

# ***Privacy Policy***

Category: Operation and Procedural

Version 1

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## **1. Purpose**

- 1.1 The purpose of this policy is to establish responsibilities and guidelines for complying with the Privacy Act 2020, safeguard personal information and operate under good practice guidelines when using personal information.
- 1.2 Specifically, the objective of this is to ensure legislative compliance with regard to:
  - 1.2.1 The collection, use, and disclosure of information relating to individuals; and
  - 1.2.2 Access by an individual to information relating to that individual.
- 1.3 To the extent that anything in this policy contradicts the Privacy Act 2020, the Act shall take precedence.
- 1.4 When collecting and using personal information, OUSA shall have regard to the thirteen information privacy principles set out in the Privacy Act 2020.

## **2. Interpretation**

- 2.1 Personal information is information that identifies an individual, or could identify an individual.
- 2.2 Overseas agency is the meaning stated in section 9 of the Privacy Act 2020.
- 2.3 Finance, Expenditure, and Strategy Committee (FESC) refers to the OUSA subcommittee with this name.

## **3. Privacy Officer**

- 3.1 The Executive shall appoint the OUSA CEO as the Privacy Officer for the Association.
  - 3.1.1 The CEO shall hold this position until their term of employment ends.
- 3.2 The OUSA Executive, through FESC, shall be responsible for ensuring CEO performs their duties as Privacy Officer.
  - 3.2.1 This includes FESC ensuring the Privacy Officer has access to and undertakes sufficient training to perform their duties.
- 3.3 The Privacy Officer is responsible for:
  - 3.3.1 Ensuring compliance with the Privacy Act 2020 across the Association;
  - 3.3.2 Dealing with requests made under the Privacy Act 2020; and
  - 3.3.3 Acting as a point of contact with the Privacy Commissioner as required.
- 3.4 The Privacy Officer shall ensure they are familiar with the Privacy Act 2020, any future amendments, and the directions of the privacy commissioner that relate to compliance with the Act.
- 3.5 The Privacy Officer shall especially work to institute and maintain controls to ensure compliance with clauses 4.2.1, 4.4, 5.3, 5.5 and 5.6.

## **4. Collection of Personal Information**

- 4.1 OUSA shall only collect personal information when:
  - 4.1.1 If the person to whom it relates knowingly and voluntarily provides the information, with an understanding of the purpose(s) for which the information is being collected; or
  - 4.1.2 It is provided by a third party who collected the information from an individual who knowingly and voluntarily provided this with an understanding that it would be shared with OUSA.
- 4.2 OUSA, when collecting personal information, shall:

- 4.2.1 Endeavour to collect only the minimum amount of information required for it to perform its legitimate functions; and
- 4.2.2 Take particular care to ensure that an individual, from whom personal information is being collected, has an understanding of the purpose for collection if they are a minor.
- 4.3 Anyone collecting information on the behalf of OUSA shall:
  - 4.3.1 Ensure they are not doing so in an unlawful or unreasonably intrusive manner; and
  - 4.3.2 In the instance where it is unclear whether an individual is a minor, anyone acting on the behalf of OUSA, shall act as though they are a minor in regard to clause 4.2.2.
- 4.4 Once collected, personal information shall:
  - 4.4.1 Be safeguarded against loss, unauthorised access, and other misuse;
  - 4.4.2 Only be retained for as long as it is needed to achieve the purpose(s) for which it was collected; and;
  - 4.4.3 Be securely destroyed once it is no longer need for a purpose for which it was collected.

## **5. Use and Disclosure of Personal Information**

- 5.1 OUSA recognises the importance of protecting the privacy of personal information, in particular, information that is capable of identifying an individual.
- 5.2 OUSA shall only use or disclose collected personal information to achieve a purpose for which it was collected.
  - 5.2.1 For the sake of clarity, this does not restrict personal information from being shared internally when this is necessary for achieving a purpose for which it was collected.
  - 5.2.2 Before use or disclosure of personal information, the accuracy of this information shall be ensured.
- 5.3 Access to collected personal information shall be restricted to only the persons necessary for fulfilment for a purpose which the information was collected.
- 5.4 Collected personal information shall only be disclosed to third parties when:
  - 5.4.1 It was collected for the specific purpose of passing on;
  - 5.4.2 Disclosure to the third party is a purpose directly related to an original purpose of collection; or
  - 5.4.3 Disclosure is required for law enforcement or the protection of an individual's wellbeing or safety.
- 5.5 Information shall not be disclosed to an overseas agency unless the Privacy Officer is confident that the agency is based in a jurisdiction with comparable privacy law to New Zealand or the disclosure falls within an exception in the Privacy Act 2020.
  - 5.5.1 The Privacy Officer may rely on legal advice when making this determination.
- 5.6 When an individual requests access to personal information relating to themselves the Privacy Officer shall have regard to the relevant procedures, principles and reasons for refusal in the Privacy Act 2020.