if they had any concerns or questions. They were also invited to discuss concerns with their respective Tenancy Manager.

9. Have any participants in the Pilot provided feedback that the sensors supplied useful information that enabled them to make changes? If so, what was that feedback and what changes were they able to make?

An end of pilot survey was applied. Participants (68.5 percent) said they would change the way they heat and ventilate their homes as a result of participating in the pilot. See response for question six.

Wider Smart Homes Project

10. Please provide a copy of the RFP for the Smart Homes Project – Electronic Sensor and Data Transmission that opened on the GETS website on 18 November 2019 and closed on 16 December 2019.

As the document is no longer publicly available on the GETS website attached is a copy of the published RFP - *Smart Homes Project: Electronic Sensors and Data Transmission*.

11. Please also include a copy of the contract, customer privacy information statement (or similar) and consent form(s); and questions from RFP respondents with their corresponding answers (suitably anonymised and without including any commercially sensitive information).

As the contract is still being worked through and has not yet been finalised I am withholding the contract under section 9(2)(j) *to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)*. To release this information would undermine negotiations.

The Customer Privacy information statement can be found on page 5 of the RFP released under question ten.

There were four *Notice to Respondents* that included clarifications and responses to questions – see attached.

12. Who is the contracted supplier(s)?

As already advised the preferred supplier is yet to be confirmed with the commercial details still being worked through and not finalised. I am therefore withholding this information under section 9(2)(j) *to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)*. To release this information would undermine negotiations.

13. Please provide information about the technical system and particular sensors they are using/intending to use (producer/type).

Until the preferred supplier is confirmed this information is unavailable. We are unable to comment further on the outcome of this process until this process has concluded and ongoing probity requirements completed.

14. What locations have been chosen for the project?

Until we have finalised our procurement processes we are not in position to confirm locations.

15. Has the rollout commenced or has it been delayed due to the COVID-19 pandemic? If it has been delayed, what is the anticipated new starting date?

Rollout of the project has not yet begun in part due to COVID-19 and a start date is yet to be confirmed.

16. Please confirm the measurements for the project – air temperature, air quality (carbon dioxide levels), air pressure, light, humidity, power consumption, external conditions (which need to be described)

These requirements are yet to be finalised, until the project scope is finalised. Please refer to the RFP specifications page 27, Appendix A: Detailed Requirements within the RFP.

17. Please confirm how the data elements are being transmitted, and what steps have been taken to ensure that the transmission is secure?

The data specifics and subsequent transmission will form part of the contract negotiations and our requirements were detailed in the RFP – see 2.6 on page 9 of the RFP.

18. Please confirm whether other data is collected as part of the Project or whether the data collected from homes is then linked with other information about tenants in Kāinga Ora's systems (for example whether it is stored on a tenant file or otherwise associated with the name(s) of tenant(s); the address, or a unique identifier/customer number?

See response for question 17.

19. Has there been communication with the Office of the Privacy Commissioner about this wider Smart Homes Project? (additional to any information relating to question 2 above)? If yes, please provide copies of all related correspondence between Kāinga Ora Homes and Communities (or Housing Corporation if need be) and the Office of the Privacy Commissioner.

No, there has been no communication with the Office of the Privacy Commissioner about the Smart Homes Project.

20. What is the status of the Housing Corporation policy – POL -312 Smart Homes Policy with respect to the wider Smart Homes Project?

The POL -312 Smart Homes Policy is the operational policy written specifically for the Pilot- and is the final version. This is available on our website at <https://kaingaora.govt.nz/publications/official-information-requests/>.

The Policy will be reviewed and updated for the Smart Home Project to better reflect the scope, and potential new data management requirements.

21. Was a new privacy impact assessment undertaken or has the existing privacy impact assessment for the Pilot been updated for this project? If yes, please provide a copy of the full assessment.

No.

22. Is it intended that data from this Project will be shared with other agencies (whether in the public or private sector) including adding it to Stats NZ's IDI? If so, which agencies will it be shared with, what information will be shared, and what purposes will it be shared for?

This is not part of scope of the project at this stage. No data will be released without the customer's permission. The Project will be adhering to a full informed consent process once the scope and contract are finalised.

23. Does Kāinga Ora plan to secure (or anonymise) the shared data against re-identification of the residents and, if so, how do you plan to do that?

No, see response to question 22.

24. What safeguards are in place to prevent data being used in punitive ways (we note, for instance, that the Housing Corporation POL 312 stated that access to MSD and the Police would be upon request only as under any enactment – which presupposes that there might be circumstances in which it might be shared for law enforcement or other potentially punitive reasons.

The Smart Home Policy statement regarding MSD and Police is standard in all our documents to customers and as such the declaration was included in the informed consent process for the pilot, as is appropriate because it refers to general information and was not attributed to the Smart Home data.

Please note, under the Privacy Act, Kāinga Ora can reveal information to MSD and Police (tenants were informed of this in the authorisation form) and no identifiable data will be sent outside of this. Anonymised aggregate data will be the only information shared externally with researchers, to gain further insights for our evaluation. The same approach will be followed in any expansion of the programme.

Given that participation in the pilot was voluntary as will be the Project no penalties or negative outcomes were or would be imposed on customers who did not want to participate.

Kāinga Ora is concerned by the term punitive. Our customer service model is not based on punitive practices. The data from in-home sensors cannot be used for anything other than the purpose for which it is collected. Kāinga Ora is a proud public housing provider that adheres to the Residential Tenancy Act and is always focused on supporting our customers so they can sustain their tenancies.

25. What governance arrangements are in place, in particular to protect the data against function creep during the life of the project? For example, what group or person within Kāinga Ora will oversee the project, approve any changes to processes or to data collection, approve new uses or information sharing, ensure security is adequate, and determine how long data should be retained?

This will be covered in the Smart Homes Policy update. Kāinga Ora has ultimate control of access to and the use of the data which will be managed in accordance with the Privacy Act. Under the Privacy Act our customers are entitled to access any personal information we hold about them including data collected as part of the Smart Homes Pilot.

26. Does Kāinga Ora intend to publish (in aggregated form) the results of any evaluation of the project? If so, when is such a publication likely to occur?

No not at this stage but if we do the use of the data which will be managed in accordance with the Privacy Act.

27. Please provide copies of any Cabinet papers and advice to previous Ministers and the current Minister which include material about privacy issues relating to the Smart Homes Pilot and the wider Smart Homes Project.

There have been no Cabinet papers. Ministers have been advised about the Smart Homes Pilot and the Smart Homes Project through the Kāinga Ora Weekly Report - see attached extracts.

You have the right under section 28(3) to seek an investigation by the Ombudsman about our response. Information about how to make a complaint is available on the Ombudsman's website www.ombudsman.parliament.nz or by Freephone 0800 802 602.

Yours sincerely



Paul Commons

Deputy Chief Executive – People and Homes

Appendix 1 - Documents being released

No	Date	Title of Document	OIA provision applied
1	31.1.2020	Customer Survey Summary Presentation – Close of the Pilot	Released in full
2	18.11.2019	RFP - <i>Smart Homes Project: Electronic Sensors and Data Transmission</i>	Released in full
3	26.11.2019	Notice to Respondents - One	Released in full
4	6.12.2019	Notice to Respondents - Two	Released in full
5	11.12.2019	Notice to Respondents - Three	Released in full
6	6.1.2020	Notice to Respondents - Four	Released in full
7	14.12.2018	Extract from Housing New Zealand - Weekly Report - Edition #5 for period ending 14 December 2018	Released in full
8	27.9.2019	Extract from Housing New Zealand Weekly Report – Issue #12 for period ending 27 September 2019	Released in full
8a	27.9.2019	Attachment - CO ² Case Study	Released in full
9	8.11.2019	Extract from Kāinga Ora Weekly Report – Report no 5 for period ending 8 November 2019	Released in full
9a	8.11.2019	Attachment -CO ² Case Study refer document 8a	Released in full