



Privacy Policy

Purpose

The purpose of this policy is to ensure that Unitec complies fully with its obligations under the Privacy Act 1993 (“the Act”). This policy should be read alongside Unitec’s Privacy Procedures and the Act.

Scope

This policy applies to:

- All staff members and students at Unitec
- Contractors and subcontractors who provide services to Unitec or otherwise conduct business for or on behalf of Unitec.

Policy Statements

All staff members at Unitec must ensure that, when using or dealing with personal information relating to other staff members, students, contractors or any other individuals, they comply fully with the information privacy principles and the other provisions of the Act.

The primary objectives of the Act are:

- to promote and protect individual privacy;
- to establish certain principles with respect to the collection, use, retention and disclosure, by public and private sector agencies, of information relating to individuals; and
- to establish certain principles with respect to the access by each individual to information relating to that individual and held by public and private sector agencies.

Staff members who are responsible for contractors or subcontractors working for, or on behalf of Unitec, must ensure that the contractors or subcontractors understand and comply with their obligations under the Act and the requirements of this policy and the Privacy Procedures.

The Chief Executive shall ensure that at all times Unitec has a duly appointed Privacy Officer, who will be the first point of contact for any questions and complaints in relation to privacy issues.

The name and contact details for the Privacy Officer will be notified to the Unitec community in a suitable manner.

Responsibilities

Role	Responsibilities
Chief Executive	Ensures Unitec appoints a Privacy Officer

Privacy Officer	<p>Ensures:</p> <ul style="list-style-type: none"> Information held by Unitec is held in accordance with the Privacy Act 1993 Unitec staff members and students comply with this policy and the Privacy Procedures and the Privacy Act 1993.
Unitec Staff must:	<ul style="list-style-type: none"> Comply with this policy and the Privacy Procedures Promptly report any breaches to the Privacy Officer If responsible for engaging contractors or subcontractors, ensure that contractors and subcontractors understand their obligations under the Privacy Act and undertake to comply with this policy and the Privacy Procedures.
Unitec Students must:	<ul style="list-style-type: none"> Comply with this policy and the Privacy Procedures Report breaches to Unitec's Privacy Officer.

Information privacy principles

At the core of the Act are 12 information privacy principles that set out how agencies may collect, store, use and disclose personal information.

The Act uses the term "agency". An agency is any individual, organisation or business, whether in the public sector or the private sector. Unitec is an agency for the purposes of the Act. As an agency it must comply with the information privacy principles.

"Personal information" is any information about an identifiable individual (a living natural person). Unitec holds personal information in respect of its staff and students.

The privacy principles

Principle 1: Purpose of collection of personal information

Personal information must not be collected unless:

- the collection is for a lawful purpose connected with a function or activity of Unitec; and
- it is necessary to collect the information for that purpose.

Principle 2: Source of personal information

Personal information must be collected directly from the individual concerned.

The exceptions to this are when Unitec believes on reasonable grounds that:

- the information is publicly available; or
- the individual concerned authorises the collection of the information from someone else; or
- the interests of the individual concerned would not be prejudiced; or
- it is necessary for Unitec to collect the information to assist upholding or enforcing the law, protect the tax collection regime, or assist court or tribunal proceedings; or
- complying with this principle would prejudice the purposes of collection; or
- complying with this principle would not be reasonably practical in the particular case; or
- the information will not be used in a form that identifies the individual; or
- the Privacy Commissioner has authorised collection from a source other than from the individual.

Principle 3: Collection of information

When Unitec collects personal information directly from a particular individual, it must take reasonable steps to ensure the individual is aware of:

- the fact that the information is being collected;
- the purpose;
- the intended recipients;
- the name and address of who is collecting and holding the information (Unitec in this case);
- any specific law governing collection of the information and whether supply of the information is voluntary or mandatory;
- the consequences if all or any part of the requested information is not provided; and
- the individual's rights of access to and correction of their personal information.

These steps must be taken before the information is collected or, if this is not practical, as soon as possible after the information is collected.

Unitec is not required to take these steps if it has already done so in relation to the same personal information, or information of the same kind, on a recent previous occasion.

It is also not necessary to comply with this principle if Unitec believes on reasonable grounds that:

- collection is already authorised by the individual concerned; or
- it is not prejudicing the interests of the individual concerned; or
- it is necessary for Unitec to collect the information to assist upholding or enforcing the law, protect the tax collection regime, or assist court or tribunal proceedings; or
- complying with this principle will prejudice the purposes of collection; or
- complying with this principle is not reasonably practical in the particular case; or
- the information will not be used in a form in which the individual concerned is identified.

Principle 4: Manner of collection of personal information

Personal information must not be collected by:

- unlawful means; or
- means that are unfair or intrude unreasonably on the personal affairs of the individual concerned.

Principle 5: Storage and security of personal information

Unitec must ensure that:

- there are reasonable safeguards against loss, misuse or unauthorised disclosure of the personal information it holds; and
- if it is necessary to give information to another person, such as someone working on contract, everything reasonable is done to prevent unauthorised use or unauthorised disclosure of that information.

Principle 6: Access to personal information

Where personal information is held by Unitec in a way that it can readily be retrieved, the individual concerned is entitled to:

- obtain confirmation of whether the information is held; and
- have access to information about them.

Unitec may refuse to disclose personal information for a range of reasons, including that it would:

- pose risks to New Zealand's security or defence
- breach confidences with another government
- prevent detection of criminal offences or the right to a fair trial
- endanger the safety of an individual
- disclose a trade secret or unreasonably prejudice someone's commercial position
- involve an unwarranted breach of another individual's privacy
- breach a promise to keep the information confidential where the information is a matter of opinion and has been obtained solely for reasons to do with the individual's employment
- be detrimental to the physical or mental health of an individual under the age of 16
- breach legal professional privilege
- reveal the confidential source of information provided to a Radio New Zealand or Television New Zealand journalist; or
- constitute contempt of court or the House of Representatives.

Requests can also be refused if, for example, Unitec does not hold the information or if the request is frivolous or vexatious.

Principle 7: Correction of personal information

An individual whose personal information is held by Unitec is entitled to:

- request correction of their personal information;
- request that, if it is not corrected, a statement is attached to the original information saying what correction was sought but not made.

If Unitec has already passed on personal information that it later corrects, it should inform the recipient about the correction.

Principle 8: Accuracy of personal information to be checked before use

Unitec must not use or disclose personal information without taking reasonable steps to check that it is accurate, complete, relevant, up to date, and not misleading.

Principle 9: Personal information not to be kept for longer than necessary

Unitec must not keep personal information for longer than needed for the purpose for which Unitec collected it.

Principle 10: Limits on use of personal information

Personal information obtained by Unitec in connection with one purpose must not be used for another purpose.

The exceptions include situations when Unitec believes on reasonable grounds that:

- the use is one of the purposes for which the information was collected; or
 - the use is directly related to the purpose the information was obtained for; or
 - the information was sourced from a publicly available publication; or
 - the individual concerned has authorised the use; or
 - the use is necessary for Unitec to collect the information to assist upholding or enforcing the law, protect the tax collection regime, or assist court or tribunal proceedings; or
 - the use is necessary to prevent or lessen a serious threat to public health or safety, or the life or health of any individual; or
 - the individual concerned is not identified; or
 - the use is authorised by the Privacy Commissioner.
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Principle 11: Limits on disclosure of personal information

Personal information must not be disclosed unless Unitec reasonably believes that:

- the disclosure is in connection with, or directly related to, one of the purposes for which it was obtained; or
 - the information was sourced from a publicly available publication; or
 - disclosure is to the individual concerned; or
 - disclosure is authorised by the individual concerned; or
 - it is necessary for Unitec to disclose the information to assist upholding or enforcing the law, protect the tax collection regime, or assist court or tribunal proceedings; or
 - disclosure is necessary to prevent or lessen a serious threat to public health or safety, or the life or health of any individual; or
 - disclosure is necessary to facilitate the sale of a business as a going concern; or
 - the information is to be used in a form in which the individual concerned is not identified; or
 - disclosure has been authorised by the Privacy Commissioner.
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Principle 12: Unique identifiers

Unique identifiers - such as student ID numbers, IRD numbers, bank customer numbers, driver/s licence and passport numbers - must not be assigned to individuals unless this is necessary for Unitec to carry out its functions efficiently. The identifiers must be truly unique to each individual and the identity of individuals must be clearly established. No one is required to disclose their unique identifier unless it is for, or related to, one of the purposes for which the identifier was assigned.

Exceptions to the principles

Many of the principles have built-in exceptions. It's important to read the principles together with their exceptions to see how they relate to particular circumstances. The exceptions to the information privacy principles above are set out in sections 27-29 of the Act.

It's up to the person wanting to claim that an exception applies to prove that the exception applies. The Privacy Officer should be consulted if there are particular circumstances when there is doubt as to the interpretation or application of the Act.

Source: <https://privacy.org.nz/news-and-publications/guidance-resources/information-privacy-principles/>

Reference Documents and Information

- Privacy Act 1993
 - Harmful Digital Communications Act 2015
 - <https://www.privacy.org.nz/your-privacy/frequently-asked-questions/>
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Approval Details

Version number (this version):	1.8	Issue Date (this version):	10 October 2017
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Consultation Scope:	Key stakeholders consulted in the review of this policy: Privacy Officer/Legal Advisor; Records Management Adviser; Project Team members for Sector Alignment and Student Services Blueprint; Manager Audit and Risk; Dean Research and Enterprise; Director Pou Aroha Student Support.		
Approval authority:	Unitec Council	Date of Approval	10 October 2017
Policy Sponsor (May have authority to approve minor amendments)	Chief Executive Officer	Policy Owner:	Privacy Officer/Legal Counsel
Contact Person	Privacy Officer/Legal Counsel	Date of Next Review	October 2020
