

## SCHOOL PROCEDURE 65: PRIVACY OFFICER

### 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 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

#### 1. PRIVACY OFFICER:

The Board Preising Member and School Principal hold the position of Privacy Officers.

The Privacy Officer will...

1. Require compliance with the information privacy principles.
  2. Deal with requests made pursuant to the Act.
  3. Work with the Privacy Commissioner in relation to investigations conducted regarding complaints.
  4. Otherwise ensure compliance by the school with the provisions of the Act.
2. The school will ensure that the Privacy Officers have enough resources to carry out their responsibilities properly.
  3. The names of the Privacy Officers will be publicised annually within the school organisation.
  4. Should the Privacy Officers be unable to assist a person with issues of privacy, the person will be referred to the Privacy Commissioner (Government Body), who may provide guidance, including written information. (*Note:- It is not the role of the Commissioner to provide legal advice or guidance on a hypothetical situation.*)
  5. Whareorino School is in its rights to have more than one Privacy Officer.
  6. All members of the School Leadership Team and School Board, will have knowledge of the Information Privacy Principles and the Privacy Act 2020.

7. Should a person complain to the Privacy Commissioner that the school has caused an interference with his or her privacy, the Privacy Commissioner, or a member of their staff, may contact the Privacy Officer/s of the school, to discuss the complaint and work towards settling the matter. The Privacy Officer/s will need to provide whatever assistance is necessary.

## **QUESTIONS WHICH PRIVACY OFFICERS NEED TO ADDRESS**

1. Does the school need to collect personal information about individuals? In particular:
  - i) What function or activity of the school does the information relate to?
  - ii) What is the purpose for which the information is to be collected?
  - iii) Is it necessary for that purpose?
2. Has the personal information the school holds been collected directly from the persons concerned (where practicable)?
3. Where the school has collected information directly from an individual have we informed them:
  - i) That the school is collecting the personal information?
  - ii) Why the school is collecting it? iii) Who will receive it?
  - iv) Who will hold it?
  - v) That they can access any personal information held about them held by the school, and correct that information, at any time? If not, then has the school collected similar information from the same individual recently, and in so doing complied with requirements (i) to (v)?
4. Has the information been collected by:
  - i) Lawful means?
  - ii) In a way that is fair, and does not intrude to an unreasonable extent on the individual's personal affairs?
5. Is the personal information the school holds stored in a reasonably secure way? In particular:
  - i) Is it stored so that only authorised persons have access to it?
  - ii) Do those authorised persons know of their obligations under the Privacy Act?
  - iii) Is it safe from tampering and theft?
  - iv) Are VDU screens, printers or files positioned so that personal information may not readily be seen by the public or unauthorised staff?
  - v) Are there procedures in place to monitor access to sensitive data?
6. Are there external agencies used to collect, process, hold or dispose of any personal information? If so, what steps are taken to ensure they are complying with the Privacy principles?
7. Has the school taken reasonable steps to ensure that the personal information it holds is accurate, up-to-date, complete, relevant and not misleading? In particular:
  - i) What steps have been taken to ensure this?
  - ii) When personal information has been received from a third party, what steps have been taken to make sure it is accurate, up-to-date, complete, relevant and not misleading?
  - iii) At what point(s) is the personal information checked to ensure accuracy - when first recorded, during storage, before use and periodically?
8. Is Whareorino School ensuring that it does not hold personal information longer than is required for the purposes for which that information may lawfully be used?
9. Is the school using any personal information for any purpose other than the one for which it was collected? If yes, which of the following exemptions applies (others may be available – seek legal advice if necessary):

- i) the source of the information is a publicly available publication?
  - ii) the other use is authorised by the individual concerned?
  - iii) the other use is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual concerned, or of another individual?
  - iv) the other purpose is directly related to the purpose in connection with which the information as obtained?; or
  - v) the information is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned?
10. Does the school disclose personal information it holds about individuals to other agencies? If yes, then which of the following exemptions applies (others may be available – seek legal advice if necessary):
- i) The disclosure is (is or is directly related to) one of the purposes in connection with which the information was collected?;
  - ii) The source of the information is a publicly available publication?;
  - iii) The disclosure is to (or is authorised by) the individual concerned?;
  - iv) The disclosure is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual concerned (or of another individual):
  - v) The information is to be used for statistical or research purposes, and will not be published in a form that could reasonably be expected to identify the individual concerned?

**Note:-**

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

C. Stevenson  
PRINCIPAL  
Dated: March 2022

