NAIT Information System Access Panel

Annual Report 2022



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This Annual Report of the NAIT Information System Access Panel (Panel) is provided in accordance with regulation 8 of the National Animal Identification and Tracing (Information System Access Panel) Regulations 2012 (Regulations). It reports on the year ended 30 June 2022.

NAIT PROGRAMME

OSPRI's National Animal Identification and Tracing (NAIT) programme operates under the National Animal Identification and Tracing Act 2012 (Act). It is an industry and Government initiative that links people, property and relevant classes of livestock in New Zealand.

Cattle and deer are traced using NAIT-approved RFID ear tags. Once tagged, each animal is registered in a national database. The details recorded include:

- the animal's location
- movement in the animal's life
- contact details for the person in charge of that animal (a PICA).

NAIT Data is captured for a wide range of reasons to benefit industry, Government and New Zealand including:

- lifetime traceability of animals
- improved biosecurity management
- food safety
- market access
- human health
- natural disaster response
- policy development
- animal productivity.

The Act provides a comprehensive regime for the management of the data collected by NAIT to ensure that NAIT Data is available for these purposes, whilst protecting the privacy of the individuals and organisations that contribute to this dataset¹.

INFORMATION SYSTEM ACCESS PANEL

The Panel was established by regulation 4(1) of the Regulations and has the functions, duties and powers set out in regulation 7 of the Regulations.

The members of the Panel are appointed by NAIT Limited pursuant to regulation 4 of the Regulations.

During the year to 30 June 2022, the members of the Panel were:

- Barry Brown (Chairman from 16 September 2015; reappointed 21 July 2018 and 21 July 2021)
- Fenton Wilson (Panel member from 29 June 2018, reappointed 29 June 2021)
- James Parsons (appointed 1 March 2020)
- Nikki Davies-Colley (appointed 1 January 2021)

PANEL MEMBERS



Barry Brown



Fenton Wilson



James Parsons



Nikki Davies-Colley

¹ See Part 4 of the National Animal Identification and Tracing Act 2012

The NAIT Information System Administrator is required to be appointed by NAIT pursuant to section 39(2) of the Act. The role of the System Administrator is to manage access to the NAIT information system.

During the year to 30 June 2022, the System Administrator role was held by:

- Amy Corkery (from 17 December 2021)
- Julia Parr (until 16 December 2021)

Applications by third parties to be provided with data captured by NAIT are referred to the Panel or the System Administrator who are empowered by the Act to authorise disclosure of such data if certain statutory pre-requisites are met.

APPLICATIONS

During the year, the Panel held four meetings. The Panel maintains a register of member interests and a conflict of interests' policy.

It regulates its own procedures.

In the year that ended 30 June 2022, 33 applications were received for access to NAIT Data and two applications from the previous year were completed.

Of applications determined in this year, four were referred to the Panel and one to the Panel Chair due to the other Panel members each having a conflict of interest. One application is yet to be determined and one application was withdrawn.

The remaining 28 applications were determined by the System Administrator.

Table 1 sets out the details of the applications determined, withdrawn, declined, and currently outstanding from this reporting year. Table 2 reports the conditions of access imposed on applications.

NO COMPLAINTS

There were no complaints received during the reporting period.

ONE BREACH OF CONDITIONS

There was a breach of conditions of Application 377, which came to the System Administrator's attention on 11 April 2022. X, Y geographical location coordinates were provided in error by an OSPRI data team member and received by an OSPRI team member, which was in breach of a Panel's condition to abstract this to subregion level. The remedial action was that the Administrator requested deletion of these coordinates and proof on 13 April 2022. The Applicant provided this on 16 April 2022. No personal information was connected to this breach of condition.

SUMMARY OF APPLICATION DECISIONS SINCE 2012

The number of applications for access to NAIT has varied over the past ten years (see Figure 1).

90% of applications have been granted during this time.

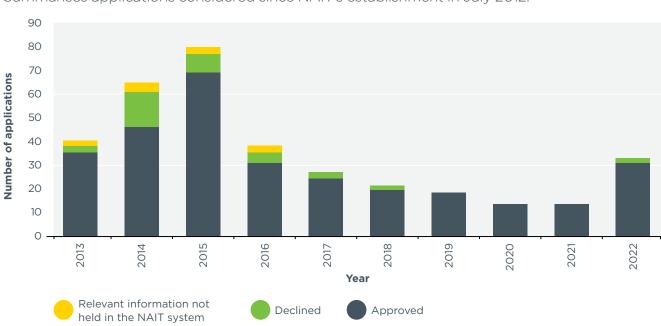


Figure 1: Summarises applications considered since NAIT's establishment in July 2012.

Table 1

Application number	Nature and purpose of application	Section 40 purpose	General nature of information	Decision by	Approved	Declined	Conditions	Comments
Crowr	Ministries or Departme	nts includ	ing the Ministry for Primary Ir	ndustries				
374	To comply with a production order under section 71 of the Search and Surveillance Act 2012		Information relating to specific NAIT account numbers	SA	1		No	
382	To obtain data to facilitate the purposes of an enactment relating to animals or animal health, specifically to support compliance activities under the Wild Animal Control Act 1977 relating to deer	Section 40(c)	Information relating to the holding and movement of deer on specific properties	N/A				Application withdrawn
386	To obtain data to facilitate the purposes of an enactment relating to animals or animal health, specifically to support education and compliance activities under the Wild Animal Control Act 1977 relating to deer	Section 40(c)	Information relating to the holding of deer in specific areas	Panel	1		Yes	
387	To obtain information in relation to a bankrupt's property (cattle) pursuant to section 171 of the Insolvency Act 2006		Information relating to animals currently registered to a specific NAIT number, for insolvency purposes	SA	1		No	

Application number	Nature and purpose of application	Section 40 purpose	General nature of information	Decision by	Approved	Declined	Conditions	Comments
Local	government							
363	To provide statistical data to support policy development and related advice in relation to the National Policy Statement for Freshwater Management 2020, to help inform assumptions about water use, leading to better informed policy that has impacts on the livestock industry	Section 40(g)	Information relating to stock numbers in a defined geographical area on a monthly basis	Panel	1		Yes	
370	To respond to an animal found dead in a public place (cattle)	Section 40(j)	Information relating to the person in charge of an animal found dead in a public place	SA	1		No	
371	To respond to wandering stock (cattle)	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		No	
376	To respond to wandering stock	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		Yes	
388	To respond to wandering stock and/or an animal found dead in a public place (deer)	Section 40(j)	Information relating to the person in charge of wandering stock and/or in charge of an animal found dead in a public place	SA	1		No	
389	To respond to wandering stock	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		Yes	
391A	To respond to wandering stock (cattle)	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		Yes	
394	To respond to wandering stock (cattle)	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		Yes	
396	To respond to an animal found dead in a public place (cattle)	Section 40(j)	Information relating to the person in charge of an animal found dead in a public place	SA	1		No	

Application number	Nature and purpose of application	Section 40 purpose	General nature of Information	Decision by	Approved	Declined	Conditions	Comments
Police								
366	To respond to an animal found dead in a public place	Section 40(j)	Information relating to the person in charge of an animal found dead in a public place	SA	1		No	
367	To respond to an animal found dead in a public place (cattle)	Section 40(j)	Information relating to the person in charge of an animal found dead in a public place	SA	1		No	
369	To respond to an animal found dead in a public place (cattle)	Section 40(j)	Information relating to the person in charge of an animal found dead in a public place	SA	1		No	
373	To respond to inquiries about theft of an animal and comply with a production order under section 74 of the Search and Surveillance Act 2012 (cattle)	Section 40(j)	Information required to investigate stock theft	SA	1		No	
375	To respond to wandering stock (cattle)	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		Yes	
379	To respond to inquiries about theft of an animal	Section 40(j)	Information to support a police investigation	SA	1		Yes	
383	To respond to inquiries about theft of an animal and comply with a production order under section 74 of the Search and Surveillance Act 2012 (cattle)	Section 40(j)	Information relating to the identification and movement records of specific NAIT animals	SA	1		No	
384	To comply with a production order under section 105 of the Criminal Proceeds (Recovery) Act 2009 (cattle)		Information relating to movement records and information related to particular addresses	SA	1		No	

Application number	Nature and purpose of application	Section 40 purpose	General nature of Information	Decision by	Approved	Declined	Conditions	Comments
395	To respond to wandering stock (cattle)	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		Yes	
398	To respond to wandering stock (cattle)	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		Yes	
399	To respond to wandering stock (cattle)	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		Yes	
Secto	r							
390	To facilitate the carrying out of management agency functions, powers and duties under the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Order 1998 (cattle and deer)	Section 40(c)	Access to NAIT Data for the purposes of carrying out the functions, powers, and duties of the Biosecurity Act 1993 and the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Order 1998					Yet to be determined
391	To study the effectiveness of the slaughter surveillance programme (cattle and deer)	Section 40(c)	Information relating to a subset of slaughtered cattle to study the effectiveness of the slaughter surveillance programme	Panel Chair	1		Yes	
Other								
372	To provide data that is the applicant's personal information	Section 45(3)	Information about interactions with OSPRI relating to the PICA's own records	SA	1		No	
377	To facilitate the purposes of the Biosecurity Act 1993 by completing the evaluation and analysis of slaughter data to help inform implementation of a risk-based approach to TB eradication including slaughter surveillance (cattle and deer)	Section 40(c)	Information relating to the lifetime movement history of slaughtered animals and their movement to, and processing at, slaughter plants across NZ since 2018	Panel	1		Yes	Granted in part; non-identifying information to be provided to protect commercially sensitive information

Application number	Nature and purpose of application	Section 40 purpose	General nature of Information	Decision by	Approved	Declined	Conditions	Comments
378	To respond to wandering stock (cattle)	Section 40(j)	Information relating to the person in charge of wandering stock	SA	1		Yes	
380	To obtain information relating to cattle of a company in liquidation in accordance with section 261 of the Companies Act 1993		Information relating to animal history for a specific location	SA		1		Company in liquidation was not the registered PICA
381	To ensure compliance with sections 33 and 130 of the Biosecurity Act 1993 (cattle)	Sections 40(b), 40(c), 40(d) (iii)	Information relating to movement records for a specific NAIT location	SA	1		Yes	Access to core data personal declined; access to core data non-personal approved
385	To obtain information of relevance to a prosecution		Information about records and interactions with OSPRI relating to the applicant's location	SA	1		No	
392	To provide statistical data for policy development and to provide data supporting productivity	Sections 40(e) and 40(g)	Information relating to road freight livestock movements	Panel	1		Yes	
393	To obtain information on registered cattle		Information relating to the existence of cattle at a specific location	SA		1		Information not reasonably necessary for a section 40 purpose
397	To inspect information relating to property in receivership in accordance with section 14 of the Receiverships Act 1993 (cattle)		Information relating to historic records of movements to and from a NAIT number	SA	1		No	
Total					31	2		

Table 2

Application number	Conditions of access
363	USE AND PURPOSE The NAIT information provided pursuant to this determination (NAIT Data) must be accessed and used only for the purposes for which access under section 46(10) of the NAIT Act has been granted. Accordingly, the NAIT Data must only be used for the purpose of assisting the Applicant to develop its policy in relation to the National Policy Statement for Freshwater Management 2020 by helping inform assumptions about water use, leading to better informed policy that has impacts on the livestock industry.
	DISCLOSURE
	The Applicant is under a duty of confidentiality with regard to the NAIT Data. Failure to comply with that duty is an offence and will prejudice the future provision of data by NAIT to the Applicant and others.
	3. Nevertheless, to the extent necessary in order to enable the Applicant to develop its relevant freshwater policy, the Applicant may (strictly in accordance with Condition 4) share all or some of the NAIT Data with those of its stakeholders whose names and/or categories have first been advised in writing to NAIT's System Administrator, examples being members of the Rural Sector Environment Forum, tangata whenua and relevant contractors of the Applicant. The NAIT Data must not be disclosed to any other party without the prior written approval of the NAIT System Administrator.
	4. When sharing NAIT Data with approved stakeholders pursuant to Condition 3 the Applicant must ensure that:
	 a. the NAIT Data is first aggregated, and not shared directly in the GIS shapefile format in which it is provided by NAIT (except in the instance the raw data file is required to be shared with a contractor of the Applicant for the purposes of the Applicant's development of its policy referred to in Condition 1 above);
	b. the stakeholder to which the NAIT Data is proposed to be disclosed is first advised in writing that the NAIT Data will be provided on a confidential basis;
	c. the NAIT Data is accompanied by the following disclaimer citing the legal settings under which the data was obtained from the NAIT information system:
	This information was obtained from the NAIT information system to achieve a purpose in section 40(g) of the NAIT Act 2012, namely to provide statistical data to support the [Applicant's] policy development in relation to the National Policy Statement for Freshwater Management 2020 by helping to inform assumptions about water use, leading to better informed policy that has impacts on the livestock industry. [The Applicant's] access to this information has been approved by the NAIT Data Access Panel pursuant to section 46(10) of the NAIT Act 2012. This information must only be used for the purpose for which it has been provided by NAIT and disclosure of this information is prohibited without the prior written approval of the NAIT System Administrator.
	5. Should all or part of the NAIT Data be required as evidence in hearings and Environment Court cases, or be the subject of a disclosure request or other relevant process under the Local Government Official Information and Meetings Act 1987, the NAIT System Administrator should be notified in a timely manner.
	6. None of the NAIT Data can be published in the public domain by the Applicant or another person (e.g. on the Applicant's website) unless first approved by the NAIT System Administrator.
	STORAGE
	 The Applicant must store the NAIT Data safely and securely and use it in accordance with this Determination and New Zealand laws, including but not limited to the Privacy Act 2020.

Application number	Conditions of access
	 DURATION AND REVIEW 8. Access to NAIT Data pursuant to this Determination is granted until 31 December 2024, after which date the provision of information will cease. 9. The NAIT System Administrator or the NAIT Data Access Panel may at any time in writing require the Applicant to provide to NAIT written confirmation and/or such other evidence as may be reasonable that these Conditions are being complied with on an ongoing basis. NON-COMPLIANCE 10. Failure to comply with any one or more of these Conditions is an infringement offence under the NAIT Act 2012. 11. If the Applicant fails to comply with its obligations in relation to the NAIT Data (including complying with these Conditions) then the NAIT System Administrator or the NAIT Data Access Panel may, at its discretion by notice in writing to the Applicant, require the immediate cessation of the provision and use of NAIT Data pursuant to this Determination and/or require the Applicant to take such other steps considered necessary to ensure compliance with these Conditions.
	 COMPLETENESS AND ACCURACY OF DATA 12. The Applicant acknowledges that data provided by NAIT from its information system is data provided to that system by third parties. Accordingly, NAIT disclaims all responsibility for, and accepts no liability in relation to, the accuracy or completeness of that data or its fitness for any particular purpose.
377	 USE AND PURPOSE The NAIT information provided pursuant to this determination ("NAIT Data") must be accessed and used only for the purposes for which access under section 46(10) of the NAIT Act has been granted. Accordingly, the NAIT Data must only be used for the purpose of completing the necessary evaluation and analysis of slaughter data to inform the management of the National Pest Management Plan Order 1998, specifically implementation of a risk-based approach to TB eradication including slaughter surveillance.
	 DISCLOSURE 2. The Applicant is under a duty of confidentiality with regard to the NAIT Data. Failure to comply with that duty is an offence and will prejudice the future provision of data by NAIT to the Applicant and others. 3. Nevertheless, to the extent necessary in order to enable to enable the Applicant's student to complete their research, the Applicant may (strictly in accordance with Condition 4) share all or some of the NAIT Data with those persons or organisations whose names and/or categories have first been advised in writing to the NAIT System Administrator, examples being members of the supervisory team at [the Applicant] and OSPRI/TBfree New Zealand. The NAIT Data in its entirety must not be disclosed to any other party without the prior written approval of the NAIT System Administrator. 4. When sharing NAIT Data with approved persons or organisations pursuant to Condition 3, the Applicant must ensure that the person to which the NAIT Data is proposed to be disclosed is first advised in writing that the NAIT Data will be provided on a confidential basis, and must only be retained in accordance with condition 8. 5. To the extent necessary to enable the Applicant's student to publish their research, the Applicant may publish aggregate information (e.g., to present findings in the thesis or supporting publications). 6. When publishing information pursuant to Condition 5, the Applicant must ensure that: a. The NAIT Data for publication is aggregated, at a level of aggregation approved by the System Administrator, and not published or shared directly in the format in which it is provided by NAIT. b. The aggregate data does not include any identifying information about specific meat processing plants or other NAIT locations, including volumes of animals killed by a specific entity or premises, or other commercially sensitive information.

Application number	Conditions of access						
	c. The NAIT Data is accompanied by the following disclaimer citing the legal settings under which the data was obtained from the NAIT information system:						
	NAIT animal location history and slaughter data was obtained from the NAIT information system to achieve a purpose in section 40(c) of the NAIT Act 2012, namely to complete the evaluation and analysis of slaughter data to help inform the management of the National Pest Management Plan Order 1998, and specifically the implementation of a risk-based approach to TB eradication including slaughter surveillance. [The Applicant's] access to this information has been approved by the NAIT Information System Access Panel pursuant to section 46(10) of the NAIT Act 2012.						
	STORAGE						
	7. The Applicant must store the NAIT Data safely and securely and use it in accordance with this Determination and New Zealand laws, including but not limited to the Privacy Act 2020.						
	8. NAIT Data obtained from the NAIT information system, and any copies or subsets, may be held by the Applicant's named persons for a period of 2 years from the date of approval. After which time, the data must be returned to the NAIT Information System Administrator, who agrees to hold the information and will release the information to the Applicant if required for academic purposes in the interest of best practice for transparency of methodology.						
	REVIEW						
	9. The NAIT System Administrator or the NAIT Information System Access Panel may at any time in writing require the Applicant to provide to NAIT written confirmation and/or such other evidence as may be reasonable that these Conditions are being complied with on an ongoing basis.						
	NON-COMPLIANCE						
	10. Failure to comply with one or more of these Conditions is an infringement offence under the NAIT Act 2012. If the Applicant fails to comply with its obligations in relation to the NAIT Data (including complying with these Conditions) then the NAIT System Administrator or the NAIT Information System Access Panel may, at its discretion, by notice in writing to the Applicant, require the immediate cessation of the provision and use of NAIT Data pursuant to this Determination and/or require the Applicant to take such other steps considered necessary to ensure compliance with these Conditions.						
	COMPLETENESS AND ACCURACY OF NAIT DATA						
	11. The Applicant acknowledges that data provided by NAIT from its information system is data provided to that system by third parties. Accordingly, NAIT disclaims all responsibility for, and accepts no liability in relation to, the accuracy or completeness of that data or its fitness for any particular purpose.						
7.01							
381	USE AND PURPOSE The NAIT information provided pursuant to this determination ("NAIT Data") must be accessed and used only for the purposes for which access under section 46(7) of the NAIT Act has been granted. Accordingly, the NAIT Data must only be used for the purpose of responding to the confirmation of bovine tuberculosis being present in the Applicant's herd, a disease that is transferable between animals and humans; to ensure compliance with the restricted place notice issued pursuant to Section 130 of the Biosecurity Act 1993 specifically with regard to the movement of animals from the location other than to a meat processor; and to meet the requirements under Section 33 of the NAIT Act 2012 to ensure information provided for the PICA's NAIT location is kept up to date. 						
	DISCLOSURE						
	2. The Applicant is under a duty of confidentiality with regard to the NAIT Data. Failure to comply with that duty is an offence and will prejudice the future provision of data by NAIT to the Applicant and others.						
	STORAGE						
	3. The Applicant must store the NAIT Data safely and securely and use it in accordance with this						

Determination and New Zealand laws, including but not limited to the Privacy Act 2020.

Application number	Conditions of access
	REVIEW 4. The NAIT System Administrator or the NAIT Information System Access Panel may at any time in writing require the Applicant to provide to NAIT written confirmation and/or such other evidence as may be reasonable that these Conditions are being complied with on an ongoing basis.
	 NON-COMPLIANCE 5. Failure to comply with one or more of these Conditions is an infringement offence under the NAIT Act 2012. If the Applicant fails to comply with its obligations in relation to the NAIT Data (including complying with these Conditions) then the NAIT System Administrator or the NAIT Information System Access Panel may, at its discretion, by notice in writing to the Applicant, require the immediate cessation of the provision and use of NAIT Data pursuant to this Determination and/or require the Applicant to take such other steps considered necessary to ensure compliance with these Conditions.
	COMPLETENESS AND ACCURACY OF NAIT DATA
	6. The Applicant acknowledges that data provided by NAIT from its information system is data provided to that system by third parties. Accordingly, NAIT disclaims all responsibility for, and accepts no liability in relation to, the accuracy or completeness of that data or its fitness for any particular purpose.
386	 Use: The NAIT information must be accessed and used consistently with the purposes for which access under section 46(10) was granted. Accordingly, the NAIT Data must only be used for the purpose of identifying properties that hold deer in the areas outlined in 'Table 1 - Areas' located in the above Data Requested section.
	2. Confidentiality: The Applicant is under a duty of confidentiality with regard to the NAIT Data.
	 Payment: The data will be released following receipt of the prescribed fee payable to NAIT (under NAIT Act Regulations 4(2B)(a) – application under s 46(9)).
	4. Disclosure: The data obtained from the NAIT information system must not be disclosed to any third party.
	5. Security: The data obtained from the NAIT information system must be stored safely and securely and held and used in accordance with New Zealand Laws, including but not limited to the Privacy Act 2020.
	6. Confirmation: The NAIT System Administrator or the NAIT Information System Access Panel may at any time in writing require the Applicant to provide to NAIT written confirmation and/or such other evidence as may be reasonable that these Conditions are being complied with on an ongoing basis.
	 Accuracy: The Applicant acknowledges that data provided by NAIT from its information system is data provided to that system by third parties. Accordingly, NAIT disclaims all responsibility for, and accepts no liability in relation to, the accuracy, or completeness of that data or its fitness for any particular purpose.
	8. Compliance: Failure to comply with one or more of these Conditions is an infringement offence under the NAIT Act 2012. If the Applicant fails to comply with its obligations in relation to the NAIT Data (including complying with these Conditions) then the NAIT System Administrator or the NAIT Information System Access Panel may, at its discretion, by notice in writing to the Applicant, require the immediate cessation of the provision and use of NAIT Data pursuant to this Determination and/or require the Applicant to take such other steps considered necessary to ensure compliance with these Conditions.
391	 The NAIT information must be accessed and used consistently with the purposes for which access was granted. Where NAIT core data is transferred between internally-facing OSPRI information systems, the NAIT Data
	 in question must be labelled, marked or tagged in some way such that it is clear that it is NAIT Data. 3. Disclosure external to NAIT of any NAIT Data or any data based on that NAIT Data must be limited to the Applicant's research partners [names removed] and only used by those parties for the purposes for which this application was granted. (This does not include the completed research, statistics, or findings that NAIT Data was used to produce but in which NAIT Data is not separately identifiable.)

Application number	Conditions of access
392	 The NAIT information must be accessed and used consistently with the purposes for which access under section 46(7) was granted. The NAIT System Administrator or the NAIT Information System Access Panel may at any time in writing require the Applicant to provide to NAIT written confirmation and/or such other evidence as may be reasonable that these conditions are being complied with on an ongoing basis. The Applicant acknowledges that data provided by NAIT from its information system is data provided to that system by third parties. Accordingly, NAIT disclaims all responsibility for, and accepts no liability in relation to, the accuracy, or completeness of that data or its fitness for any particular purpose. Failure to comply with one or more of these Conditions is an infringement offence under the NAIT Act 2012. If the Applicant fails to comply with its obligations in relation to the NAIT Data (including complying with these Conditions) then the NAIT System Administrator or the NAIT Information System Access Panel may, at its discretion, by notice in writing to the Applicant, require the immediate cessation of the provision and use of NAIT Data pursuant to this Determination and/or require the Applicant to take such other steps considered necessary to ensure compliance with these Conditions.
375, 376, 378, 379, 389, 391A, 394, 395, 398, 399	This information must only be used for this purpose [ie the purpose for which access to data was granted under section 40(j) NAIT Act].

