



policy

NAME	Privacy Act
NUMBER	7.1
DATE	16 April 2007

Approved by the Board on: 13 June 2007

Purpose

1. The purpose of this document is to provide information about the Privacy Act 1993 and how to respond to or treat requests made under the Privacy Act.

Scope

2. This document covers:
 - The twelve information privacy principles on which the Privacy Act is based;
 - Application of the Privacy Act by REANNZ;
 - Breaches of the Privacy Act and complaints.

Policy statement

Introduction

3. The Privacy Act 1993 applies to every person or organisation in New Zealand in respect of personal information held in any capacity other than for the purposes of their personal, family or household affairs. It controls how REANNZ (and any other agency) collects, uses, discloses, stores, and gives access to personal information. Personal information is defined as any information about an identifiable individual.
4. The Privacy Act is based on 12 Information Privacy Principles - listed below:
 1. Purpose of collection of personal information;
 2. Source of personal information;
 3. Collection of personal information from subject;
 4. Manner of collection of personal information;
 5. Storage and security of personal information;
 6. Access to personal information;
 7. Correction of personal information;
 8. Accuracy, etc., of personal information;
 9. Agency not to keep personal information for longer than necessary;
 10. Limits on use of personal information;
 11. Limits on disclosure of personal information;
 12. Unique identifiers.

A full explanation of the principles is provided in Annex A.

5. The Finance Manager is REANNZ' nominated Privacy Officer. The primary role of the Privacy Officer is to encourage the organisation's compliance with the privacy principles and provisions of the Act. The Privacy Officer will also deal with requests for personal information and issues concerning personal information generally.
6. A request for personal information must be dealt with as soon as reasonably practicable, and not later than 20 working days after the date on which the request was received, unless an extension is necessary due to the large quantity of information sought or the need for extensive consultation regarding the request.
7. For further guidance on how REANNZ employees should respond to requests for personal information refer to the Privacy Act 1993 or the Cabinet Office Manual.

Complaints

8. A breach of one or more of the privacy principles by the organisation is an interference in the privacy of the individual and gives rise for complaint if the breach is likely to negatively affect the individual physically, emotionally or otherwise. Any concerns should be raised with the Privacy Officer before a complaint is made to the Privacy Commissioner and all attempts will be made to reconcile the problem.
9. REANNZ may not have to comply with any one of the privacy principles if certain exceptions apply. These exceptions are generally related to the protection of the public interest, and will be explained to the individual on request.

Records

10. The Finance Manager is responsible for maintaining this policy and it will be regularly reviewed to confirm it conforms to REANNZ policies.

Policy review date: 1 April 2009.

Donald Clark

Chief Executive

References

- Privacy Act 1993

Related policies that may impact on, or be impacted by, this policy:

Information management policies

ANNEX A

Privacy Act 1993 - Information Privacy Principles

Purpose of Collection of Personal Information

1. REANNZ only collects necessary information about individuals for lawful purposes connected with its business activities. Personal information is gathered for a number of purposes, including organisation relationship management and HR purposes.

Source of Personal Information

2. The Company endeavors to collect all personal information directly from the person concerned unless that person authorises collection from someone else - for instance, a prospective employee may agree that a past employer be contacted as a referee.
3. There may be other instances where it is not practicable or necessary for information to be collected from the individual, such as when the information has been made publicly available or when the information given does not identify the person concerned.

Collection of Personal Information

4. When collecting personal information, the Company will take reasonable steps to ensure the person concerned is made aware of the following:
 - The fact that personal information is being collected on them.
 - The purpose that the information is collected for, including future purposes, such as surveys and changes to employees' job descriptions.
 - Who will have access to the information?
 - The person's right to access their personal information and to correct any inaccuracies.
 - The consequences of not supplying requested information. For instance, IRD numbers are required for payment of salary; failure to supply date of birth will not affect employment opportunities.

Manner of Collection of Personal Information

5. Personal information will only be collected by means that are lawful, fair and non-intrusive. REANNZ will not seek information about individuals from their family or personal acquaintances. Workplace surveillance without the consent of employees may take place if criminal activity is suspected (e.g. theft), but this will be strictly limited to the relevant times and places necessary to determine who is responsible for the activity.

Storage and Security of Personal Information

6. REANNZ stores all personal information securely. Electronically stored files are safeguarded against unauthorised use or modification by using passwords and screen savers. Personal information held on personnel files is protected so that only those employees named in the HR and Personal Information manual may have access to them.

Access to Personal Information

7. Where personal information can be readily retrieved, individuals are entitled to access and correction of their own, unless:
 - Access would prejudice national security, endanger another individual or disclose a trade secret.
 - Access would disclose information relating to the affairs of another person. For example, a personal complaint made by a co-worker will not necessarily be disclosed to the person complained of.
 - Access would be in breach of an express or implied promise to hold the information in confidence (but only if the information was supplied for the purposes of determining whether to employ, promote, reward, or dismiss an employee).

8. Where an individual requests access to and correction of personal information the Manager will make a decision whether or not to grant the request within 20 working days of receiving it. Reasons will be given for any refusal, as will grounds in support of those reasons, provided the individual asks for them. If a request is refused the individual may make a complaint to the Privacy Commissioner. Alternatively, if access to personal information is denied that person has a legal right to seek an order for access in a court of law.

Correction of Personal Information

9. If the Company refuses to make alterations to personal information as requested by an individual, that individual can ask for the details of the request to be attached to their file. These details will always be read in conjunction with the relevant information.

Accuracy of Personal Information

10. The Company will not use personal information unless it has checked that it is accurate, up to date, complete, relevant, and not misleading for the purpose it is proposed to be used for. If, for instance, an individual is being considered for a job, which they did not originally apply for, they will be given the opportunity to update their CV before it is re-used.

Agency Not to Keep Personal Information for Longer than Necessary

11. Personal information will not be kept for longer than is required for the purposes for which it may be lawfully used. For example, PAYE records must be kept for at least seven years, wages records for at least six. Other personal information will be destroyed or archived once it is no longer needed.

Limits on Use of Personal Information

12. The Company will use personal information for the purpose for which it was obtained (e.g. for sending out Company publications to those who request it; contact numbers of staff in the event of a crisis or disaster) or for a directly related purpose. Unrelated usage may occur with the individual's consent or if the new use will not identify the individual (e.g. for external surveys).

Limits on Disclosure of Personal Information

13. Personal information will not be disclosed to any person without the authority of the individual concerned. If disclosure to another person is one of the reasons directly related to the purpose of obtaining the information this authority may be implied. For example, a person may have given their details to a staff member with the understanding that that information would be entered into the Company's database, and that other staff may look at it.

Unique Identifiers

14. Confidential numbers will not be assigned to individuals unless absolutely necessary to enable the Company to carry out its functions efficiently.