



Privacy Act Policy

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1. Purpose

- 1.1 The purpose of this policy is to outline the Privacy Act 1993 (“the Act”) and the Information Privacy Principles and the Boards process for dealing with requests for information made under the Privacy Act.
- 1.2 The policy also sets out the requirements for storing and securing personal information and the process for dealing with complaints to the Privacy Commissioner and detail what should happen in the event that a privacy breach is identified.

2. Application

- 2.1 The Privacy Act applies to almost every person or organisation in New Zealand that holds personal information, and the Board is obliged to observe its requirements.

3. Privacy Officer and Administration

- 3.1 The Privacy Act requires the Board have a Privacy Officer. As the Board’s information is held and administered by the Ministry of Business Innovation and Employment (“the Ministry”) on behalf of the Board the role of Privacy Officer and the administration of Privacy Act requests will be fulfilled by the Ministry.

4. Privacy Principles

- 4.1 The Act specifies 12 information privacy principles which are set out in full in the Schedules. In summary, these are:

Principle 1: The Board can collect personal information only if it needs to do so to carry out its functions.

Principle 2: Personal information should be collected directly from the individual concerned, unless:

- the individual has authorised collection of the information from another person;
- the information is in a publicly available publication (such as the electoral roll) and is sourced from that publication; or
- it is not practicable to collect the information directly from the individual, and collection from another person would not prejudice the individual’s interests.

Principle 3: When it collects information, the Board must explain:

- that the information is being collected;
- the purpose for which it is being collected;

- who will see the information;
- the name and address of the Board, as the agency holding the information;
- whether the information is required to be supplied under a piece of legislation; and
- the individual's rights to access to and correction of the information.

Principle 4: The Board cannot collect personal information in a way that is unlawful, unfair, or which unreasonably intrudes on the personal affairs of the individual.

Principle 5: We must hold personal information safely and securely.

Principle 6: Individuals are entitled to confirm that information is held about them and to have access to that information. If access to information is refused, the requestor must be told:

- the reason for the refusal;
- the grounds on which access is refused (discussed below); and
- the right to complain to the Privacy Commissioner.

Principle 7: People are entitled to request correction of information held by the Board about them, and to request that a statement be attached to the information when they have sought a correction, but the correction has not been made.

Principle 8: The Board may not use information unless it has taken reasonable steps to ensure that the information is accurate, up to date, complete, relevant and not misleading.

Principle 9: The Board can keep personal information only so long as it is required for the purposes for which it can lawfully be used.

Principle 10: The Board cannot use personal information obtained in connection with one purpose for another purpose.

Principle 11: Personal information collected by the Board should not be disclosed to another person or organisation. There are some exceptions to this principle.

Principle 12: The Board must not assign a unique identifier to an individual unless it is necessary to carry out its functions. (A unique identifier is a code, such as a series of numbers, assigned to a person so that they can be identified, eg. an IRD number or a Work and Income customer number).

5. Requests for the Release of Personal Information

5.1 A request under the Act can only be made by a natural person, that is, an individual rather than a company or organisation. The natural person must be:

- a citizen of New Zealand;
- a permanent resident of New Zealand; or
- a person currently in New Zealand.

5.2 An individual can make a request for:

- confirmation about whether or not the Board holds particular personal information;

- access to personal information being held by the Board; or
 - a correction to be made to personal information held by the Board.
- 5.3 If an Information Privacy Request is properly made under the Act, the Board has 20 working days to:
- decide whether or not to grant the request;
 - decide the form in which the request is to be granted; or
 - inform the requester of the Board's decision.
- 5.4 The Board may extend the statutory timeframe for responding to an information privacy request if the request:
- is for a large quantity of information or requires a search through a large quantity of information; or
 - requires consultation that will take up so much time that it would not be possible to respond properly within the 20 working day timeframe.
- 5.5 The requester must be notified of the time extension within 20 working days after the Board receives the request.

6. Transfer of Requests

- 6.1 If the Board does not hold the requested information or it believes the request is more closely connected with another organisation the request must be transferred to that organisation within 10 working days of receiving the request.

7. Withholding Information

- 7.1 The Privacy Act provides a number of grounds on which requested information can be withheld.
- 7.2 The grounds for withholding information likely to be relevant to the Board are if the:
- release were to prejudice the maintenance of the law, including the prevention, investigation and detection of disciplinary offences;
 - release were to endanger anyone's safety;
 - release would involve the unwarranted disclosure of the affairs of another person;
 - request involved evaluative material (reference checks, for example) and an undertaking of confidentiality had been given; or
 - release would breach legal privilege.