



20 May 2024

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Ref: OIA-2023/24-0777

Dear [Redacted]

Official Information Act request relating to Artificial Intelligence policy

Thank you for your Official Information Act 1982 (the Act) request received on 19 April 2024. You requested:

"I'd like to ask what your policy is around the use of artificial intelligence in the workforce, including when making reports, policy advice, and briefings to relevant Ministers. In addition, I'd like a copy of any advice given to the agency this year regarding the use of AI in these contexts. If no such policy exists, is there a plan to put one in place? Why or why not?"

You have requested information relating to the National Emergency Management Agency (NEMA). NEMA is a departmental agency hosted by the Department of the Prime Minister and Cabinet (DPMC) therefore, this response includes DPMC. DPMC and NEMA do not have an Artificial Intelligence (AI) policy and there is currently no plan to put one in place however, this may change in the future.

The Public Service Commission sent out the attached email on 1 May 2023, assigning responsibility for leadership of AI across the Public Service to the Government Chief Digital Officer. Included as an attachment was the Generative Artificial Intelligence guidance titled 'System Leaders' interim guidance for use of Gen-AI across the New Zealand Public Service' which DPMC and NEMA are guided by. There has been no further advice given to DPMC or NEMA in 2024 therefore, your request for advice this year is refused under section 18(e) of the Act, as it doesn't exist.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely

[Redacted Signature]

Anthony Richards
Chief Advisor to the Deputy Chief Executive, Emergency Management

From: Peter Hughes <Peter.Hughes@publicservice.govt.nz>

Sent: Wednesday, 26 July 2023 8:00 am

To: Adrienne Meikle <AMEikle@linz.govt.nz>; Bridgman, Andrew <Andrew.Bridgman@defence.govt.nz>; Andrew Coster <Andrew.Coster@police.govt.nz>; Andrew Crisp <Andrew.Crisp@hud.govt.nz>; Andrew Hampton <ah19@nzsis.govt.nz>; Andrew Kibblewhite <andrew.kibblewhite@justice.govt.nz>; Andrew McKenzie <Andrew.McKenzie@kaingaora.govt.nz>; Audrey Sonerson <a.sonerson@transport.govt.nz>; Bridget White <bridget.white@gcsb.govt.nz>; Caralee McLiesh [TSY] <Caralee.McLiesh@treasury.govt.nz>; Carolyn Tremain <carolyn.tremain@mbie.govt.nz>; Chappie Te Kani <chappie.tekani@ot.govt.nz>; SEED, Chris (CEO) <chris.seed@mfat.govt.nz>; ^Parliament: Christina Connolly <[s9\(2\)\(a\)@parliament.nz](mailto:s9(2)(a)@parliament.nz)>; Christine STEVENSON <Christine.STEVENSON@Customs.govt.nz>; Dave Gawn [NEMA] <Dave.Gawn@nema.govt.nz>; Dave Samuels <samud@tpk.govt.nz>; Debbie Power <Debbie.Power006@msd.govt.nz>; Diana Sarfati <diana.sarfati@health.govt.nz>; ^PUB: Gaye Searancke <[s9\(2\)\(a\)@pub.govt.nz](mailto:s9(2)(a)@pub.govt.nz)>; Gerardine Clifford-Lidstone <Gerardine.Clifford-Lidstone@mpp.govt.nz>; Grainne Moss <[s9\(2\)\(a\)@mpps.govt.nz](mailto:s9(2)(a)@mpps.govt.nz)>; Heather Baggott <[s9\(2\)\(a\)@mpps.govt.nz](mailto:s9(2)(a)@mpps.govt.nz)>; Iona Holsted <Iona.Holsted@education.govt.nz>; ^MFE: James Palmer <james.palmer@mfe.govt.nz>; LIGHTFOOT, Jeremy (WELLHO) <jeremy.lightfoot@corrections.govt.nz>; Karen Chang <karen.chang@sfo.govt.nz>; Katrina Casey [DPMC] <Katrina.Casey@dpmc.govt.nz>; Kellie Coombes <kellie.coombes@women.govt.nz>; Kevin Short <kevin.short@nzdf.mil.nz>; ^TeArawhiti: Lil Anderson <lil.anderson@tearawhiti.govt.nz>; Mac Leauanae <mac.leauanae@mch.govt.nz>; Margie Apa <margie.apa@health.govt.nz>; Mark Sowden <mark.sowden@stats.govt.nz>; Megan Main <megan.main@acc.co.nz>; Mervin Singham <mervin.singham@ethniccommunities.govt.nz>; Nicholas Pole <Nicholas.Pole@ero.govt.nz>; Nicole Rosie <nicole.rosie@nzta.govt.nz>; Paul James <paul.james@dia.govt.nz>; Paula Tesoriero <Paula.Tesoriero001@whaikaha.govt.nz>; Penny Nelson <pnelson@doc.govt.nz>; ^NZTE: Peter Chrisp <peter.chrisp@nzte.govt.nz>; ^SSC: Peter Hughes <peter.hughes@publicservice.govt.nz>; Peter Mersi <peter.mersi@ird.govt.nz>; Ray.Smith <Ray.Smith@mpi.govt.nz>; Rebecca Kitteridge [DPMC] <Rebecca.Kitteridge@dpmc.govt.nz>; Renee Graham <renee.graham@swa.govt.nz>; Riana Manuel <riana.manuel@health.govt.nz>; ^CrownLaw: Una Jagose <una.jagose@crownlaw.govt.nz>

Cc: @Assistant Commissioners <[s9\(2\)\(a\)@assistantcommissioners.govt.nz](mailto:s9(2)(a)@assistantcommissioners.govt.nz)>; Hannah Cameron <[s9\(2\)\(a\)@hannahcameron.govt.nz](mailto:s9(2)(a)@hannahcameron.govt.nz)>; ^DIA: Karen Hope-Cross <Karen.Hope-Cross@dia.govt.nz>

Subject: SYSTEM LEADERSHIP OF ARTIFICIAL INTELLIGENCE...

E ngā rangatira, tēnā koutou,

Artificial Intelligence, and particularly Generative AI, is an increasing area of interest for the Public Service. It has the potential to bring significant public service benefits, particularly in the areas of efficiency, service delivery, research and innovation. But it also poses risks in terms of privacy, security and ethics that could lead to serious harm if they materialise.

AI isn't something we can avoid. It is being built into many of the tools we use now and that will

only increase over time. It is essential that the Public Service maintains the trust and confidence of all New Zealanders as we learn about and trial these new technologies. We need to take a measured approach that balances benefits and risk.

I am assigning responsibility for leadership of AI across the Public Service to Government Chief Digital Officer (GCDO), Paul James. While the finer details are yet to be determined, I generally expect these new responsibilities would cover:

1. Coordinating System/Functional leadership governance and standard setting.
2. Stewarding uptake including initially developing a system view of AI use.
3. Supporting agencies in their uptake including establishing a community of practice; and
4. Working with providers on appropriate protections for the use of AI in the services they provide us.

In line with point 1 above, Paul and his office will continue to work collaboratively with you and in particular the other System and Functional Leaders, to develop a work programme and related governance structures that drive use of AI for the Public Service. This work and its outcomes will be responsible to the Minister for the Digital Economy and Communications, working in consultation with other Ministers as appropriate.

I look forward to continuing to work with Paul and the GCDO in this important new role.

Ngā mihi,
Peter

Peter Hughes (he/him)

Te Tumu Whakarae mō Te Kawa Mataaho | Public Service Commissioner, Head of Service

waea pūkoro: s9(2)(a) | **īmēra:** Peter.Hughes@publicservice.govt.nz

Image

Te Kawa Mataaho Public Service Commission

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Generative Artificial Intelligence


SYSTEM LEADERS' INTERIM GUIDANCE FOR USE OF GEN-AI ACROSS THE NEW ZEALAND PUBLIC SERVICE

What is AI and Generative AI (GenAI)?


- AI** AI: engineered systems that can generate outputs for key objectives without explicit programming.
- ML-DL** **Machine/deep learning:** ML trains machines to make decisions. DL is more specialised, typically involving more complex data and decisions.
- G-AI** **Gen-AI:** uses prompts to generate outputs closely resembling human-created content. ChatGPT is a well known free GenAI tool.


We strongly recommend that you:


 Don't use GenAI for data classified at SENSITIVE or above.


 Don't input or use personal data in GenAI tools if they are external to your environment.

We also recommend that you:

 Avoid inputting personal data into GenAI tools in your network, unless (a) it isn't possible to use non-personal or synthetic data; and (b) potential harms have been addressed.

 Prevent AI from being used as shadow IT. Be aware that free GenAI may carry higher risk, and paid GenAI also carries risk. We recommend blocking GenAI tools until this guide is applied.

 Avoid inputting into GenAI tools any information that would be withheld under the Official Information Act.

 Avoid using GenAI for business-critical information, systems or public-facing channels.

Understand the benefits, for your agency and for all New Zealanders. We consider these could be:

Efficiency and productivity through process simplification and automation

Improved service design and delivery through targeting and personalisation

Enhanced cyber monitoring and defence through advanced predictive analysis and threat detection.

Innovation from optimisation and access to insight that is based on significantly larger volumes of data.

Improved policy through better options analysis and ability to explain complex concepts in plain English.

What is the purpose of this guide and who is it for?

- GenAI tools present opportunities and risks, and the interest in them is increasing.
- Not all GenAI tools are equal. Free and paid GenAI tools come with their own sets of risks. Generally, we encourage agencies seeking to use GenAI for its benefits to understand the necessity for it, and to actively manage the risks.
- This guide is designed to support AI leaders and practitioners to make informed decisions about using GenAI. It will be updated as risks are better understood.
- System Leads are working with Ministers on options to address broader AI issues.
- Refer to the [AI advice document](#) supporting this A3 for more advice/case studies.

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10 do's for trustworthy use of GenAI for the Public Service.

Use GenAI tools responsibly



Robustly govern the use of GenAI – consider your governance system and obtain senior approval of GenAI decisions. Develop an AI policy for your agency and share it with the Government Chief Privacy Officer.



Assess and manage for privacy risk – take all necessary steps to protect privacy. This includes undertaking and getting senior approval of a robust privacy impact assessment for any testing or use of GenAI.



Assess and control for security risk – GenAI can increase risk of data or security breaches, so undertake approved security risk assessments. Opt out of GenAI tools retaining your data for training, if possible.



Consider Te Tiriti – work with Iwi Māori where GenAI may be being used for Māori data, and/or its use may impact Māori, including services to Māori.



Use AI ethically and ensure accuracy – GenAI can perpetuate bias and mis/dis information. Understand the limitations and take active steps to check for accuracy when using GenAI outputs, to avoid harm.



Be accountable – always ensure accountable humans are making the decisions in respect of applying or using GenAI outputs, and that the decision-makers have the necessary authority and capability.



Be transparent, including to the Public – be open and transparent in terms of what GenAI is being used for and why. Ensure processes are in place to respond to citizen requests to access/correct information.



Exercise caution when using open-source AI – be aware of the known security, quality, intellectual property and supply chain risks of open-source AI and mitigate risks where possible before using AI tools.



Apply Government's procurement principles – GenAI can increase risk of vendor lock-in, and exposure if providers are using GenAI in their services to you. Use the procurement rules when sourcing GenAI tools.



Test safely – create guardrails and space, like sandboxes, for your teams safely to trial and learn to use genAI. Use lower-risk datasets and robustly test outputs before they are deployed.

Check and test GenAI tools