

Early Learning Information (ELI) and Privacy

This document outlines the obligations and legal requirements for early childhood services, student management systems and other organisations to manage and protect the information collected, accessed and submitted to the ELI system.

Links to the relevant legislation described in these paragraphs can be found at the bottom of each paragraph.

Privacy Act 2020 - How the law protects the privacy of individuals

The Privacy Act 2020 aims to promote and protect individual privacy and requires careful treatment of all personal information.

[Privacy Act 2020 – NZ Legislation \(external link\)](#)

Section 548(5) of the Education and Training Act 2020 gives the Ministry the authority to set funding conditions. These conditions are communicated to early learning services through the Early Childhood Education (ECE) Funding Handbook.

[Education and Training Act 2020 Section 548 – NZ Legislation \(external link\)](#)

Section 619 of the Education and Training Act 2020 authorises the Ministry to collect information for the purposes of administering the Education and Training Act 2020.

[Education and Training Act 2020 Section 619 – NZ Legislation \(external link\)](#)

Information collected and stored by the ELI system is used by the Ministry of Education for monitoring purposes, funding allocation purposes, to allow the assignment of a National Student Number (NSN) to children and to allow the Minister or Secretary of Education to exercise any of their other powers or responsibilities under the Education and Training Act 2020, and as permitted by Privacy Principles 10 and 11.

[Privacy Act 2020 and the Privacy Principles – Office of the Privacy Commissioner \(external link\)](#)

The Privacy Commissioner website contains a quick tour of the 13 privacy principles that govern how you should collect, handle and use personal information.

[A quick tour of the privacy principles – Privacy Commissioner \[PDF, 434 KB\]](#)

Early Learning Information (ELI) - How we protect the privacy of individuals

The ELI system protects personal Information through the following measures:

- Extensive security testing on the ELI system is regularly undertaken by the Ministry.
- All ELI data is encrypted as it is sent to the Ministry.
- The ELI system stores all data securely with the 'sensitive security classification to New Zealand Government standards.

ELI Principles of Use

We worked with the ECE Sector Advisory Group to develop seven principles of use for the ELI system.

These describe shared responsibilities, access to data, timeliness, ability to correct errors, and obligations for us and the ECE service providers under the Privacy Act 2020.

National Student Index (NSI)

All activity on the National Student Index is monitored and recorded by the Ministry.

Early childhood services must not search for children who are not enrolled in the service they are employed by.

[About National Student Numbers - Education in New Zealand](#)

How services should protect the privacy of individuals

Access to ELI data

Early childhood services should protect personal information from unauthorised access and meet the obligations for the careful treatment of personal information under the Privacy Act 2020.

Authorised users include the Service Provider Contact or delegated representative(s) for the purpose of submitting data to the Ministry.

Authorised users at early childhood services are required to use a logon and password to access ELI and can only access data related to their own service.

Early childhood services are responsible for their own compliance with the Privacy Act 2020, and for the protection of personal information they collect, use, store, and disclose.

We strongly advise early childhood services put in place appropriate processes to ensure that the privacy of information is maintained. This includes, but is not limited to, child information like names, date of birth and addresses.

Child Identification Documents

In some scenarios, we require early childhood services to ask parents and caregivers for child identification documents to confirm child details. It is important these records are accurate and complete.

Early childhood services should keep evidence showing they have sighted a child's official identification document but are discouraged from keeping copies. Once verification is complete, you need to ensure the secure disposal of these copies.

[Photocopying proof of identity – Office of the Privacy Commissioner \(external link\)](#)

In some cases, a service has a valid business reason to keep copies of a child's official identification document. One of the requirements of the Privacy Act 2020 is not to hold

this personal information for longer than is required for the purpose for which it was collected.

When early childhood services retain identification documents, you are required to communicate clearly to the parents these documents are being stored and for what purpose this is done and disclose this in your Privacy Statement so that parents and caregivers are aware.

Privacy Statements

Early childhood services need their own Privacy Statement. We provide mandatory wording which you must include in your own privacy statement. However, this wording does not contain all the wording you need to include in your privacy statement. We recommend you read the advice on the Office of the Privacy Commissioner's website about the requirements of Information Privacy Principle 3.

[Principle 3 - Collection of information from subject - what to tell the individual \(external link\)](#)

The Ministry of Education collects and stores a range of information through the ELI system. This includes personal information about enrolled children, teaching and non-teaching staff as well as some general information on licensed early childhood services

Early Childhood services must ensure that parents/caregivers and teachers are informed about their information collected and held by the Ministry of Education, why it is collected, how it is used, and who it is shared with.