

Political Neutrality and Surveys

Report by John Ombler, Deputy Commissioner, State Services Commission

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Introduction

1. In early February 2019 Inland Revenue (IR) published an online survey containing a question about the political leanings of respondents. The question was inappropriate. It had the potential to undermine the principle of political neutrality.
2. On 11 February the Hon Chris Hipkins, the Minister of State Services, wrote to Peter Hughes, State Services Commissioner, asking him to examine the circumstances that led to IR commissioning the survey and to provide him with assurance that the principle of political neutrality is well-understood and will be observed by IR going forward. The Hon Amy Adams, the National Party finance spokesperson, also wrote to the Commissioner requesting that he undertake an investigation.
3. The Commissioner asked me to look into this matter on his behalf. This memo, and the attached investigation reports, inform the responses to the Minister and the member of Parliament.

Our approach

4. Government departments are increasingly conducting surveys of citizens. These surveys carry a heightened risk of undermining the principle of political neutrality. That is because they often include questions about the socio-demographic characteristics of the person completing the survey (e.g. age, income). These questions help the department understand the views of different groups of the public or of its customer base. When it comes to issues like satisfaction and trust, academic research shows that people's political affiliations or leanings can be a factor in explaining differences between individuals. While these kinds of questions are unremarkable in an academic setting, there is a real risk that they could be perceived by the public as being politically motivated if asked by a government department.
5. Given the heightened risk, we contacted all government departments in mid-February and asked them to review their surveys, polls and equivalent research over the last five years. We asked them to look for any questions, like the question asked by IR, that could potentially be perceived as being politically motivated. Two questions referred to us caused similar concern - one from Statistics New Zealand (Stats NZ) and one from the Department of Conservation (DOC). Both questions were worded very broadly, with DOC's asking about political preferences and Stats NZ's asking about feelings towards the Government. The broad wording may have made it difficult for a survey respondent to easily discern the department's reason for asking the question. It should be noted that Stats NZ included this question in a survey for market research purposes, not within one of its standard statistical surveys.
6. The three questions were:
 - a. **IR** - People often indicate their political affiliation along a spectrum of left and right. Using this divide, where on the spectrum would you place yourself? (from 0 to 10).

- b. **DOC (in conjunction with Manaaki Whenua - Landcare Research)** - Please indicate where on the political spectrum you perceive yourself to be on a scale ranging from 1 (extremely liberal) to 7 (extremely conservative).
- c. **Stats NZ** - How would you describe your current level of positivity towards the Government? (Extremely positive, positive, indifferent, negative or extremely negative). There was also a free text box where respondents could indicate reasons for their answer.
7. These three questions were inappropriate and not acceptable. Having identified them, I wrote to each department and asked them to provide us with an explanation as to how these questions came to be included in their respective surveys. I advised that we would be happy for the departments to conduct their own investigations into these matters and to discuss the findings with me. I noted our expectation that the investigations would look at:
- the details of exactly what has happened, how the questions were asked and how the data was used
 - why and how it occurred
 - at what level approvals were given
 - whether these were within delegated levels
 - how senior management control was exercised
 - the processes for quality assurance (both technical QA and QA of appropriateness of content)
 - whether the management controls were consistent with your agency's normal practice.
8. The three departments responded by conducting their own investigations, which resulted in the following reports (attached):
- Martin Jenkins, Independent Review of Inland Revenue's Approval of a Survey Question about Political Leanings, 29 April 2019
 - DOC Director Government Services, Question on Political Orientation in a Survey, 28 February 2019
 - RDC Group, Independent Review of Statistics New Zealand's Market Research and Polls, Phase one 7 March 2019, Phase two 18 April 2019.
9. I have reviewed these reports and discussed the findings with the relevant chief-executives.

The rationale for including the questions

10. There is no evidence that the inclusion of any of the questions was politically motivated. In all three cases there was an operational reason for asking the question of concern, supported by academic research:
- a. IR has a legal obligation to maximise trust in the tax system and to increase voluntary compliance. To determine how best to maximise trust, IR sought to find out what factors influence a person's level of trust. This information would allow IR to focus on the factors it can influence, and to rule out the ones that are beyond its control. Initial Colmar Brunton research suggested that there was a likely connection between a person's trust in the tax system and their political leanings (a factor clearly beyond IR's control).

- b. DOC is responsible for managing and promoting conservation of the natural heritage of New Zealand. It collaborated with Landcare Research as well as Victoria, Auckland and Otago universities on a project under the umbrella of the National Science Challenges to explore New Zealander's perceptions and acceptance of novel pest-control technologies. Colmar Brunton delivered the survey. Significant evidence from the United States indicated that political leanings are associated with opinions of environmental issues and trust in science.
- c. Stats NZ is responsible for the census. For the 2018 census, it had a goal of a 70% online response. Stats NZ wanted to develop a marketing campaign to achieve that goal. It engaged Clemenger BBDO and Perceptive Ltd to research what would influence people's willingness to participate in the census. The experience of New Zealand's international counterparts in shifting towards an online census indicated that people's levels of trust in government was likely to be a relevant factor.

What went wrong?

- 11. In all three cases public servants made errors of judgment. They either did not identify, or did not sufficiently mitigate against, the risk of creating a perception of political partisanship. At the systems level, none of the agencies' policies concerning surveys expressly alerted them to this risk.
- 12. It is apparent from the investigation reports that there were two other common factors that contributed to these errors:
 - a. The agencies engaged external contractors to deliver the surveys who either drafted, or were heavily involved in drafting, the original questions. In DOC's case this was done in collaboration with Landcare Research and the universities.
 - b. Project team leaders, who had been working with the contractors, approved the final questions. This led to a narrow focus during the approval process on technical aspects of survey design.
- 13. In relation to Stats NZ, there was also an issue with the wording of the survey question. The aim was to find out respondents' views about government generally. Originally the question referred to "the new Government" and Stats NZ appropriately asked for this to be changed. The actual question that was asked referred to "the Government" but it was clear from the answers given that respondents still understood this as referring to the current government not government generally. Stats NZ ran this survey twice and received a report on the results in between. It missed the opportunity to rectify its mistake.

How are the agencies addressing these issues?

- 14. To ensure that similar issues do not arise again, IR, DOC and Stats NZ are:
 - a. reminding their staff about the importance of political neutrality;
 - b. reviewing their policies for outsourcing surveys and approving survey questions; and
 - c. implementing a variety of agency specific recommendations that were made in their respective investigation reports.

15. The agencies are also in the process of ring-fencing the inappropriately collected data to protect against any future improper use. IR asked Colmar Brunton to delete the data collected on its behalf. That data never made it into IR's possession. DOC, whose survey was the result of a collaboration of agencies, is disassociating itself from any further analysis or publications based on the question of concern. Finally, Stats NZ, whose survey was for internal use only, will place a note on the relevant data and reports to ensure that the error is self-evident to any reader.

Other questions with an elevated risk

16. The three cases discussed above demonstrate why questions about the political leanings or party affiliations of citizens should never be asked by government departments. However the nature of the environment in which departments operate means departments do from time to time engage in surveys and questionnaires that can at first glance appear to be political.

17. Departments raised two other cases with me which require comment in this regard. IR conducted two research projects in 2016/17 which asked respondents to a survey whether they agreed that "The Government makes good use of taxpayer money" or "I don't agree with how my tax dollars are being spent by the government". The objective of these projects was to understand what was influencing customers' views on paying tax and meeting their obligations, and whether IR communications (including the Hidden Economy campaigns) were effective.

18. A survey commissioned by the Ministry for the Environment in April 2018 included a question "How much do you agree or disagree with the following statements? The Government and politicians are doing enough to prevent and reduce the impacts of climate change on New Zealanders". The survey covered a wide range of questions intended to understand the public's attitudes toward the environment (climate change, water and waste) and toward actions that might address environmental issues. The survey was used to inform the Ministry's policy advice, engagement and communication on the environment.

19. Survey activity by departments is important. The policy advice that agencies tender to Ministers needs to be based on sound problem definition and options analysis based on data, evidence, insights and research. Insights from diverse perspectives including customers, stakeholders, service providers, frontline staff and the public inform both the policy process and subsequent implementation, including engagement and communication. However survey questions should never seem like ones that might be asked by a political pollster.

20. To consider whether survey questions are acceptable in regard to political neutrality, it is important to look at the wording of the question, the role and function of the department, the context in which the question is being asked and the purpose for which it is being asked.

21. Questions that ask respondents about how a policy is working, whether services are effective and about performance in a particular area related to the department's role are generally acceptable. They can help inform policy development and particularly in understanding the degree to which a policy is likely to be accepted and will meet the needs of end users. Such survey questions are not likely to be perceived as being asked for political purposes or as referring to the popularity of the current Government (rather than government over time). For the public there is also a reasonably obvious rationale for them in informing the policy and implementation process.

22. Great care however should be taken in the wording of such survey questions. The Ministry for the Environment question, referenced in paragraph 18 above, used wording which was, in my view, unwise but did not cross the line and seriously compromise perceptions of political neutrality, as do the three examples cited in paragraphs 6 (a), (b) and (c). The question could have been worded differently to achieve similar responses and markedly reduce any perception that the Ministry was politically motivated or that the question was being asked on behalf of a Minister in their political role. I note that the Secretary for the Environment has advised that she will "review our internal procedures to ensure that authorisation is sitting at senior management level within the organisation".
23. While these two questions are acceptable they are noted here to emphasise to departments the factors to consider in preparing survey questions. When departments were asked at the outset of this work to look for other questions that could be perceived as politically motivated, most departments gave a nil return. A few questions were referred to me that were clearly not in scope of my work e.g. a question from the Ministry of Transport which asked "how effective do you think our drink-driving laws are in reducing the road toll?". An example from the Ministry of Social Development was in a public consultation document that asked whether people agreed with the Government's assessment of progress on a report by the United Nations Committee on the Rights of the Child. There are likely to be many other examples of such questions across government that seek views on whether policies are working or which are part of public consultation processes. They are clearly acceptable and cannot be seen as being politically motivated.
24. To minimise the risk of undermining the principle of political neutrality, survey questions should be signed off by departmental senior management. If they could be perceived by a reasonable person as being politically motivated, they should be modified or not asked.

Concluding comment

25. There are good reasons for departments to conduct surveys of citizens and evidence-based research is to be encouraged. But this is not simply a technical matter. It is a form of communication with the public and the risk of creating a perception of political partisanship needs to be factored into the process of approving questions.

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