

Guidance for requests to suppress information on the public register

This guidance sets out the process that people must follow when requesting suppression of information from the public register, and the factors Taumata Arowai will consider when assessing the request. It also clarifies the interface with the registration process for the water supply.

Taumata Arowai is required to provide a publicly available version of the Register of Drinking Water Supplies containing information specified in the Water Services Act 2021. This is referred to as the 'public register'. There are two key purposes for having a public register:

- To enable consumers, the public and organisations such as local authorities to find out about the water supplies in their local areas
- To enable consumers to contact the people responsible for the water supply if there is a problem

The public register includes some of the information provided by water suppliers when they register their water supplies with Taumata Arowai.

Information in the public register

The Act requires that the following information be displayed on the public register:

- Legal name and contact details of the owner, including the trading name if applicable
- Area the drinking water supply supplies (referred to as community on the public register)
- Number of persons expected to be using the drinking water supply
- Legal name and contacts details of the drinking water supply operator, if different from the owner, and the operator's trading name if applicable
- Information that relates to the authorisation of the operator of the supply (if any). Note: there is not an authorisation framework at this time.
- Any other information that Taumata Arowai considers is in the public interest to disclose.

The following additional information will also be displayed on the public register:

- Supplier (overall supply contact): legal name, trading name if applicable, supply role (owner, operator, agent), contact email and phone numbers
- Distribution zones within a supply and the population within each zone
- Supply name, identifier, supply type, registration status
- Supply components: active source type and identifier, treatment plant(s) name(s) and identifier(s), distribution zone(s) name(s) and identifier(s)

- Exemptions: link to information in Gazette notice
- Local authority: region and territorial authority
- Public health unit
- Acceptable Solution: if used type and link to information about the acceptable solution

Most of the information contained on the public register is provided by the person completing the registration application or in response to a request from an applicant (e.g. where a request for an exemption has been approved).

The exceptions are the registration status and identifier for the supply and its components (source water type, treatment plants, distribution zones). These information items are generated by Taumata Arowai.

Reasons for withholding information from the public register

Section 55(3) sets out the reasons that Taumata Arowai may withhold information from the public register:

- (3) *Taumata Arowai may withhold any information from the publicly available version of the register if it considers it is in the public interest to do so, which may include the protection of—*
- (a) *the privacy of natural persons; or*
 - (b) *the security of a drinking water supply.*

Taumata Arowai is not required to withhold any information but may do so where it considers it is in the public interest to do so, including to protect the privacy of the natural persons or the security of a drinking water supply.

Authorised users for a water supply and Taumata Arowai staff will still be able to view the suppressed information in the registration record in Hinekōrako – the online self-service portal. The supporting information for a suppression is held separately from the registration record and is not available to the water supply users, and only specific roles in Taumata Arowai.

Considering the public interest

The public interest test is whether it is in the public interest to suppress information from the public register. This includes considering two competing aspects:

- a. The public interest of enabling consumers and the general public to find out about their own water supplier and water supply, the water supplies in their local areas and to access the information that enables them to contact the water supplier
and
- b. The public interest of protecting the:

- i. privacy of natural persons who are involved in operating a water supply that supplies drinking water to other consumers
- ii. security of a drinking water supply (e.g., to minimise the risk of malicious actions being taken that could create public health risks for consumers)
- iii. other interests identified and advanced by the person seeking the suppression of public register details.

The public interest testis also considered against the intent of the legislation where certain information elements are expressly stated as being on the public register.

When considering the request and the supporting reason, Taumata Arowai will take into account whether a public presence already exists for the information (e.g., on the Companies Register).

Submitting a request to suppress information during the registration process

During the registration application process, the registration contact (the person responsible for maintaining the registration record) can indicate that they intend to submit a request for suppression of information from the public register.

The registration process will be completed as per normal within the 20 working days timeframe. No information about the supply will be included on the public register until an assessment of the suppression request has been completed.

The registration contact will receive an acknowledgement email from Taumata Arowai that outlines the process and the email address to use to provide further information about the request for suppression.

Where the suppression request relates to personal information about an individual included in the public register (ie, as owner, operator or overall supply contact), the supporting information for the suppression request can be provided directly to Taumata Arowai by the individual concerned or their authorised agent/representative in a separate email to protect the individual's privacy.

Submitting a request to suppress information once the water supply is registered

The registration contact may email Taumata Arowai directly requesting that information be suppressed after the supply has been registered.

The request should be sent to info@taumataarowai.govt.nz and include:

- Requestor's name, contact details and role in the supply (e.g. owner, operator)
- Supply name, supply ID (to ensure the correct supply is identified by Taumata Arowai)
- State the information items that are requested to be suppressed
- Provide reasons for the suppression request and where appropriate, provide information in support of the request

- Where the suppression request relates to personal information about an individual included in the public register (i.e. as owner, operator or overall supply contact), the supporting information for the suppression request can be provided directly to Taumata Arowai by the individual concerned in a separate email to protect the individual's privacy.

Taumata Arowai will amend the registration record to suppress the information on the public register pending the completion of the assessment process.

Requests to protect the privacy of natural persons

As the Act envisages that the name and contact details of the owner and operator are ordinarily displayed on the public register, there would need to be reasonable grounds for suppressing such details.

Reasons that may justify suppression of personal details include where the individual who is the subject of the request has reasonable cause for concerns about:

- Their own safety and security
- The safety and security of their family or other contacts
- Harassment of themselves or their family or other contacts.

Supporting information must be provided for a request to protect privacy. Information can include:

- A restraining order that is in force under the Harassment Act 1997
- A non-contact order under the Victims' Orders Against Violent Offenders Act 2014
- A protection order under the Family Violence Act 2018 for the individual
- A declaration by a constable that he or she believes the publication of information that discloses, or is likely to disclose, the whereabouts of the applicant may prejudice the safety of the individual or their family, and that the circumstances that lead to this risk are still active
- Other circumstances not included above where the individual's safety or privacy (or their family's) would be unreasonably prejudiced if the personal information was displayed, supported by evidence and a declaration that the information is accurate and provided in good faith.

The information submitted in support of a request will only be reviewed by the Taumata Arowai staff involved in the processing of or decision on the request, and where necessary, by the Privacy Officer and authorising manager. The information will be stored in a restricted access location.

Reasons that are unlikely to justify suppressing personal information on the public register include:

- Not wanting the information to be publicly available
- Thinking the public register is unfair or unreasonable
- Thinking it is not necessary for the information to be available.

Individuals who are owners, operators or overall supply contacts could consider establishing an incorporated society and using generic email addresses if they wish to avoid having their names and personal emails in the register. An unincorporated group cannot be used as an owner.

If a request is approved to suppress information for an individual, it will apply to all water supplies that the individual is connected with in Hinekōrako

Requests to protect the security of the water supply

The location of the drinking water supply source and the abstraction points are not included on the public register. The Act doesn't include this in the categories of information that must be displayed on the public register.

If a request is received to suppress the supply name or treatment plant name to protect the security of the water supply, sufficient information must be provided to explain the security concern. The physical addresses are not included on the register. This will be considered against the public interest of consumers and the public being able to find out about their own water supply or water supplies in the area.

Other reasons to request suppression of information

The Water Services Act provides that Taumata Arowai may withhold any information about a water supply on the public register for any reason, if considered in the public interest to do so, not just personal information or security of the water supply.

Taumata Arowai will assess all other requests for suppression of information against the public interest in having access to such information.

Processing the request for suppression

Taumata Arowai will process a request to suppress information as quickly as possible. Generally, we will endeavour to do this within 20 working days, but it may take longer. The actual timeframe will depend on the nature of the suppression request.

The suppression request must be confirmed at each annual renewal of the registration record for the relevant supply. A reminder email will be sent to the registration contact and the individual concerned (if the suppression relates to personal information).

Taumata Arowai will take reasonable steps to obtain confirmation that the suppression needs to continue before removing the suppression request.

If the request is approved, we will advise the requester/individual concerned by email:

- what information will be suppressed

- if the suppression results in no contact information for the water supply on the public register, a member of the public will be able to email Taumata Arowai and this will be forwarded to the water supply contacts
- that owners remain responsible for all duties and obligations for a supply, including responding to complaints or questions on the water supply from consumers or the public
- a reminder email will be sent 4 weeks prior to the registration renewal date advising that confirmation of the suppression request is required, along with relevant supporting information.

If the provisional decision is that the request will not be approved, we will advise the requester/individual concerned by email:

- The reasons for declining the request for suppression
- That we will reconsider the request in light of any additional information the requestor chooses to provide within 10 working days
- If no further information is received, Taumata Arowai will remove the temporary suppression of the information after five working days from the date of notification of the final decision to decline, and the information will be displayed on the public register and an email will be sent at that time to the individual/requestor.
- Of their ability to make a complaint to the Ombudsman (requestor or affected individual) or the Privacy Commissioner (affected individual only).
- To tell Taumata Arowai if a complaint is made to the Ombudsman or the Privacy Commissioner, so the temporary suppression continues pending the resolution of the complaint.