



Rt Hon Jacinda Ardern

Minister for Arts, Culture and Heritage

cc **Minister Māori Crown Relations - Te Arawhiti**

AIDE MEMOIRE: Tuia 250 privacy breach update

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Purpose

- 1 This briefing provides you with an update on the response by Manatū Taonga Ministry for Culture and Heritage to the privacy breach of information provided to the Ministry by applicants who wished to take part in the Tuia - Encounters 250 Voyage Trainee programme.

Key Messages

- 2 The Ministry is leading the coordinated response to this incident. A Cross-Government Response Team was assembled initially, operating in accordance with National Security System procedures.
- 3 The initial incident response aimed to:
 - a. Communicate openly and transparently with affected individuals and the public
 - b. Build a comprehensive understanding of the situation and the information that has been compromised
 - c. Minimise harm to affected individuals
- 4 An independent review has been established, which was announced on Friday 30 August 2019, to be carried out by Doug Craig, director of consultancy RDC Group. It is expected to be completed by mid-October 2019. The review is focused specifically on the privacy breach and the processes followed around the procurement, design and hosting of the Tuia 250 website.
- 5 From Monday 9 September 2019 the Ministry moved from incident response to the recovery phase. This has included establishing a dedicated case management team resourced by the Ministry and Department of Internal Affairs. All affected individuals are being actively case managed.

- 6 Following a secondary audit, which involved sighting every document that had been uploaded by the applicants and double-checking that all relevant information had been recorded accurately, the total number of 'primary affected' people has been confirmed as 309. This audit also identified 94 'secondary affected' individuals.
- 7 This breach was specific to the Tuia 250 website, which was developed by an external provider commissioned by the Ministry; no other websites maintained or commissioned by the Ministry were affected.

Background

- 8 Tuia - Encounters 250 (Tuia 250) is the national commemoration being held in 2019, led by the Ministry. As part of these commemorations, the Ministry sought registrations from people interested in joining the Tuia 250 Voyage Trainee programme to participate in various voyaging events to be held October – December 2019 on traditional waka and other vessels.
- 9 Registration for this programme required applicants to upload personal details via a website. These details included names, email addresses, passports and driver licences, including images of these documents. This was collected for age confirmation and citizen or immigration status reasons.
- 10 On Thursday 22 August 2019 the Ministry became aware there had been a digital privacy breach involving this personal information, and that images of applicants' identification documents were accessible online. There has been one known incident of attempted fraud in relation to the breach.
- 11 Content uploaded by users was widely accessible due to insufficient controls on the Tuia 250 site.
- 12 The breach was identified after a parent of one of the applicants alerted the Ministry to a fraud attempt using a copy of a driver licence stored on the site. The matter has been referred to police, who are progressing the complaint.

Response to the Breach

- 13 Immediately following the breach being reported, the Ministry received advice from a range of government agencies including Government Chief Privacy Officer, Office of the Privacy Commissioner, State Services Commission, Department of Internal Affairs (DIA), Ministry of Business, Innovation and Employment (MBIE), Ministry of Foreign Affairs and Trade (MFAT), New Zealand Transport Agency (NZTA), Government Communications Security Bureau and NZ Police.
- 14 All copies of personal information were removed from the Tuia 250 website on Thursday 22 August and the site was made unavailable to the public. The Ministry asked search engine companies to remove images from their caches.

- 15 The Tuia 250 website was removed from the internet as a precaution and remains offline. Information about the commemoration has been added to the Ministry's corporate website.
- 16 An initial security audit commissioned by the Ministry confirmed that all breached documents were accessible on the internet and downloaded by at least one third party.
- 17 A member of the All of Government web services panel was engaged by the Ministry to perform an independent external network security review and web application assessment of all Ministry websites. The review found that overall the Ministry's websites were well maintained and recommended some improvements to enhance our levels of security, which the Ministry has taken action on.
- 18 A small contact centre was established (with the assistance of Ministry of Social Development, DIA and MBIE) to contact affected individuals, with a 0800 number, email address and a dedicated page on the Ministry corporate website. Affected individuals were proactively contacted, to explain the situation, apologise and offer remediation, such as replacing compromised identification documents.
- 19 The Ministry's Risk Register now incorporates the Tuia 250 breach response, and mitigations are being actively monitored.
- 20 The Ministry completed its secondary audit this week, following the initial response to the privacy breach. Following this audit, the recovery team met with the Office of the Privacy Commissioner to discuss what the appropriate next steps would be, which are outlined below.

Affected Individuals

- 21 Immediately following the incident, 302 people were deemed 'primary affected' by the privacy breach and were contacted as soon as possible by the contact centre. 38 people who had applied for the voyaging event were deemed unaffected, as no personal information was available on the Tuia 250 website, and the Ministry advised them of this accordingly.
- 22 The Ministry has attempted to make contact with all people affected by the breach through phone calls and emails. 28 people are yet to respond to the Ministry's emails or phone calls. Further phone and email contacts are being made this week by the case management team.
- 23 The secondary audit, conducted by the Ministry's recovery team, took the total number of 'primary affected' people from 302 to 309:
 - two people who had initially been categorised as being unaffected, were identified as being affected as their documents had been uploaded to the website. Both these applicants have been spoken to, and the process is underway to reissue relevant documentation.

- five people, who weren't applicants themselves, were identified as being affected due to the type of information applicants submitted to the Tuia 250 website (such as a family member's birth certificate that had been accidentally provided as part of an application). Contact has been made with these people.
- 24 In addition, the audit identified 94 'secondary affected' individuals, who have had some information released as a result of information provided to Ministry by applicants. The majority of these are parents of applicants named on the applicants' birth certificates. The primary applicants are being contacted to ask them to advise their parents of this situation (as we only hold information for the primary applicant). If their parents are concerned they are being asked to contact the Ministry's case management team and will be offered Police monitoring.
- 25 The audit also identified 48 professionals who certified identification documents for people's applications (JPs, Solicitors, Court Registrars and Police Constables). These people are unaffected as they witnessed the application documents in a professional capacity, and the information in question is already publicly available. There is no breach of the information privacy principle under the Privacy Act 1993.

Remediation for Affected Individuals

- 26 DIA has established a special operations team to oversee all passport enquiries and renewals for affected New Zealanders. DIA also agreed an approach with NZTA to align processes for renewing driver licences with the passport renewal process. The Ministry is meeting the cost of replacing documents.
- 27 Birth certificates are not replaced because the certificate is simply a record of birth; it is not an identity credential. However police monitoring of fraudulent activity has been offered as an option.
- 28 To date:
- 75 passports have been replaced by DIA and 84 are in the process of being replaced (six people have opted not to have their passports replaced)
 - 44 driver licences have been replaced by NZTA
- 29 Twenty foreign passports were involved. There are some challenges for applicants on foreign passports, as they need to contact their local Embassy, High Commission or Consulate to arrange a replacement passport. The Ministry's case management team is working closely with MFAT and Immigration NZ to assist these people as much as possible.
- 30 The majority of affected individuals have indicated a general understanding of the situation, and they are co-operating with the process for replacing their identity documentation. A small number were concerned and expressed their desire to have their replacement documents issued urgently to protect their privacy. The case management team is keeping in regular contact with these people.

- 31 Around 20 affected people have also put in an official complaint, which is being managed through the Ministry's legal team. These will be managed formally, and will receive a response to their complaint after the findings of the review are announced.
- 32 There have been 70 breach-related written parliamentary questions, and two oral parliamentary questions with specific reference to Tuia. Five Official Information Act requests have been received.

Next steps

- 33 MCH's dedicated case managers are continuing to lead the day-to-day interaction, engagement and follow-up with people affected by the breach.
- 34 Later in September a letter will be provided to primary affected people from the Ministry's Chief Executive. This letter will apologise again for the breach, outline what ongoing support is available and outline the formal complaints procedure. The Chief Executive will also advise that the independent review is underway and that they will be provided with information about the review findings prior to the review being publicly released.
- 35 The current recovery case management approach will transition to business-as-usual by the end of October. Decisions will be made on whether this case management function continues to sit within the Ministry, or another government agency longer term, as there is the potential for some affected people to continue to need a level of support in the medium-to-long term.
- 36 The independent review will be completed in mid-October 2019.

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