

Compliance Assurance and Auditing

for Criminal Conviction History Check
Online Service Third Party Customers

National Service Delivery, Operations Support

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MINISTRY OF
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Overview of Compliance and Auditing

Overview

About

This document describes the Ministry of Justice's (**Ministry's**) compliance assurance and auditing processes for registered third party customers (**Customers**) of the Criminal Conviction History (**CCH**) Check Online Service. The Ministry's auditing and compliance assurance processes include:

- checks on Customers carried out by the Ministry
- a Contract Compliance Statement completed yearly by Customers; and
- audits of Customers by external auditors.

Purpose

The purpose of the Ministry's compliance assurance processes is to ensure that Customers are compliant with the terms and conditions of the Contract and the Criminal Conviction History Request - Third Party User Guide, in accordance with legislative and contractual obligations.

Process diagrams

Diagrams for the compliance assurance checks process and auditing process can be found in Appendix 1 – Process diagrams.

Glossary of terms

A glossary of the key terms used in this part can be found in Appendix 2 – Glossary.

References

References to 'the Contract' refers to the Contract for Online Delivery of Criminal Conviction Histories.

Compliance Assurance Checks

Purpose and scope of compliance assurance checks

Purpose of compliance assurance checks

The purpose of compliance assurance checks is to ensure that Customers are compliant with:

- the Customer's Contract with the Ministry (including the CCH Check User Guide)
- the Ministry's privacy, confidentiality and security requirements, and
- the Privacy Act 2020 and any other applicable legislation, principles, industry codes and policies in relation to data that is personal information.

Compliance assurance checks enable the Ministry to:

- identify Customers who may not be complying with these obligations, and
- refer those Customers to any of the following as appropriate:
 - Audits; or
 - Termination of the Contract.

Scope of compliance assurance checks

The scope of assurance checking is to identify whether the Customer:

- is compliant with the Ministry's privacy and confidentiality requirements
- has procedures or system steps and training in place to ensure compliance with privacy and confidentiality requirements
- has procedures or system steps in place to ensure compliance with the Valid Identification requirements, Evidence of Identity requirements, and retention of Authorisation and Valid Identification requirements
- is compliant with the Ministry's security requirements
- has up-to-date antivirus protection, and regularly engages a security consultant to independently test their website for vulnerabilities

- has procedures or system steps in place to ensure awareness of common cyber-attacks and how to report a cyber security incident
- has ensured information is only being accessed on a need to know basis, regularly reviews who can access what information, and has limited how that information can be accessed (including individual user accounts and secured storage)
- is compliant with any other aspect of the Customer's Contract that the Ministry deems appropriate to check.

The compliance assurance checking process

List of Third Party Customers for assurance checking

Customers are required to complete an annual self-assessment using the Contract Compliance Statement.

The Ministry will generate any information that is required to form a list of Customers for assurance checking.

Customers identified for assurance checking must provide a copy of the Contract Compliance Statement completed within the last financial year to the Ministry.

Note: The Ministry may also request a Contract Compliance Statement at any time if the Ministry suspects on reasonable grounds that there has been a material breach of obligations under the Contract, or to audit performance or compliance with privacy, security, and confidentiality obligations.

Authorisation and Valid Identification records

The Ministry may request from the Customer copies of the Authorisation and Valid Identification relating to CCH Requests made within 3 months of the Ministry's receipt of a CCH Request. Customers will be required to provide this information within three working days of receiving such a request from the Ministry.

Checking information and identifying areas of concern

The Central Registry reviews the content of the Contract Compliance statement, and any other documents, to determine whether the Customer appears to be compliant with:

- the Customer's Contract with the Ministry (including the CCH Check User Guide)
- the Ministry's privacy, confidentiality and security requirements, and

- the Privacy Act 2020 and any other applicable legislation, principles, industry codes and policies in relation to data that is personal information.

Third Party Customer is compliant

If the Contract Compliance statement and documentation (on file and requested) provides sufficient evidence that the Customer appears to be compliant, no further action is required and the checking process is complete. In this case, a member of the Central Registry:

- records the findings, and
- notifies the Customer of the outcome of the assurance check.

Requesting explanation from Third Party Customer

If the Ministry finds that the Customer is not compliant with compliance assurance checks, the Ministry may request additional documentation or an explanation from the Customer. The Customer must provide the documentation or explanation within ten working days.

If...	Then...
the Customer supplies a satisfactory explanation	the Ministry records its findings, and closes the compliance assurance check.
the Customer supplies an unsatisfactory response, or does not respond	the Ministry records its findings, and refers the matter to the audit process.

Outcomes of assurance checking

Actions taken

When a compliance assurance check of a Customer has been completed, the Ministry may take one or more of the following actions.

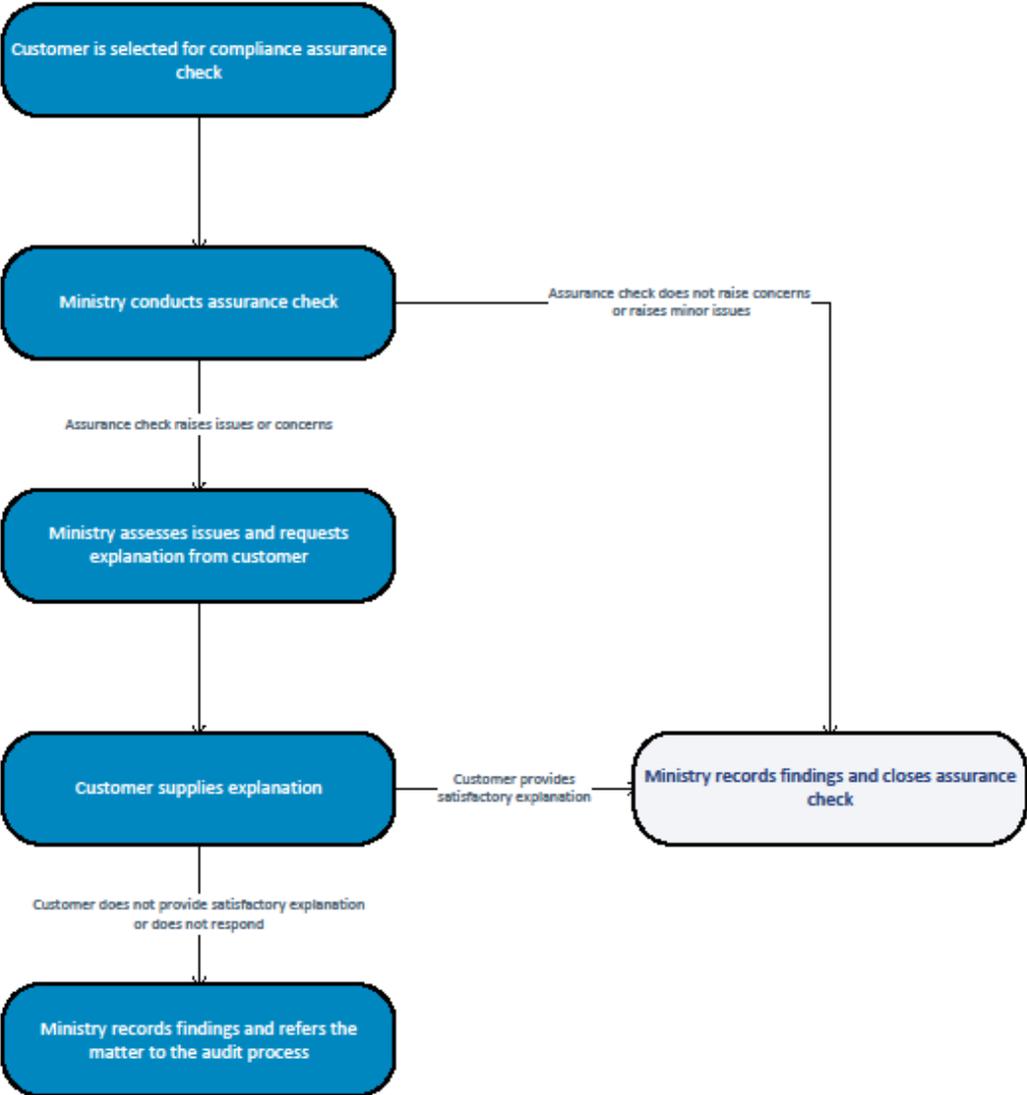
If...	Then...
appears to be compliant with the obligations being checked	the Ministry records its findings, and closes the compliance assurance check.
does not appear to be compliant with the obligations being checked	the Ministry may refer the matter to the audit process, or termination.

Appendix 1 – Process diagrams

Compliance assurance checks

Process

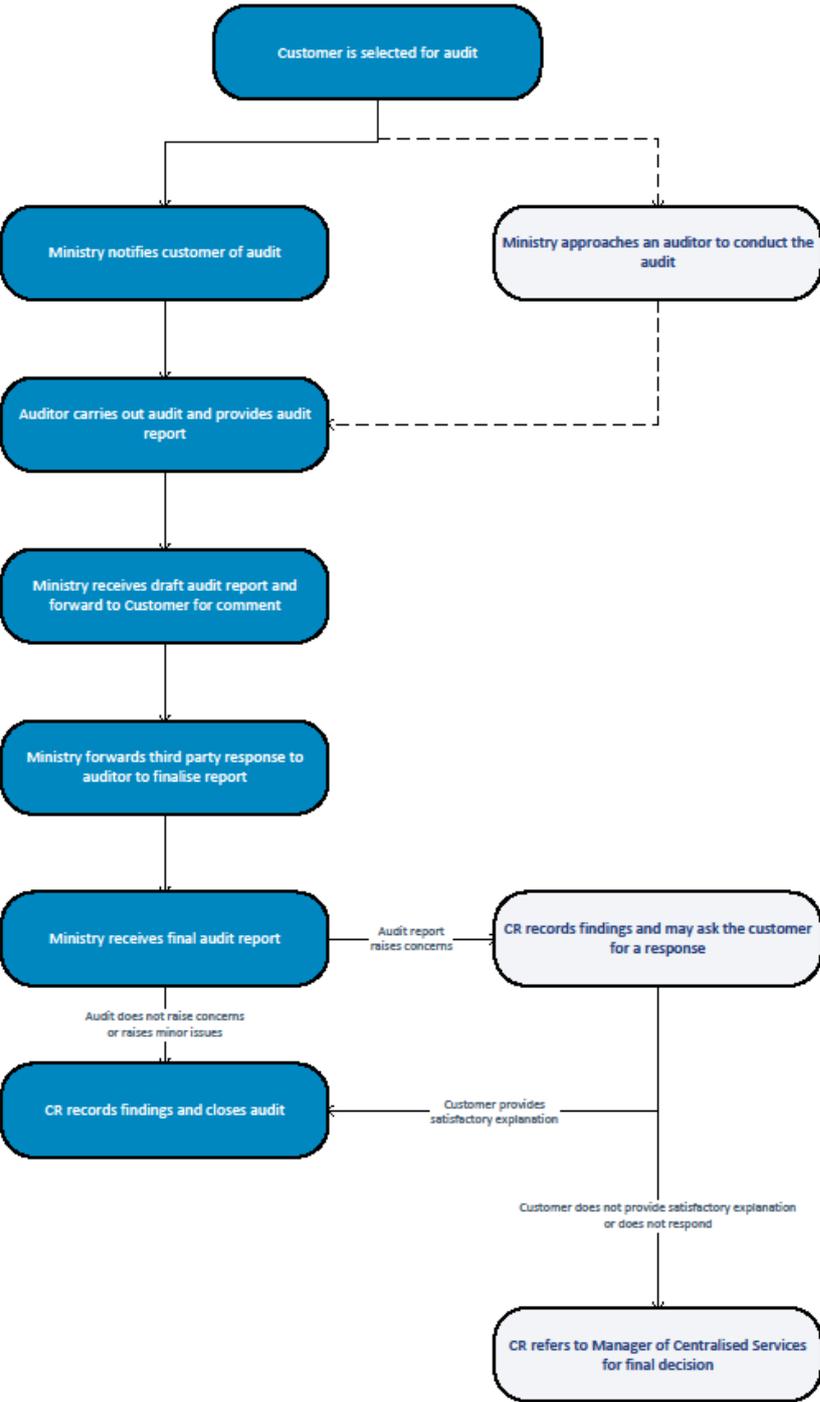
The diagram below shows the process for assurance checking Customers.



Auditing

Process

The diagram below shows the process for auditing Customers.



Appendix 2 – Glossary

Glossary of Terms

CCH

Means criminal conviction history, which is a record of the criminal offences that a person has been convicted of in a court.

CCH REQUEST

Means a request to the Ministry to undertake a search for a CCH in respect of a Named Individual.

CCH USER GUIDE

Means the document prepared by the Ministry, as amended from time to time.

COMPLIANCE

There is sufficient and appropriate evidence to demonstrate a particular requirement has been complied with.

CONTRACT

Contract means the Contract for Online Delivery of Criminal Conviction Histories.

CUSTOMER

Customer means a third party registered by the Ministry, at its discretion, who fulfils the Ministry's requirements in accordance with clause 3 of the Contract.

CR

Means the Central Registry within the Ministry.

MINISTRY

Means the Ministry of Justice.

NON-COMPLIANCE

Clear evidence has been collected to demonstrate the particular requirement has not been complied with and is within the scope of the audit.

OBLIGATIONS

A Third Party's obligations as outlined in the Act and regulations, the contract (including practice standards), professional obligations and any relevant policies and procedures.

ONLINE CCH SERVICE

Means the Ministry's online platform used for submitting CCH requests and receiving CCHs in response to a CCH Request.

THIRD PARTY

Means a Customer who has agreed to be bound by the terms of this Contract in relation to the CCH Online Service.

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