



25 November 2022



Thank you for your email of 28 October 2022 to the Ministry of Education requesting the following information:

*Is it possible to obtain a past (i.e., completed RS7 Form), via the OIA? I enquired with the Ministry of Education verbally this morning and was advised the completed forms were confidential between the ECE and the Min. of Education. Knowing it is public money I would expect it to be public information.*

*I stress I do not want to apply at this stage, but I am asking if the information is available.*

Your request has been considered under the Official Information Act 1982 (the Act).

The *RS7 Early Childhood Funding Return* (RS7 Return) is a data-collection tool used by the Ministry to calculate the funding paid to licenced early childhood services. It is a condition of funding that every licenced early childhood service must provide the Ministry with attendance and enrolment data comprising detailed personal information (name, date of birth, ethnicity etc.) of each of the children they enrol.

The Ministry's collection of this data via the RS7 Return is permitted under the Privacy Act 2020, specifically privacy principles 10 and 11, which govern limits on the use and disclosure of personal information by any agency that holds that personal information.

Under the Privacy Act 2020, the Ministry and early childhood services can generally only use and disclose the personal information they hold to determine funding claims, as this was the purpose for which the information was originally collected or obtained. Exceptions to the use or disclosure of this information are strictly defined under the Privacy Act 2020, and would require authorisation by the person/s whose personal information was in question.

A request to the Ministry for a completed RS7 Return, and/or any part of the detailed personal information contained within, that was not for the purpose it was originally collected or obtained, and that did not have the authorisation of the person/s whose information was being requested, would be refused by the Ministry under both the Privacy Act 2020 (for the reasons outlined above) and under section 9(2)(a) of the Act, to protect the privacy of natural persons, including that of deceased persons, and/or section 9(2)(b)(ii) of the Act, to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

For further information on the range of personal data collected via the Ministry's RS7 Return and how the Privacy Act 2020 and the Privacy Principles inform the Ministry's collection of this data, please refer to the following link: [education.govt.nz/early-childhood/funding-and-data/funding-handbooks/ece-funding-handbook/completing-the-rs7-return/ComplexSearchForm/?Search=privacy&searchlocale=en\\_NZ](https://education.govt.nz/early-childhood/funding-and-data/funding-handbooks/ece-funding-handbook/completing-the-rs7-return/ComplexSearchForm/?Search=privacy&searchlocale=en_NZ).

For further information on the Privacy Act 2020 and the Privacy Principles, please refer to the following link: [privacy.org.nz/privacy-act-2020/privacy-principles/](https://privacy.org.nz/privacy-act-2020/privacy-principles/).

Please note, the Ministry now proactively publishes official information responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'KW', enclosed in a thin black rectangular border.

Karen Walfisch  
**Associate Deputy Secretary**  
**Te Mahau | Te Pae Aronui (Operations and Integration)**