



**MINISTRY OF HOUSING
AND URBAN DEVELOPMENT**

Information Sharing Protocol

Between the Community Housing Regulatory
Authority and the Funding and Programme
Delivery business units

Document information

Version history

Version Number	Issue date	Approval	Summary of change
Version 1.0	August 2019	Scott Gallacher, DCE, Funding and Programme Delivery; Stephanie Rowe, DCE, System Performance	N/A

Purpose

This Protocol outlines the relationship between the Community Housing Regulatory Authority (the Authority) and the Funding and Programme Delivery (FPD), both of which are business units within the Ministry of Housing and Urban Development (HUD).

The Authority registers and regulates registered Community Housing Providers (CHPs). It is the assurance agency for Government, and ensures that registered CHPs are well-governed, financially viable, and able to deliver appropriate landlord services over the long-term.

The FPD is the purchaser of housing services, contracting with various organisations, including CHPs, to house people in need and where mandated, to provide them with support services. The FPD relies on the Authority's functions to enable the purchasing team to operate at pace and focus on contract management.

Guiding Principles

The following are the overarching principles that govern this Protocol:

- Collaboration to improve the outcomes for people on matters relating to housing or housing-related services
- Support the growth of a fair, efficient and transparent community housing sector
- Reduce, wherever possible, the duplication and compliance for applicants and registered CHPs
- Enable the purchasing team to focus on contract delivery at a pace and scale that meets HUD's objectives

Both business units acknowledge and agree that:

- They have separate statutory and/or regulatory roles and functions they must carry out
- They are part of the same organisation and will work together to achieve HUD's objectives
- The process of information sharing must be transparent, purposeful, and in compliance with the Privacy Principles specified in the Privacy Act 1993. This must be undertaken in a way that demonstrates that HUD is a responsible information steward, in order to retain the trust and confidence of its stakeholders.

Relationship principles

Representatives of the business units will endeavour to meet quarterly to discuss the application of this Protocol. These meetings will also ensure an ongoing appreciation that roles and responsibilities are shared between the business units. The information sharing processes and procedures will be regularly reviewed at these meetings to ensure they are up to date and continue to meet the needs of each of the business units' operations.

Any disputes that may arise between the business units about the application of this Protocol will be managed quickly, transparently and honestly. The business units, through their respective managers, should attempt to resolve the dispute in the first instance.

If a dispute cannot be resolved within a reasonable time, it should be referred to the respective Deputy Chief Executives. The Chief Executive will make the final decision to resolve any dispute.

Review

This Protocol will be reviewed 12 months from when it was signed, unless circumstances require it to be reviewed earlier.

Roles and Responsibilities

The following table outlines each of the business units' roles and responsibilities:

The Authority	FPD
Carries out the functions and responsibilities in Part 10 of the Housing and Restructuring Tenancy Matters Act 1992 (HRTMA)	Carries out the responsibilities as outlined under Part 9 of the HRTMA
The Authority will seek to ensure registered CHPs are well-governed, well-managed, financially viable at all times, and that adequate systems and processes are in place for tenancy management. This will be done at the time of registration, as well as through monitoring compliance with the prescribed eligibility criteria and Performance Standards, at least on an annual basis	In accordance with section 137A of the HRTMA, the FPD may enter into agreements with registered CHPs for the provision, by registered CHPs, of public housing and housing-related services, for the price and on the terms and conditions agreed between HUD and the registered CHPs
Require, at a minimum, annual reports from registered CHPs on their compliance against the Performance Standards, including: <ul style="list-style-type: none"> • audited financial statements¹ in the name of the registered CHP • budget forecasts for the registered entity for the next three years • current insurance schedules that cover both organisational insurance and material damage to properties in the portfolio² • updated Business and/or Strategic Plans • a summary of any new capital expenditure (planned or 	Monitors the terms and conditions of a Relationship Agreement and Services Agreement between HUD and a registered CHP.

¹ There may be some exceptions to the requirement for audited accounts. These will be documented by the Authority as appropriate.

² There may be some exceptions to the requirement for property insurance. These will be documented by the Authority as appropriate.

<p>undertaken) that is not already captured in the audited financial accounts or budget forecasts</p> <ul style="list-style-type: none"> • updated policies and procedures • new or updated related party agreements 	
<p>Suspend or revoke registration of a registered CHP if they are no longer meeting the eligibility criteria and/or Performance Standards</p>	<p>Where the PHS receives complaints alleging a breach of the eligibility criteria or Performance Standards for registration, it will immediately refer the complainants to the Authority. It will also assess if the registered CHP has breached any of its contractual terms with HUD that warrants the FPD to seek contractual recourse against the registered CHP.</p>
<p>In relation to written complaints from tenants or any other person about a registered CHP, the Authority may choose to investigate and determine whether there has been a breach of the prescribed eligibility criteria and Performance Standards</p>	<p>Where the FPD receives complaints from tenants, it will advise the tenants to contact the landlord first to resolve the problem, and failing that, the Tenancy Tribunal</p>

Information Sharing

Both business units acknowledge that the Relationship and Services Agreements that registered CHPs enter into with HUD rely on the relationship between the Authority and the FPD, and the need to share certain information.

When the Authority or FDP is considering disclosing information to the other business unit it will, on a case-by-case basis, make an assessment as to whether the information in question is relevant to the other business unit to ensure it can prudently perform its roles and responsibilities.

If a business unit is uncertain if the information should be disclosed to the other business unit, or if the information is deemed to be of importance to the wider interests of HUD, then the manager of the business unit in question will escalate the matter to their relevant Deputy Chief Executive for consideration. If necessary, the relevant Deputy Chief Executive will raise the matter with the Chief Executive to determine the appropriate course of action the business unit in question should take with respect to the information. The business unit can also seek advice from HUD's Privacy Officer and the Legal Team before disclosing the information.

The table below outlines what information the business units are generally expected to share with each other. It is not intended to be an exhaustive list. It is also acknowledged that there will be constraints in what each party will be able to share.

The business units will endeavour to share the relevant information with each other as soon as reasonably practicable.

The Authority agrees to advise the FPD of:	The FPD agrees to advise the Authority of:
Any changes made on the Authority's public register of CHPs – whether this is due to new registrations, a registered CHP self-revoking, suspension or revocation	Any pre-contractual discussions with providers and/or applicants that are likely to result in the execution of a Service Agreement and that are relevant to the Authority's regulatory functions e.g. for the expansion of housing stock, new services, or delivery in new geographic locations.
A material breach of the prescribed eligibility criteria and/or Performance Standards by a registered CHP	Any new Services Agreement signed with a registered CHP
Major incidents or reports of activity that it becomes aware of which may put tenants, HUD personnel, or registered CHPs at risk	A material contract breach by a registered CHP that may impact on its continued registration status with the Authority or ability to access the IRRS
If requested, and where possible, information relating to any registered CHP's insurance schedules, audited financial accounts, business plans, policies and procedures	The termination, expiry, or non-renewal of any contracts relating to IRRS with any registered CHP
Any significant concerns about a registered CHP that may detrimentally impact the FPD's ability to achieve HUD's public housing objectives.	Information received which raises as an issue the fact that a registered CHP may have breached the prescribed eligibility criteria and/or Performance Standards

Personal information will only be shared where necessary to perform the parties' respective functions effectively. The collection, correction, storage, disclosure and use of personal information must comply with the Privacy Act 1993.

When the business units share information with each other they will ensure they only disclose relevant information to the other business unit that enables it to prudently perform its roles and responsibilities.

CHPs will be encouraged to notify the respective business units where they provide any information that they consider to be commercially sensitive.

Official Information Act 1982 and Privacy Act 1993 Requests

If HUD receives an Official Information Act request about a registered CHP, both business units will work together, as well as with the CHP in question, to determine what information is within the scope of the request and which information can be released.

The business units will follow HUD's relevant policies and processes associated with a request from an applicant or registered CHP for access to, or correction of, information held by HUD regarding their organisation.