



Privacy Procedures

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Purpose

The purpose of these procedures is to outline the procedures Unitec Staff must follow in order to comply with Unitec’s Privacy Policy and the Privacy Act 1993 (“the Act”) and the Health Information Privacy Code 1994.

Scope

These procedures apply to information collected and held by Unitec in respect of its staff members and students.

Responsibilities

Role	Responsibilities
Information Management Systems Operations General Manager	<ul style="list-style-type: none"> Managing and ensuring the security of electronic storage systems at Unitec Ensuring the security of physical files that hold personal information

	<ul style="list-style-type: none"> • Approving manager’s access to files to ensure access is only to files of staff members for whom the manager is responsible • Approving access to Unitec’s wider information network • Ensuring student names and ID number are the only means available to access copies of student files held by Unitec • Recording the distribution of all physical student and staff files to departments / staff members.
General Manager Commercial - Student Services	<ul style="list-style-type: none"> • Approving student access to view their own files when requested • Delegating approval responsibility to appropriate proxy.
Manager Human Resources	<ul style="list-style-type: none"> • Storing and disposing the files of former staff members (7 years after employment ends).
Privacy Officer	<ul style="list-style-type: none"> • Ensuring Unitec’s Privacy Policy and Procedures are maintained • Advising on privacy issues as required • Ensuring compliance with the Privacy Act 1993. • Responding to and resolving breaches of the Privacy Act relevant to Unitec’s operations.
Dean Research and Enterprise	<ul style="list-style-type: none"> • Ensuring any research undertaken by or on behalf of Unitec does not contravene the Privacy Act
Unitec staff	<ul style="list-style-type: none"> • Compliance with Unitec’s Privacy Policy and Procedures • If responsible for contractors and subcontractors working for or on behalf of Unitec, ensuring they understand their obligations under the Privacy Act and comply with Unitec’s Privacy Policy and Procedures.
Students	<ul style="list-style-type: none"> • Compliance with Unitec’s Privacy Policy and Procedures as applicable.

Procedures

1. Storage of Personal Information Held at Unitec

- Hard copy files containing personal information must be stored in a secured and locked storage space;
- Individuals holding these files are responsible for their security.

Storing personal Information relating to student files

- All hard-copy Student Files are to be kept:
 - Either in the Practice Pathway Group or Network that provides the programme in which the relevant students are enrolled;
 - Or in an archiving space approved by the IMS Operations General Manager.

Storing personal information relating to staff

- Staff Employment Files are the responsibility of Human Resources and are to be stored in a secure filing room;

- Any hard-copy information held temporarily by line managers prior to being sent to HR must be stored in a locked cabinet. Individuals holding these files are responsible for their security.

Storing Equal Opportunity information

- Equal Opportunity information must be stored:
 - As statistical data only;
 - Separate from staff files.
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2. Maintaining personal information at Unitec

Information Privacy Principles 7 and 8 (section 6 of the Act) should be read in conjunction with the following:

- Staff members responsible for maintaining files containing personal information must ensure they contain accurate, up to date, complete and relevant information that is not misleading;
- All students and staff must ensure that their current name and contact details provided to Unitec are correct and must notify Unitec when any changes occur either directly into the student information management system, or to Practice Pathway Group or Network administration staff or Human Resources staff, as appropriate.

Correction to staff and student files

- Students and staff may at any time request corrections to their personal information;
- A request for correction must be noted in the individual's record;
- If the person who maintains the file does not agree to the correction, they must ensure that any statement provided by the student or staff member is able to be viewed alongside the original information.

Maintaining student files containing personal information

The following personnel may maintain personal information relating to students to the extent that the information is required in order to fulfill their work functions:

- Student Services including Counselling, Student Health Centre, Student Advisers, Careers, Scholarships, Disability Liaison, Te Puna Ako
- Unitec International
- Office of the Chief Operating Officer
- Conciliator; Library;
- Sports Centre
- Other units/staff at Unitec who require access to that information in order to carry out their Unitec responsibilities.

Maintaining staff files

- The following personnel may maintain personal information relating to staff to the extent that the information is required in order to fulfill their work functions:
 - The Office of the Chief Operating Officer;
 - the Health Centre;
 - Conciliator
 - Tūāpapa Rangahau Research and Enterprise Office
 - The Library, the Sports Centre and other units/staff at Unitec who require access to that information in order to carry out their Unitec responsibilities.

- The Manager, Human Resources, must ensure that HR staff files contain only originals of documents except where any original has been sent to the staff member concerned
 - No more than two copies of information that is stored in staff files are to exist outside of that file
 - Managers may maintain staff files relating only to staff whom they manage (i.e. report to them directly). Information on these files should be limited to duplicate copies of material kept elsewhere on paper or computer, as required for ease of reference and for efficiency.
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3. Collection of personal information

Information Privacy Principles 1-4 (section 6 of the Act) should be read in conjunction with the following:

- Any forms that collect personal information about staff members or students must include a privacy statement and specify the purpose(s) for which the information is being collected;
- When preparing application or enrolment forms, staff members must consult with the Privacy Officer to ensure the wording of the privacy statement meets the requirements of the Act.

Recruitment of staff

The Manager Human Resources must ensure:

- Any data collected from applicants is directly relevant to the position advertised;
- Staff have the applicant's permission to contact referees nominated on any application form or associated correspondence prior to contacting the referees;
- Staff do not ask any other person to provide information about the applicant without the applicant's consent. If the applicant is a current or past employee of Unitec, staff may consult the applicant's HR staff file.

Performance review

Managers must comply with Unitec's Performance and Development Management Policy when undertaking a performance review. Managers must also:

- Inform staff that they are having performance reviews to ensure they are aware the review is taking place, and ensure they understand the documentation to be used in the process;
- Allow staff members access to all relevant information (subject to any exclusions permissible under the Act).

Equal employment opportunities reporting

- Unitec will ensure the anonymity of any persons about whom information is collected for equal opportunity reporting;
- Unitec will ensure individuals remain anonymous when it is compiling and publishing statistical reports.

Research

- The Dean Research and Enterprise must:
 - Implement a research ethics policy that complies with the Act;
 - Ensure access to the quality categories allocated to individual staff members (as part of the Performance Based Research Funding ("PBRF") assessments carried out by the Tertiary Education Commission) is granted only to the following people for the purposes of managing Unitec's PBRF assessment:
 - The individual being assessed;

- Their direct manager;
 - Tūāpapa Rangahau Research and Enterprise Office.
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- Staff or students who undertake research projects involving human subjects must comply with the Conduct of Research Policy, the Research Ethics Policy and the Research Ethics Guidelines.
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4. Online security of personal information

Information Privacy Principle 5 (section 6 of the Act) should be read in conjunction with the following:

Electronic business system

- The IMS Operations General Manager is responsible for the security of any electronic management system used to collect and manage personal information relating to Unitec students and staff, and must ensure that:
 - Managers are given access only to the details of the staff members they are responsible for;
 - Appropriate access is given to managers who require Unitec-wide information in order to meet Unitec business requirements, provided that the access is generic in nature and does not identify any staff member, unless identification is necessary for the particular business transaction;
 - The only means of access to the personal information of any student record, held and managed electronically, is by way of the student's name and ID number;
 - The only means of access to the personal information of any staff record, held and managed electronically, is by way of appropriate identifications as outlined in Procedure 5 below (Access to Personal Information);
 - Stored personal information (students and staff members) is backed up in an appropriate manner.
 - A staff member must ensure that, when viewing student or staff information, no unauthorised person is able to view the information.
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5. Access to Personal Information

Information Privacy Principle 6 (section 6 of the Act) should be read in conjunction with the following:

- A staff member wanting to access their own or another's personal information (and who is authorized in accordance with Principle 4 above) must first produce identification to the person holding the information, such as:
 - Current New Zealand driver licence
 - Passport
 - Real Me record
 - 18+ card
 - Unitec Staff ID.

Access to student files

- A staff member may access personal information relating to students only if that is necessary for the staff member to carry out their employment responsibilities.
- The General Manager Commercial - Student Services, must develop, implement and maintain a system which records the distribution, location, retention and secure disposal of all student files (physical and electronic).
- No person may remove a student file from a Unitec campus where it is held unless they are required to by law, or have approval from their Head of Practice Pathway Group.
- Students wishing to view a physical copy of their own files must first request access from the Head of Practice Pathways Group who, if approved, will arrange for a staff member to be present during the viewing.
- A student must not remove any information from, or alter any part of, their physical student file.
- Students accessing an electronic copy of their own file will have access to a read-only copy by means of their student name and student ID number.
- Any “evaluative material” (as referred to in section 29(1)(b) of the Act) supplied in confidence by the writer (e.g. expressions of opinion contained in reports, references, assessments) may be disclosed to the student only at the discretion of the relevant Head of Practice Pathway Group **and** with the written consent of the person who supplied the evaluative material.

Access to staff files by staff members

- Subject to the provisions of this section, each staff member has the right to access their own Staff File.
- Staff should request permission from:
 - The Manager, Human Resources if they wish to access their HR Staff File;
 - The staff member’s Manager if they wish to access that Manager’s staff file.
- Staff must not remove any information from, or alter any part of, their Staff File.
- Staff may request a copy of any document or extract from their Staff File.
- Any “evaluative material” (as referred to in section 29(1)(b) of the Act) supplied in confidence by the writer (e.g. expressions of opinion contained in reports, references, assessments, reviews) may be disclosed to the staff member only at the discretion of that staff member’s Manager **and** with the written consent of the person who supplied the evaluative material.

Access to Staff Files by other Unitec staff

Authorised personnel may access Staff Files (but only those parts of the Staff Files that are relevant to their employment duties) only if that access is necessary for the purpose of carrying out their employment duties. Authorised personnel comprise:

- Members of the Executive Leadership Team;
- Line managers (permitted access to the Staff Files of the staff they manage);
- Staff employed in Human Resources;
- Any other staff member expressly authorised by the Chief Executive.

Access to Student Evaluations

- A staff member may access Student Evaluations containing personal information relating to them providing that student anonymity is preserved.
- Any request by a student for access to Student Evaluations should be treated as a request under the Official Information Act 1982 and be referred to the Privacy Officer.

- Other than as set out above or in Unitec’s Student Evaluation of Course and Teaching Policy, access to Student Evaluations is restricted to:
 - The teacher’s Head of Practice Pathway Group;
 - The teacher’s direct manager (if different from the Head of Practice Pathway Group);
 - The Chief Executive;
 - The Executive Director – Students;
 - The Executive Dean - Academic; and
 - The Executive Director – Operations.
- Apart from the people and roles noted in this section and in Unitec’s Student Evaluation of Courses and Teaching Policy (if different), no other person is permitted access to Student Evaluations (or any other form of student survey containing a teacher’s personal information) unless they have the written consent of the relevant teacher.

6. Retention and disposal of personal information

Information Privacy Principle 9 (section 6 of the Act) and the Public Records Act 2005 should be read in conjunction with this section.

- Personal information held either on a Student file or on a Staff File shall not be kept for longer than is required for the purposes for which Unitec collected the information.
- The General Manager Commercial - Student Services must approve the method of disposal of student files within the timeframes set out below.
- The Manager, Human Resources is responsible for disposing of Staff Files.
- Managers must send any original documents in the Manager’s Staff Files to Human Resources Services.
- When a staff member ceases employment at Unitec, their manager must send all materials relevant to that staff member from the Manager’s Staff File to Human Resources.
- Human Resources will assess whether original or other materials or documents transferred from Manager’s Staff Files should be filed in the HR Staff File or disposed of in a secure manner.
- The Manager, Human Resources is responsible for ensuring that HR Staff Files containing personal information are retained and disposed of within the timeframes set out below.

Retention periods - student files

Information
Details of qualifications, courses studied and final assessment results
Student files (hard and electronic copies)
Scholarship applications, examination scripts and other similar documents

Retention periods – staff files

Information	Retain for...
Staff files for Chief Executives and second-tier managers	10 years from last information entry date then transfer to Archives NZ

Staff who received national honours or national/international academic awards (e.g. honorary doctorates)	10 years from last information entry date then transfer to Archives NZ
Summaries of employee histories (recording name, date of birth, positions held and salary, dates of employment)	10 years from last information entry date then transfer to Archives NZ
Staff Files for all other employees who have left Unitec	7 years from last information entry date then destroy
Student Evaluations and surveys	3 years then destroy
Personal information collected and/or held by Conciliator	7 years then destroy
EEO information	7 years then destroy

7. Disclosure of personal information

Information Privacy Principle 11 (section 6 of the Act) should be read in conjunction with the following:

- Staff members must not disclose any personal information relating to any student or member of Unitec staff to any person or agency (other than to authorised members of Unitec staff), including parents, partners and employers of that student or member of Unitec staff, unless:
 - They are required to by law (e.g. to assist the Police with detecting, investigating or prosecuting an offence), or
 - They have the written consent of the student or staff member concerned.
- Staff and students must exercise particular care not to divulge personal information when using social media. Exceptions to sharing staff and student personal information via media platforms may be made only with the prior written consent of the person concerned, or the Privacy Officer.
- When a staff member receives a request for personal information that relates to someone other than the requester, they must consult with the Privacy Officer if they are unsure whether or not to disclose that information.
- Any disclosure of personal information must be strictly in accordance with the purposes for which it was collected and be limited to only what is permitted to be disclosed.

Disclosure of personal information relating to students

- A staff member may disclose whether a student has obtained a Unitec qualification if the qualification was awarded at a public graduation ceremony.
- If a qualification was not awarded at a public ceremony, the written permission of the student must be obtained before the information can be released.
- Examination results must be published only by using student ID numbers (not student names or other identifiers).
- When compiling a graduation programme, staff members must obtain from any student applying to graduate their consent for their name and any honours or other special award to be published in the graduation programme.

- Staff must not include any personal information about a student in material issued for teaching unless they have the prior written consent of that student.
- Unitec may be required from time to time to provide personal information relating to students to the Privacy Commissioner acting within his/her authority under the Act.

Disclosure of personal information relating to staff

- Unitec may include details of Unitec staff members (such as name, work contact details, title and areas of expertise of that staff member) in Unitec publications including promotional brochures and the Unitec website.
- Unitec is sometimes required as a matter of law to provide personal information relating to staff members to Government agencies such as the Tertiary Education Commission and the Inland Revenue Department.
- Unitec also provides personal information as necessary to meet its obligations as an insured party under its staff insurance policy.

Information collected from Unitec website and online marketing

- Unitec collects and stores information (such as IP address, details of visit, type of internet browser used) about its website visitors for statistical purposes, to improve the website and to assist in the promotion of Unitec and its programmes.
 - That information is unlikely to constitute personal information under the Act, unless the visitor voluntarily provides information which enables them to be personally identified or uses a third party service which requires logging in to a restricted account.
 - Nevertheless, for the sake of completeness, Unitec will not attempt to identify those visiting its website or online properties. However, Unitec reserves the right, in the event of an investigation of an offence or related proceedings (within the scope of Privacy Principle 11(e)), to inspect relevant server logs and disclose what is relevant to those proceedings.
 - Furthermore, third party vendors (such as Google) display advertisements for Unitec on internet sites and use cookies (small text files) to customize the visitor's experience and provide statistical information to the vendor. A visitor to such a site has the right to opt out by disabling the use of cookies on their browser.
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Definitions

Term	Means
Act	The Privacy Act 1993
Direct manager or line manager	In relation to a staff member, the person who is responsible for the performance management (including performance reviews) of that staff member, and to whom that staff member reports.
Evaluative material	Material as described in section 29(3) of the Act
HR Staff File	<p>The record of information (in both hard and electronic copy) in relation to an individual member of Unitec staff retained by Human Resources in accordance with this policy. The personal information held on an HR Staff File may include, but is not limited to, information concerning:</p> <ul style="list-style-type: none"> (a) the staff member's appointment and terms and conditions of employment, including application, CV, employment agreement, variations to agreement, changes to salary, verified copies of qualifications and personal information, changes to account details, superannuation, redundancy, and bonds (if any); (b) the requirements of the position and the staff member's ability to carry out those requirements, including position description, training and development, delegated authorities, reclassification of position, medical certificates; (c) the staff member's performance on the job, including performance appraisals, promotions, performance recognitions, testimonials, records of disciplinary action, leave management; (d) any correspondence between the staff member and Unitec; and (e) any correspondence between Unitec and a third party that relates to the staff member.
Manager's Staff File	The hard copy record of information in relation to an individual staff member retained by that staff member's direct manager in accordance with this policy and for the purposes of dealing with current day to day management activities
Member of Unitec staff or staff member	Any person employed or contracted for services by Unitec
Personal Information	Any information about an identifiable individual including a Unitec student or member of Unitec staff
Privacy Officer	The Unitec member of staff appointed by the Chief Executive to this role
Staff File	Together the HR Staff File and the Manager's Staff File with respect to an individual member of Unitec staff
Student	Any person who is or has been enrolled for one or more courses at Unitec
Student Evaluations	Evaluations and reports by students from time to time on Unitec courses and teaching in accordance with the Student Evaluation of Courses and Teaching Policy

Term	Means
Student file	<p>The record of information in relation to a student retained in accordance with this policy (in whole or in part) in hard copy in a central place within a Practice Pathway Group and (in part) in electronic form on a Unitec-wide computerised information management system. The information held on a student file may include, but is not limited to:</p> <ul style="list-style-type: none"> • Application form • References • Interview sheets • Assessment information • Enrolment forms • Special Assessment requests • Correspondence between Unitec and the student • File notes, where appropriate, in accordance with Unitec’s Student Complaints Resolution Policy, or Student Disciplinary Statute.

Reference Documents

- Crimes Act 1961
- Health Information Privacy Code 1994
- Harmful Digital Communications Act 2015
- Privacy Act 1993
- Public Records Act 2005
- Records Management Policy
- Research Ethics Policy
- Staff Code of Conduct
- Student Complaints Resolution Policy
- Student Evaluation of Courses and Teaching Policy
- Tertiary Education Commission. Funding Guide.

Appendices

- Privacy Policy Procedures: Case studies and recommended answers.

APPENDIX**Case studies and recommended answers**

1. You receive a phone call about Jane, one of your students. Her parents are concerned that she has not been attending lectures and suspect that she has not been doing enough study to pass. Since they have been paying Jane's fees, they would like to be told what her latest results are.
- Should you tell Jane's parents:
- (a) Whether Jane has been attending classes?
 - (b) What her results are?

No. See section 7 of the Privacy Procedures (Privacy Principle 11). Personal information should not be disclosed unless the person has given their written consent. However, if Jane does consent (in writing), then her parents may be given the information.

2. A marketing agency makes contact with you at Unitec. They are promoting a service which they insist will be of great benefit and interest to all staff members. They would like a list of all the staff in order to let them know of this opportunity. It sounds like a great idea. Should you let them have the list?

No. Again, this falls under the heading of "disclosure of personal information" (see section 7 of the Privacy Procedures and Privacy Principle 11). The written consent of each staff member is required. Unitec (i.e. you) could not argue that disclosure of personal information is directly related to the purpose for which it was collected, i.e. running Unitec.

3. During your monthly one-on-one you had a very odd conversation with your manager. She referred to some information about you from your personnel file but it was wrong. You told her that the information was not correct. What else can you do to make sure it is corrected?

Sections 2 and 5 of the Privacy Procedures (Privacy Principles 6 and 7) make it clear that all staff members have the right to access their own staff file, whether it is the HR staff file or the manager's staff file. Section 2 confirms that you also have the right to ask for information to be corrected (if you think it is wrong) and that, if there is disagreement as to whether it is wrong, to have a statement added to your file recording your position regarding the information.

4. It is the beginning of semester and you have a new class of students. You really want to recognize them and be able to refer to them by name. It will also help class dynamics for them to be able know who one another is. You know they all have student ID photos taken at enrolment so you decide to prepare a class list with names and photos. It will be used only by you and by the students in the class since you intend to post it on Moodle. Is this OK?

Photos (and videos) are a grey area under the Privacy Act. The Act is not clear (and there has been no legal ruling) as to whether photos and videos are personal information. It is arguable that they are in fact personal information if they are linked to a person's name.

But it seems reasonable for you to be able to use the photos to help identify the students; and for the students to be able to access them on Moodle where access is limited only to members of the class. However, it is recommended that each member of the class give their consent to this use of

their photos. A short written consent (to be signed by each student) may be advisable. The consent should also specify that access to the class list is subject to it not being further distributed; any posting to the Internet should not be undertaken without express permission. There may be any number of reasons why someone does not want the fact of their enrolment made public (such as a non-molestation order against an abusive partner).

5. A member of the Police has come to where you are serving on the desk in the Library and asked to see the borrowing record of one of the Unitec staff members. It is to assist the Police with an investigation. Should you give them the record?

Yes, if, from what the member of the Police tells you, you “reasonably believe” that the information is required as part of a Police investigation (see section 7 and Privacy Principle 11).

6. The PBRF ratings have been finalised. You have received your results and discussed them with your manager. Your manager intends to post the ratings on the Nest to recognize those who did really well, and to motivate others. Should your manager do this?

No. Unitec’s Privacy Procedures (section 3) states that the PBRF ratings will be made available only to that staff member who received the rating, that person’s direct manager and Tūāpapa Rangahau Research and Enterprise Office.

7. Student Services has received a phone call from a prospective employer who wants to confirm that a former student really does have the qualification they are claiming. Should Student Services give out that information?

Yes. Graduates of Unitec have their names listed in graduation programme as part of the graduation ceremonies (even if they do not attend graduation in person). The request to graduate form includes a section where the graduand gives consent for the information to be published in the graduation programme. This is now public information which may be provided (Privacy Principle 11(b)). Its release has also been authorized under Privacy Principle 11(d). See also Privacy Procedures section 7.

If the employer wanted to know particular details of courses taken or grades achieved, then Student Services is not authorized to release this information. It is not public information and its release has not been authorized. The employer would need to get the written consent of the former student.

8. You are on a panel interviewing a candidate for a key position in your team. One of the other panel members knows a person who works in the same organization as the candidate. Since it is such an important appointment, she offers to contact that person to get some background on the candidate. What do you say?

No. Information must be gathered directly from the person themselves, unless they give permission for it to be collected from another person (Privacy Principle 2(1)). In addition, a person must be made aware of the fact that information is being collected about them (Privacy Principle 3(1)(a)). Unitec’s Privacy Procedures reinforce the Privacy Principles and specifically relate it to the recruitment context (section 3).

Approval Details

Version number (this version):	1.5	Issue Date (this version):	February 2017
Version History (Amendments made to this version)	<p>Date of amendment/s:</p> <ul style="list-style-type: none"> • August 1997 • May 2006 • July 2009 • January 2016 • February 2017 	Amendment/s:	<ul style="list-style-type: none"> • Develop Privacy Policy and Procedures • Reflect changes in organisational structure, remove obsolete processes and include requirements of the Public Records Act 2005 • Reflect new organisational structure and position titles, identify policy owner and responsible manager • Review and migration to updated Unitec Procedure template
Consultation Scope:	Key stakeholders consulted in the review of this policy:		
Approval authority:	ARC	Date of Approval	25 September 2017
Policy Sponsor (May have authority to approve minor amendments)	Chief Executive Officer	Policy Owner:	Legal and Contracts Advisor
Contact Person	Legal and Contracts Advisor	Date of Next Review	October 2020