# Operational Policy: Privacy (NAG 6)

## Blind & Low Vision Education Network NZ

## Statement of Intent:

The Blind & Low Vision Education Network NZ (BLENNZ) Board of Trustees will comply with the Privacy Act 2020 and its amendments in all matters relating to the collection, storage, use and disclosure of personal information as they affect both ākonga and employees. The Board delegates to the Principal the responsibility for ensuring that the provisions of this Act are adhered to. The Board of Trustees requires the Principal to report back to them six monthly on relevant matters.

### The 13 Privacy Principles

#### Principle 1

You can only collect personal information if it is for a lawful purpose and the information is necessary for that purpose. You should not require identifying information if it is not necessary for your purpose.

#### Principle 2

You should generally collect personal information directly from the person it is about. Because that won’t always be possible, you can 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 interest
* Collecting the information from the person directly would undermine the purpose of collection
* You are 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, e.g. if it would undermine the purpose of the collection, or if it’s just not possible to tell them.

#### Principle 4

You 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

You 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 e.g. 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 an organisation or business to correct their information if they think it is wrong. Even if you don’t agree that it needs correcting, you 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, you must take reasonable steps to check it is accurate, complete, relevant, up to date and not misleading.

#### Principle 9

You must not keep personal information for longer than is necessary.

#### Principle 10

You can generally only use personal information for the purpose you collected it. You may use it in ways that are directly related to the original purpose, or you may use it another way if the person gives you permission, or in other limited circumstances.

#### Principle 11

You may only disclose personal information in limited circumstances, e.g. 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, e.g.

* 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 and 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.

(Source: The above information was taken from the website of the Office of the Privacy Commissioner: [Link to Privacy Act Principles](https://privacy.org.nz/your-rights/your-privacy-rights/the-privacy-principles/))

## Operational Requirements:

1. The Principal will appoint a Privacy Officer.

2. Established procedures will assist the Privacy Officer to ensure that there is full adherence to the principles contained in the Act.

3. The Principal will convene the BLENNZ Research Ethics Committee to review and approve research proposals seeking access to BLENNZ. This committee will ensure that the privacy, safety, health and welfare, and social and cultural sensitivities and welfare of research participants are protected.

4. If a privacy breach occurs this must be reported to the Principal. If the breach has caused, or is likely to cause, serious harm, the Principal will notify the Office of the Privacy Commissioner and affected individuals as soon as possible. Information on the process of responding to privacy breaches can be found on the website for the Office of the Privacy Commissioner, or through the links below.

## Supporting Documents:

### 1. Office of Privacy Commissioner

[Website for Office of Privacy Commissioner](https://www.privacy.org.nz/)

[Link to Privacy Act Principles](https://privacy.org.nz/your-rights/your-privacy-rights/the-privacy-principles/)

[Responding to Privacy Breaches](https://www.privacy.org.nz/privacy-for-agencies/privacy-breaches/responding-to-privacy-breaches)

[Privacy Resources for Organisations](https://privacy.org.nz/privacy-for-agencies/privacy-resources-for-agencies)

[Health Privacy Toolkit](https://www.privacy.org.nz/news-and-publications/guidance-resources/health-privacy-toolkit)

[Responding to Privacy Breaches](https://www.privacy.org.nz/privacy-for-agencies/privacy-breaches/responding-to-privacy-breaches)

[Link to Notifying Privacy Breaches](https://privacy.org.nz/privacy-for-agencies/privacy-breaches/notify-us)

### 2. Government Legislation

[Privacy Act 2020](http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html)

### 3. BLENNZ Documentation

BLENNZ Privacy Procedures

BLENNZ Ethics Policy and Procedures

### 4. Ministry of Education Documentation

[Link to MOE Website: School Records Retention and Disposal Pack](https://www.education.govt.nz/school/managing-and-supporting-students/archiving-and-disposing-of-school-records/#sh-school%20records%20and%20retention)

[MOE: Resources for Schools and Early Learning Services](https://www.education.govt.nz/our-work/changes-in-education/privacy-act-2020-resources-for-schools-and-early-learning-services)

### 5. NZ School Trustees Association Documentation

[NZSTA Advice and Support on Privacy Act](https://www.nzsta.org.nz/advice-and-support/privacy)



Approved: (Principal)

Date: 4 December 2020

## Declaration:

I have read and am aware of the obligations and responsibilities that relate to the BLENNZ Privacy Policy. I understand that any breach may be investigated. Such investigation will follow policy and procedures outlined in the BLENNZ Concerns and Complaints Policy and the appropriate Collective Employment Agreement.

……………………………………………. (Name)

……………………………………………. (Signed)

………………….. (Date)