

SCHOOL PROCEDURE 64: PRIVACY ACT

Rationale

The Whareorino School Board is required to comply with the Privacy Act 2020 in all aspects for employees, and in its role as the body with overall responsibility for the running of the school.

The Privacy Act 2020 has thirteen information privacy principles. The Privacy Act 2020 is an Act designed to promote and protect individual privacy and in particular, to establish certain principles with respect to;

- a) The collection, use, and disclosure, by public and private sector agencies, of information relating to individuals, **and**
- b) access by each individual to information relating to that individual and held by public and private sector agencies.

The Whareorino School Board is to appoint a Privacy Officer at the start of each year who will be charged with the task of ensuring that the following guidelines are adhered to when the need arises. The Privacy Officer role will typically be delegated to the Principal. All forms which have been prepared for the purpose of collecting private information should be passed by the Privacy Officer before being circulated.

All forms which will collect private information should advise:

- the purpose for which the information is being collected;
- the intended recipients of the information;
- who will hold the information; and
- individuals' rights of access to, and correction of, the personal information collected.

Guidelines

The Privacy Act 2020 has 13 privacy principles that govern how Whareorino School Board should collect, handle and use personal information. The following provides a snapshot of these principles. For a detailed view, click on the links below.

Principle 1 The school may only collect personal information if it is for a lawful purpose and the information is necessary for that purpose. The school should not require identifying information if it is not necessary for your purpose.

Principle 2 Whareorino School should generally collect personal information directly from the person it is about. Because that won't always be possible, the school may collect it from other people in certain situations. For instance, if:

- the person concerned gives you permission
- collecting it in another way would not prejudice the person's interests
- collecting the information from the person directly would undermine the purpose of collection
- the school is getting it from a publicly available source

Principle 3 When you collect personal information, you must take reasonable steps to make sure that the person knows:

- why it's being collected
- who will receive it
- whether giving it is compulsory or voluntary
- what will happen if they don't give you the information Sometimes there may be good reasons for not letting a person know you are collecting their information – for example, if it would undermine the purpose of the collection, or if it's just not possible to tell them.

- Principle 4 The School Board, through the Principal, may only collect personal information in ways that are lawful, fair and not unreasonably intrusive. Take particular care when collecting personal information from children and young people.
- Principle 5 The School Board, through the Principal, must make sure that there are reasonable security safeguards in place to prevent loss, misuse or disclosure of personal information. This includes limits on employee browsing of other people's information.
- Principle 6 People have a right to ask you for access to their personal information. In most cases you have to promptly give them their information. Sometimes you may have good reasons to refuse access. For example, if releasing the information could:
- endanger someone's safety
 - create a significant likelihood of serious harassment
 - prevent the detection or investigation of a crime
 - breach someone else's privacy
- Principle 7 A person has a right to ask the Whareorino School Principal to correct their information if they think it is wrong. Even if the Principal doesn't agree that it needs correcting, the Principal must take reasonable steps to attach a statement of correction to the information to show the person's view.
- Principle 8 Before using or disclosing personal information, the Board, and/or Principal must take reasonable steps to check it is accurate, complete, relevant, up to date and not misleading.
- Principle 9 The Board / Principal must not keep personal information for longer than is necessary.
- Principle 10 The school can generally only use personal information for the purpose it was collected. The Board / Principal may use it in ways that are directly related to the original purpose, or use it another way if the person gives permission, or in other limited circumstances.
- Principle 11 You may only disclose personal information in limited circumstances. For example, if:
- disclosure is one of the purposes for which you got the information
 - the person concerned authorised the disclosure
 - the information will be used in an anonymous way
 - disclosure is necessary to avoid endangering someone's health or safety
 - disclosure is necessary to avoid a prejudice to the maintenance of the law
- Principle 12 You can only send personal information to someone overseas if the information will be adequately protected. For example:
- the receiving person is subject to the New Zealand Privacy Act because they do business in New Zealand
 - the information is going to a place with comparable privacy safeguards to New Zealand
 - the receiving person has agreed to adequately protect the information – through model contract clauses, etc.
- If there aren't adequate protections in place, you can only send personal information overseas if the individual concerned gives you express permission, unless the purpose is to uphold or enforce the law or to avoid endangering someone's health or safety.
- Principle 13 A unique identifier is a number or code that identifies a person in your dealings with them, such as an IRD or driver's licence number. You can only assign your own unique identifier to individuals where it is necessary for operational functions. Generally, you may not assign the same identifier as used by another organisation. If you assign a unique identifier to people, you must make sure that the risk of misuse (such as identity theft) is minimised.

Use the links below to explore the privacy principles individually. (Ctrl+Click to follow)

[Principle 1 - Purpose for collection](#)

[Principle 2 - Source of information](#)

[Principle 3 - What to tell an individual](#)

[Principle 4 - Manner of collection](#)

[Principle 5 - Storage and security](#)

[Principle 6 - Access](#)

[Principle 7 - Correction](#)

[Principle 8 - Accuracy](#)

[Principle 9 - Retention](#)

[Principle 10 - Use](#)

[Principle 11 - Disclosure](#)

[Principle 12 - Disclosure outside New Zealand](#)

[Principle 13 - Unique identifiers](#)

[Privacy Act 2020 - Privacy Commissioner](#) *(Ctrl+Click to follow)*
<https://www.privacy.org.nz/privacy-act-2020/privacy-principles>

Note:-

1. This procedure should be read in conjunction with School Procedure 77, Protected Disclosures.

C. Stevenson
PRINCIPAL
Dated: March 2022

