

Privacy Policy

# Audience and scope:

This policy is relevant to all staff, students and contractors. It covers the collection, use, disclosure, storage and access of personal information by the Manukau Institute of Technology (**MIT**).

### Document management and control

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### Amendment history

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| 1 | 1 / 12 / 2013 | Louise MacPherson | New Policy |
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# Privacy Policy

### Purpose

The purpose of this policy is to provide a framework to ensure that MIT complies with the requirements of the Privacy Act 1993 (**Act**).

### Policy

1. **Policy Principles**
   1. The following principles apply:
2. all activity involving Personal Information must comply with the Act; and
3. all activity involving Personal Information should be guided by the twelve information privacy principles at the core of the Act.
   1. The information privacy principles are set out in full in the Appendix, but can be summarised as follows:
4. *Only collect personal information that you really need (and for a lawful purpose connected with MIT’s functions or activities)*
5. *Get personal information directly from the relevant individual wherever possible*
6. *Be open with people about what is going to be done with their personal information*
7. *Be fair about how you get personal information*
8. *Keep personal information secure*
9. *Let a person see their personal information if they really want to*
10. *Correct someone’s personal information if that person thinks it is wrong*
11. *Take care that personal information is accurate before using that information*
12. *Dispose of personal information when it is no longer needed*
13. *Use personal information only for the purpose for which the information was collected*
14. *Only disclose personal information if authorised by the individual or if you have another good reason*
15. *Only use “unique identifiers” where it is clearly allowed*
16. **Privacy Officer**
    1. MIT is required by law to appoint one or more Privacy Officers to be responsible for:
17. encouraging compliance, by MIT, with the information privacy principles and the Act;
18. dealing with requests made to MIT in relation to the Act; and
19. working with the Privacy Commissioner on investigations in relation to MIT.
    1. The Privacy Officers for MIT are currently:
20. for MIT as a whole, the Manager Legal and Contracts (or, in the Manager Legal and Contracts’ absence, the Legal and Contracts Advisor); and
21. with respect to the Health and Counselling Centre, the Manager, Health and Counselling Centre.

### Procedures

1. **Information Privacy Requests** 
   1. Any individual may request access to his/her information held by MIT. An individual may also request correction of any of his/her information held by MIT.
   2. Requests for student-related information should be directed in the first instance to Academic Registry. Requests for staff-related information should be directed in the first instance to People and Culture. In cases of doubt, the advice of the Privacy Officer should be sought before disclosing any information.
2. **Time Limits**
   1. In accordance with section 40 of the Act, the decision as to whether to grant an information privacy request must be made as soon as reasonably practicable and not later than 20 working days after receiving the request.

*Extensions*

* 1. The time limit for responding to an information privacy request may be extended in accordance with section 41 of the Act by the Chief Executive (or delegate) or the Manager, Legal and Contracts if:

1. the request is for a large quantity of information, or requires a search through a large quantity of information, and meeting the original time limit would unreasonably interfere with MIT’s operations; or
2. consultations needed to make a decision are such that a decision on the request cannot be made within the original time limit.
   1. If an extension is required, the staff member dealing with the information request must notify the Chief Executive (or delegate) or the Manager, Legal and Contracts as soon as practicable and, in any event, before the expiry of the original time limit.
3. **Exceptions**

*Reasons for Not Disclosing Personal Information*

* 1. A request by an individual for access to his/her information held by MIT must be granted unless good reasons exist (as set out in the Act) to withhold the information. Reasons for withholding Personal Information include where:

1. the disclosure of the information would involve the unwarranted disclosure of the affairs of another individual or of a deceased individual;
2. the disclosure of the information would breach legal professional privilege;
3. the request is frivolous or vexatious, or the information requested is trivial;
4. the information requested is not readily retrievable; or
5. the information requested does not exist or cannot be found.
   1. Requests for Personal Information by any other person or agency other than the individual to whom the information relates must be determined in accordance with MIT’s Official Information Requests Policy, not this Privacy Policy.

*Reasons for Not Accepting Correction of Personal Information*

* 1. If requested by an individual to correct his/her information held by MIT, MIT must, in accordance with information privacy principle 7, take reasonable steps to correct that information, having regard to:

1. the purposes for which the information may lawfully be used; and
2. MIT’s obligation pursuant to information privacy principle 8 to take reasonable steps to ensure that the information is accurate, up to date, complete, and not misleading.
   1. If a request by an individual for correction of his/her information held by MIT is not granted, MIT must, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the information, in such a manner that it will always be read with the information, any statement provided by that individual of the correction sought.
3. **Appeals/Complaints**
   1. The Privacy Commissioner can investigate complaints about actions that may be a breach of the Act.
   2. For an explanation of the Privacy Commission’s complaints process, please visit: https://privacy.org.nz/your-privacy/how-to-complain/.
4. **Communications from the Office of the Privacy Commissioner**
   1. All enquiries, correspondence, or other communications received by MIT from the Office of the Privacy Commissioner regarding MIT’s compliance with the Act must be promptly forwarded to the Manager, Legal and Contracts.

### Evaluation/Outcomes

Performance against the requirements of this Policy will be measured by inclusion in MIT’s audit framework.

# Additional Information

### Glossary

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| Term | Definition |
| Personal Information | ‘Personal Information’ has the meaning given to that term in the Act.  Personal Information means all information about an identifiable individual (other than a deceased individual); and includes information relating to a death that is maintained by the Registrar-General pursuant to the [Births, Deaths, Marriages, and Relationships Registration Act 1995](http://www.legislation.govt.nz/act/public/1993/0028/latest/link.aspx?id=DLM359368), or any former Act. |

### Exemptions and dispensations

N/A

### Delegations

* Council’s Register of Permanent Delegations and Authorisations;
* The Chief Executive’s Register of Sub Delegation of Council Functions and Powers; and
* The Chief Executive’s Register of Permanent and Temporary Delegations and Sub-Delegations.

### Relevant Legislation

* Privacy Act 1993.
* Official Information Act 1982.
* Health Information Privacy Code 1994.

### Legal Compliance

MIT must ensure that its procedures for the collection, use and disclosure of personal information and access to and correction of personal information comply with the Act.

### Associated documents

* MIT “Introduction to Privacy” booklet
* Office of the Privacy Commissioner website (https://privacy.org.nz/)

# Appendix

**Information Privacy Principles**

The information privacy principles are as follows:

**Principle 1: Purpose of Collection of Personal Information**

Personal information shall not be collected by any agency unless:

1. the information is collected for a lawful purpose connected with a function or activity of the agency; and
2. the collection of the information is necessary for that purpose.

**Principle 2: Source of Personal Information**

1. Where an agency collects personal information, the agency shall collect the information directly from the individual concerned.
2. It is not necessary for an agency to comply with subclause (1) if the agency believes, on reasonable grounds:
3. that the information is publicly available information; or
4. that the individual concerned authorises collection of the information from someone else; or
5. that non-compliance would not prejudice the interests of the individual concerned; or
6. that non-compliance is necessary:
7. to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
8. for the enforcement of a law imposing a pecuniary penalty; or
9. for the protection of the public revenue; or
10. for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
11. that compliance would prejudice the purposes of the collection; or
12. that compliance is not reasonably practicable in the circumstances of the particular case; or
13. that the information:
14. will not be used in a form in which the individual concerned is identified; or
15. will 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; or
16. that the collection of the information is in accordance with an authority granted under [section 54](http://www.legislation.govt.nz/act/public/1993/0028/latest/link.aspx?id=DLM297419#DLM297419)

**Principle 3: Collection of Information from Subject**

1. Where an agency collects personal information directly from the individual concerned, the agency shall take such steps (if any) as are, in the circumstances, reasonable to ensure that the individual concerned is aware of:
2. the fact that the information is being collected; and
3. the purpose for which the information is being collected; and
4. the intended recipients of the information; and
5. the name and address of:
6. the agency that is collecting the information; and
7. the agency that will hold the information; and
8. if the collection of the information is authorised or required by or under law:
9. the particular law by or under which the collection of the information is so authorised or required; and
10. whether or not the supply of the information by that individual is voluntary or mandatory; and
11. the consequences (if any) for that individual if all or any part of the requested information is not provided; and
12. the rights of access to, and correction of, personal information provided by these principles
13. The steps referred to in subclause (1) shall be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected.
14. An agency is not required to take the steps referred to in subclause (1) in relation to the collection of information from an individual if that agency has taken those steps in relation to the collection, from that individual, of the same information or information of the same kind, on a recent previous occasion.
15. It is not necessary for an agency to comply with subclause (1) if the agency believes, on reasonable grounds:
16. that non-compliance is authorised by the individual concerned; or
17. that non-compliance would not prejudice the interests of the individual concerned; or
18. that non-compliance is necessary:
19. to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
20. for the enforcement of a law imposing a pecuniary penalty; or
21. for the protection of the public revenue; or
22. for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
23. that compliance would prejudice the purposes of the collection; or
24. that compliance is not reasonably practicable in the circumstances of the particular case; or
25. that the information:
26. will not be used in a form in which the individual concerned is identified; or
27. will 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.

**Principle 4: Manner of Collection of Personal Information**

Personal information shall not be collected by an agency:

1. by unlawful means; or
2. by means that, in the circumstances of the case:
3. are unfair; or
4. intrude to an unreasonable extent upon the personal affairs of the individual concerned.

**Principle 5: Storage and Security of Personal Information**

An agency that holds personal information shall ensure:

1. that the information is protected, by such security safeguards as it is reasonable in the circumstances to take, against:
2. loss; and
3. access, use, modification, or disclosure, except with the authority of the agency that holds the information; and
4. other misuse; and
5. that if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or unauthorised disclosure of the information.

**Principle 6: Access to Personal Information**

1. Where an agency holds personal information in such a way that it can readily be retrieved, the individual concerned shall be entitled:
2. to obtain from the agency confirmation of whether or not the agency holds such personal information; and
3. to have access to that information.
4. Where, in accordance with subclause (1)﻿(b), an individual is given access to personal information, the individual shall be advised that, under principle 7, the individual may request the correction of that information.
5. The application of this principle is subject to the provisions of [Parts 4](http://www.legislation.govt.nz/act/public/1993/0028/latest/link.aspx?id=DLM297080" \l "DLM297080) and [5](http://www.legislation.govt.nz/act/public/1993/0028/latest/link.aspx?id=DLM297092" \l "DLM297092).

**Principle 7: Correction of Personal Information**

1. Where an agency holds personal information, the individual concerned shall be entitled:
2. to request correction of the information; and
3. to request that there be attached to the information a statement of the correction sought but not made.
4. An agency that holds personal information shall, if so requested by the individual concerned or on its own initiative, take such steps (if any) to correct that information as are, in the circumstances, reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading.
5. Where an agency that holds personal information is not willing to correct that information in accordance with a request by the individual concerned, the agency shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the information, in such a manner that it will always be read with the information, any statement provided by that individual of the correction sought.
6. Where the agency has taken steps under subclause (2) or subclause (3), the agency shall, if reasonably practicable, inform each person or body or agency to whom the personal information has been disclosed of those steps.
7. Where an agency receives a request made pursuant to subclause (1), the agency shall inform the individual concerned of the action taken as a result of the request.

**Principle 8: Accuracy, etc. of Personal Information to be Checked Before Use**

An agency that holds personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date, complete, relevant, and not misleading.

**Principle 9: Agency Not to Keep Personal Information for Longer Than Necessary**

An agency that holds personal information shall not keep that information for longer than is required for the purposes for which the information may lawfully be used.

**Principle 10: Limits on Use of Personal Information**

An agency that holds personal information that was obtained in connection with one purpose shall not use the information for any other purpose unless the agency believes, on reasonable grounds:

1. that the source of the information is a publicly available publication and that, in the circumstances of the case, it would not be unfair or unreasonable to use the information; or
2. that the use of the information for that other purpose is authorised by the individual concerned; or
3. that non-compliance is necessary:
4. to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
5. for the enforcement of a law imposing a pecuniary penalty; or
6. for the protection of the public revenue; or
7. for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
8. that the use of the information for that other purpose is necessary to prevent or lessen a serious threat (as defined in [section 2(1)](http://www.legislation.govt.nz/act/public/1993/0028/latest/link.aspx?id=DLM296645#DLM296645)) to:
9. public health or public safety; or
10. the life or health of the individual concerned or another individual; or
11. that the purpose for which the information is used is directly related to the purpose in connection with which the information was obtained; or
12. that the information:
13. is used in a form in which the individual concerned is not identified; or
14. is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
15. that the use of the information is in accordance with an authority granted under [section 54](http://www.legislation.govt.nz/act/public/1993/0028/latest/link.aspx?id=DLM297419#DLM297419).

**Principle 11: Limits on Disclosure of Personal Information**

An agency that holds personal information shall not disclose the information to a person or body or agency unless the agency believes, on reasonable grounds:

1. that the disclosure of the information is one of the purposes in connection with which the information was obtained or is directly related to the purposes in connection with which the information was obtained; or
2. that the source of the information is a publicly available publication and that, in the circumstances of the case, it would not be unfair or unreasonable to disclose the information; or
3. that the disclosure is to the individual concerned; or
4. that the disclosure is authorised by the individual concerned; or
5. that non-compliance is necessary:
6. to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
7. for the enforcement of a law imposing a pecuniary penalty; or
8. for the protection of the public revenue; or
9. for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
10. that the disclosure of the information is necessary to prevent or lessen a serious threat (as defined in [section 2(1)](http://www.legislation.govt.nz/act/public/1993/0028/latest/link.aspx?id=DLM296645#DLM296645)) to:
11. public health or public safety; or
12. the life or health of the individual concerned or another individual; or
13. that the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern; or
14. that the information:
15. is used in a form in which the individual concerned is not identified; or
16. is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
17. that the disclosure of the information is in accordance with an authority granted under [section 54](http://www.legislation.govt.nz/act/public/1993/0028/latest/link.aspx?id=DLM297419#DLM297419).

**Principle 12: Unique Identifiers**

1. An agency shall not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable the agency to carry out any 1 or more of its functions efficiently.
2. An agency shall not assign to an individual a unique identifier that, to that agency’s knowledge, has been assigned to that individual by another agency, unless those 2 agencies are associated persons within the meaning of [subpart YB](http://www.legislation.govt.nz/act/public/1993/0028/latest/link.aspx?id=DLM1522997" \l "DLM1522997) of the Income Tax Act 2007.
3. An agency that assigns unique identifiers to individuals shall take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.
4. An agency shall not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or for a purpose that is directly related to one of those purposes.