



**PSA Submission on the
Digital Identity
Services Trust
Framework Bill**

**to the Economic Development, Science
and Innovation Select Committee**

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About the PSA

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 80,000 members. We are a democratic and bicultural organisation representing people working in the Public Service including for departments, Crown agents and other crown entities, and state-owned enterprises; local authorities; tertiary education institutions; and non-governmental organisations working in the health, social services and community sectors.

People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace and to have an independent public voice on the quality of public and community services and how they're delivered.

We are committed to advancing the Tiriti o Waitangi of partnership, protection and participation through our work. Te Rūnanga o Ngā Toa Āwhina is the Māori arm of the PSA membership. The PSA is affiliated to Te Kauae Kaimahi the New Zealand Council of Trade Unions, Public Services International and UniGlobal.

Summary of PSA response to the Bill

Overall, **the PSA supports the Bill and the establishment of a legal framework for the provision of secure and trusted digital identity services for individuals and organisations.** In our view, it is vital that the public sector takes responsibility for the governance of these services to ensure that they are developed and run in the public interest and in a way that safeguards individual's and groups' rights.

We also support the requirement in the Bill that this include establishing digital identity governance and accreditation functions that are transparent and incorporate te ao Māori approaches to identity. This is part of giving effect to the Crown’s responsibilities under Te Tiriti o Waitangi.

In our view, **the Bill should provide for worker participation in decision making** and in the proposed new authority and accreditation bodies where possible.

Safeguarding workers’ digital identities and rights

International trends in management practice and the increasing digitisation of work including the move to greater remote working driven by the pandemic, means employers will increasingly require workers to use their digital identity at work. The growing role of digital technologies in workplaces mean employers are also accumulating rapidly increasing amounts of data on the people who work for them. Digital technologies enable increasingly intrusive forms of surveillance that risk impacting “workplace health, wellbeing, privacy and dignity”.¹

Worker privacy and surveillance are not new issues but new technology and data capability, and the requirement for use of personal digital identities at work means that the risks for workers are greater than they have ever been. The systematic collection of workers’ data and its storage and use with worker’s personal identity data presents an inherent high-risk to individual workers as it could affect or impact on the employment relationship. This could include the risks of: loss of data or poor security in how employers collect, store and use the data; damage to worker’s standing or reputation; material damage through decisions made using the data, such as promotion opportunities, pay or performance management; or discrimination based on decisions made using the data.

When it comes to use of something as intimate as personal identity, consent is needed but often in a workplace context consent is assumed, or because of the imbalance of power inherent in employment relationships, it is not genuine. This imbalance can be countered by **employers and regulators inviting feedback and actively involving workers in decision making** where it concerns the introduction of new work practices that use their personal identity data.

We believe that the introduction of new data processes and technology, including those that use personal worker digital identities should be:

- openly undertaken in consultation with unions and the workforce;
- transparent so that workers can identify and be informed about what data is being collected about them and why;

¹ P64, P Gavaghan et al, [The Impact of Artificial Intelligence on Jobs and Work in New Zealand](#), University of Otago, 2021.

- clear on the uses of the data collected;
- governed by employers in cooperation with the union on the use/future use of the data, data storage, and offboarding (deletion and/or selling);
- subject to scrutiny by unions to make sure data is handled in line with privacy principles; and
- understood in terms of implications for privacy, equality and potential discrimination.

PSA would like to see employers and unions work together on how data is used at work. Regular, formal discussions along with shared governance on the use of data give the best protection for employers, as well as employees, against the legal and reputational risks that new technologies and data-processing techniques may bring.

We note that the workplace privacy advice currently available from the Privacy Commission does not assist employers and workers to navigate this increasingly complex area. Such advice, and appropriate regulation is needed to safeguard workers' interests and digital identities. **We recommend that the Committee ask for advice on how this bill can be amended to ensure that active consultation of workers is required** where Trust Framework rules relate to employment or application for employment. For example, Clause 20 of the Bill sets out who must be consulted on draft Trust Framework rules and this could be amended to include consultation with workers.

For further information about this submission, please contact:

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