

In Confidence

Office of the Minister of Education

Chair, Cabinet Social Wellbeing Cabinet Committee

Adding the Education Review Office as an authorised user of the National Student Number (NSN) under the Education Act 1989

Proposal

1. I seek Cabinet's agreement that new regulations be made under section 347 of the Education Act 1989 (the Act) to add the Education Review Office (ERO) as an authorised user of the National Student Number (NSN).

Executive Summary

2. A NSN is a unique identifier assigned to every student in the New Zealand education system. The NSN allows the national collection of information about individual learners across their education pathway, from early childhood through to tertiary education.
3. ERO is the government agency responsible for evaluating the quality of education in New Zealand. Under section 325 of the Act, ERO is responsible for evaluating and reporting on the performance of education providers.
4. At present, ERO has limited access to high-quality information about learners as they move through their education pathway. This constrains ERO's research and evaluation activities.
5. Giving ERO access to the NSN will enable ERO to better evaluate the quality of specific education programmes in terms the outcomes for learners in the context of their individual education pathway.
6. Under section 347 of the Act organisations can be added as authorised users of the NSN through regulations made by the Governor-General by Order in Council. Users can only be added following consultation with the Privacy Commissioner.
7. The Privacy Commissioner has been consulted and supports the proposal for ERO to become an authorised user of the NSN.

Background

What is a National Student Number?

8. A NSN is a unique identifier assigned to every student in the New Zealand education system. The NSN allows the national collection of information about individual learners across their education pathway, from early childhood through to tertiary education.
9. The Education Act 1989 (Part 30) authorises the use of the NSN throughout the education system to facilitate the use and transfer of accurate information about individual learners across their education pathway.
10. A child is assigned a NSN when they first enrol in a New Zealand early childhood education service or school, and that NSN remains with them throughout their education career.

11. Section 342 of the Act sets out the authorised users of the NSN as:
 - registered schools;
 - early childhood education services;
 - tertiary organisations;
 - the Ministry of Education;
 - the New Zealand Qualifications Authority;
 - the Tertiary Education Commission.
12. Two agencies are authorised users of the NSN through regulations made under section 347 of the Act:
 - Studylink (Business unit of the Ministry of Social Development);
 - Statistics New Zealand.
13. NSN data can be linked to personally identifiable information and therefore may only be used for specific purposes as defined by legislation. The Act enables the sharing of student information within the sector, but restricts the possibility of NSNs being used indiscriminately.

How is the NSN used?

14. The Act states that NSNs can only be used by education agencies and education providers to share student information for:
 - monitoring and ensuring student enrolment and attendance;
 - encouraging attendance at early childhood services;
 - ensuring education providers and students receive appropriate resourcing;
 - statistical purposes;
 - research purposes;
 - ensuring that students' education records are accurately maintained;
 - establishing and maintaining student identities to support students' participation in online learning.

ERO is responsible for evaluating the quality of education in New Zealand

15. ERO is the government agency responsible for evaluating the quality of education in New Zealand. Section 325 of the Act 1989 sets out that ERO's Chief Review Officer is responsible for reviewing the performance of education providers.
16. ERO carries out different types of reviews and evaluations. For example, ERO evaluates and reports on the education and care of students in schools and early childhood education (ECE) services. These institutional evaluations inform parents and families about the quality of educational provision in their communities.
17. ERO also researches and publishes national studies on specific education topics. These studies evaluate the effectiveness of policy settings and policy implementation. They also

identify elements of effective practice in ECEs and schools in order to raise achievement and improve wellbeing for all learners across the system.

18. ERO provides research and evaluation for education system stakeholders to improve system performance. For example, the Ministry uses ERO's findings to support its formulation of policy advice for the Minister of Education.

ERO's evaluation activities are constrained by existing collection processes

19. A key priority for ERO is to monitor and evaluate outcomes for learners and the performance of education providers in relation to these outcomes. ERO is particularly focused on outcomes for Māori, Pacific and children from low-socio economic areas because evidence shows the education system continues to underperform for these learners. To effectively evaluate quality, ERO needs to know the degree to which specific programmes improve outcomes for these and other learners.
20. ERO currently relies on school and ECE information about their learners. ERO also uses general student information published on websites such as the Ministry of Education's "Education Counts" website.
21. These information sources provide ERO with limited information about what happens for learners over time, including the outcomes for individual or groups of learners who have experienced a particular programme or intervention at some stage along their education pathway.
22. It is possible to track the educational achievement of individual students using Statistics New Zealand's Integrated Data Infrastructure (IDI). However, the IDI does not make it possible to identify the specific programme or intervention an individual or group of students may have participated in, and thus, the impact of these programmes for learner outcomes.

Access to the NSN will provide ERO with high-quality student information to support its evaluation activities

23. NSN data would enable ERO to track individual and groups of learners through the education system. This would support ERO to research and evaluate the performance of specific programmes or interventions and their consequential impacts for learners.
24. For example, NSN data would enable ERO to:
 - 24.1. evaluate whether a programme implemented in an ECE centre to improve attendance has a consequential effect on achievement at primary school; or
 - 24.2. investigate the impact of an intermediate school programme to support learners' successful transition to secondary schools.
25. ERO recently evaluated the impact of the *Year 9 Plus* pilots. This Ministry of Education programme aimed to support at-risk learners successfully transition into and through their first three years at secondary school. Understanding the effectiveness of the *Year 9 Plus* programme was constrained by ERO's lack of access to information to track this group of learners through the school system. ERO experienced similar barriers to establishing outcomes for learners in ERO's recent evaluations of the effectiveness of Activity Centres.
26. NSN numbers would enable ERO to link a learner information from different education institutions (e.g. attendance records), and follow individual or groups of learners over time to evaluate programme impacts.

27. ERO access to the NSN will reduce the cost to ERO of collecting information for evaluation and research purposes. It will also reduce the costs and compliance burden placed on early learning services and schools who often have to provide the same information captured through the NSN to the Ministry and then again to ERO.

Regulations are needed to add authorised users of the NSN

28. Under section 347 of the Act, other organisations can be added as authorised users of NSNs, through regulations made by the Governor-General by Order in Council, following agreement by Cabinet. Under the Act, regulations can only be made if the Privacy Commissioner has been consulted.

Privacy Impact Assessment

29. ERO has consulted with the Privacy Commissioner and completed a Privacy Impact Assessment. The assessment ensures that the twelve information privacy principles that govern the way in which agencies collect, store, use, and disclose personal information, are being met.
30. The Privacy Impact Assessment sets out the protocols that would govern the management of the NSN data held by ERO. In compliance with the Public Records Act 2005, ERO has a Retention and Disposal Policy and Procedure (June 2015) and a Schedule (July 2008). The retention and disposal of ERO records are an important part of its Information Management programme.
31. Further, the Chief Review Officer designates suitably qualified persons as review officers who have powers of entry and inspection of schools and early childhood services under section 327 of the Act.
32. Designated review officers commit to ERO's *Code of Conduct*, and their professional development focuses on ERO's *Capabilities for High Quality Education Evaluation in Aotearoa New Zealand* and *Principles of Practice*. Ethical practice is a fundamental professional requirement for the designation and on-going evaluation practice of all ERO review officers.
33. ERO will ensure that only specified staff who are also designated review officers have access to NSNs.
34. ERO will ensure staff who have access to NSNs comply with the Privacy Act guidelines.
35. ERO's proposed use of the NSN for statistical and research purposes is provided for under sections 344(2)(c) and 344((2)(d) of the Education Act 1989.
36. The Privacy Commissioner has been consulted and supports the proposal for ERO to become an authorised user of the NSN under section 347 of the Act.

Consultation

37. The Education Review Office has consulted on this proposal with the Ministry of Education, and the Treasury through the Ministry of Education, the Office of the Privacy Commissioner, Office of Disability issues, the Ministry for Pacific People, Te Puni Kokiri, Ministry for Women and Statistics New Zealand.

Financial Implications

38. There are no financial implications in this paper.

Human Rights

39. There are no human rights implications in this proposal.

Legislative Implications

40. If Cabinet agrees to this proposal, the Education Review Office will issue drafting instructions for regulations designating ERO as an authorised user of the NSN, under section 347 of the Act. Draft regulations will be prepared for consideration by the Cabinet Legislation Committee.

Regulatory Impact Analysis

41. The Treasury has advised that a RIS is not required as the proposal is exempt on the grounds of minor impacts on business, individuals and not-for-profits.

Gender Implications

42. There are no gender implications in this proposal.

Disability Perspective

43. There are no implications in this proposal for people with disabilities.

Publicity

44. No publicity is planned for the decisions in this paper. I propose to comment on the proposals once regulations are considered by the Cabinet Legislation Committee and published in the New Zealand Gazette.

Recommendations

The Minister of Education recommends that the Committee:

1. **note** that a NSN is a unique identifier assigned to every student in the New Zealand education system. The NSN allows the national collection of information about individual learners across their education pathway, from early childhood through to tertiary education;
2. **note** that making ERO an authorised user of the NSN will provide ERO with high-quality information about individual or groups of learners and their pathways, and strengthen ERO's ability to provide insights into the quality of education in New Zealand;
3. **agree** that new regulations be made under section 347 of the Education Act 1989 for ERO to become an authorised user of the NSN;

4. **note** that ERO's proposed use of the NSN for statistical and research purposes is provided for under section 344(2)(c) and section 344(2)(d) of the Education Act 1989;
5. **note** that ERO will use the National Student Number for the information matches it undertakes, specifically in order to:
 - perform evaluations of the education system at a programme and national level;
6. **agree** that new regulations be made under section 347 of the Education Act 1989 that would add ERO as an authorised user of the National Student Number (NSN) for the purposes of section 344(2)(c) and section 344(2)(d) of the Education Act;
7. **note** that the Privacy Commissioner has been consulted and supports the proposal for ERO to become an authorised user of the NSN;
8. **invite** the Minister of Education to issue drafting instructions to the Parliamentary Counsel Office to draft new regulations under section 347 of the Education Act 1989 giving effect to recommendation 3 above for the approval of the Cabinet Legislation Committee.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education