

Title	Demonstrate knowledge and understanding of the nature and use of information in the public sector		
Level	5	Credits	4

Purpose	<p>People credited with this unit standard, in relation to the public sector are able to: explain the significance of the Official Information Act 1982 and Privacy Act 1993; describe processes for handling requests for public information and reviews of information disclosure; define the relationship between the Official Information Act 1982 and the Privacy Act 1993; and describe the obligations under the Public Records Act 2005 with reference to a particular public sector organisation.</p>
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Classification	Public Sector Services > Public Sector Core Skills
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Available grade	Achieved
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Guidance Information

- 1 This unit standard is intended for people who are, or who intend to be, employed in the public sector.
- 2 Definitions

Official information, as defined by the Official Information Act 1982, is any information held by a public sector agency in its official capacity. Official information includes personal information, and may include information generated within an organisation.

Personal information, as defined by the Official Information Act 1982, is any official information held about an identifiable person.

Public sector refers to the State sector (central Government), including the Public Service, crown entities, non-uniformed staffs of the services and forces, offices of Parliament; and all local authorities (local Government), including local authority trading enterprises (LATEs).

Public Service refers to the departments of State which carry out core government business and which are listed in the First Schedule to the State Sector Act 1988.

State sector refers to all organisations that are included in the 'Crown reporting entity' and are referred to in s27(3) of the Public Finance Act 1989, namely: Public Service departments; other organisations defined as departments for the purposes of the Public Finance Act 1989; Offices of Parliament (e.g. the Parliamentary Commissioner for the Environment); State owned enterprises; Crown entities; and the Reserve Bank of New Zealand.

Principles, in the context of this unit standard, refer to socially recognised core ethical values, rules, and/or standards which are expected of public servants in carrying out their duties; for example, the principles of justice and equity.

Conventions, in the context of this unit standard, refer to widely accepted understandings that guide conduct and relationships in the New Zealand public sector - either explicit or implicit; for example, the neutrality of the Public Service. *Practice*, in the context of this unit standard, refers to the usual way the work of the New Zealand public sector is conducted.

- 3 Legislation relevant to this unit standard includes but is not limited to the: Official Information Act 1982, Privacy Act 1993, Ombudsmen Act 1975, Public Records Act 2005.

Outcomes and performance criteria

Outcome 1

Explain the significance of the Official Information Act 1982 and Privacy Act 1993 with reference to the public sector.

Performance criteria

- 1.1 The explanation identifies and outlines the intent and main purpose(s) of the Acts.
- 1.2 The explanation identifies and describes the principles of information disclosure as set out in the Acts.
- Range Official Information Act 1982 – availability, participation, democracy and/or citizen's rights, openness, accountability, good government;
Privacy Act 1993 – confidentiality, individual privacy, right to access review.
- 1.3 The explanation identifies and outlines main exceptions to information disclosure as set out in the Acts.
- Range examples include but are not limited to – national defence and security, maintenance of law (including constitutional conventions - neutrality of officials, confidentiality of government advice), maintenance of effective conduct of public affairs, privacy of the individual;
evidence of three examples is required.
- 1.4 The explanation describes the significance of the Acts for good government.
- Range examples include but are not limited to – openness, accountability, availability, access, private individual participation in making laws and policies;
evidence of three examples is required.

Outcome 2

Describe processes for handling requests for public information and reviews of information disclosure in the context of the public sector.

Performance criteria

- 2.1 The description identifies and explains the process for responding to requests without politically sensitive implications.
- Range determination that request is genuine – not frivolous, vexatious, trivial; process - whose responsibility, transfer to appropriate agency(ies) where required, timeliness, consultation with third parties, correct procedures, charge costing.
- 2.2 The description identifies and explains the process for responding to requests with politically sensitive implications.
- Range to include requests during general elections or by-elections; consultation and advice, as appropriate, with senior management, chief executive, and/or minister(s); transparency of process.
- 2.3 The description identifies and explains misuse of information and examples of inappropriate disclosure.
- Range use of information for gain, 'leaking', whistleblowing.

Outcome 3

Define the relationship between the Official Information Act 1982 and the Privacy Act 1993 in the context of the public sector.

Performance criteria

- 3.1 The definition identifies and explains the complementary purposes of the two Acts to information.
- Range Official Information Act 1982 – public's right of access to officially held information;
Privacy Act 1993 – safeguard the information privacy of the individual from improper intrusion.
- 3.2 The definition identifies and explains possible tensions between the two Acts concerning information.
- Range examples include but are not limited to – public interest versus private interest, access versus confidentiality; evidence of two examples is required.
- 3.3 The definition identifies and explains where to go in cases of dispute.
- Range senior officials, ministers, Ombudsman, Privacy Commissioner.

Outcome 4

Describe the obligations under the Public Records Act 2005 with reference to a particular public sector organisation.

Performance criteria

- 4.1 The description identifies and explains the main obligation of the specific public sector organisation under the Act.
- 4.2 Given a particular situation the candidate is able to explain why the Public Records Act 2005 applies to information contained within the particular public sector organisation.

This unit standard is expiring. Assessment against the standard must take place by the last date for assessment set out below.

Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	31 August 1998	31 December 2023
Revision	2	21 August 2001	31 December 2023
Review	3	27 May 2003	31 December 2023
Review	4	20 May 2011	31 December 2023
Review	5	25 February 2021	31 December 2023

Consent and Moderation Requirements (CMR) reference	0121
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.