

## Meeting Notes from Tautoko Network Meeting

February 2023

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### The Privacy Act

Volunteering Canterbury is most grateful to Kathryn Dalziel, a local Christchurch Barrister, who specialises in Civil Litigation, Employment and Privacy Law, for her time in sharing her knowledge and expertise of the Privacy Act and considerations that for-purpose organisations may face in adhering to the law.

Privacy Law is sometimes known as data protection. It involves issues of security, collection, use, and disclosure of personal information. Privacy law helps with dealing with access to personal information, privacy breaches, privacy impact of new technology, and privacy policies.

- The Office of the Privacy Commissioner is an excellent resource for information and support. Their website <https://www.privacy.org.nz/> includes information about:
  - The Privacy Act 2020
  - Your Rights
  - Your responsibilities
  - Resources
  - You can also sign-up for monthly privacy news updates and read their latest blog entries. One blog which may be of particular interest is Privacy 101 for Charities: A Recap - <https://www.privacy.org.nz/blog/privacy-101-for-charities-a-recap/>
  
- The Act has 13 principles – these links will take you through to the relevant section on the Privacy Commissioner’s website providing more detail about each of the principles. Being familiar with these is important:
  - [Principle 1 - Purpose for collection](#)
  - [Principle 2 - Source of information - collection from the individual](#)
  - [Principle 3 - What to tell the individual about collection](#)
  - [Principle 4 - Manner of collection](#)
  - [Principle 5 - Storage and security of information](#)
  - [Principle 6 - Providing people access to their information](#)
  - [Principle 7 - Correction of personal information](#)
  - [Principle 8 - Ensure accuracy before using information](#)
  - [Principle 9 - Limits on retention of personal information](#)
  - [Principle 10 - Use of personal information](#)
  - [Principle 11 - Disclosing personal information](#)
  - [Principle 12 - Disclosure outside New Zealand](#)
  - [Principle 13 - Unique identifiers](#)
  
- Every organisation is required to have at least one person who fulfils the role of a Privacy Officer - <https://www.privacy.org.nz/responsibilities/privacy-officers/>
- Organisation’s responses to the Privacy Act shouldn’t be driven by potential or real breaches but how we ensure the principles of the Privacy Act are part of our everyday practice and are essentially common-sense

- Organisations should check the 'terms and conditions' on their websites to ensure they meet the requirements of the law. There's no need to come up with something yourselves, check out what other organisations and businesses use and adapt it for your own use. One example shared, especially in relation to their use of social media, was that of LoneStar <https://www.lonestar.co.nz/terms-and-conditions/>
- If you use photos or other personal information of people where they could be identified, for example on your website, social media, advertising or any other publications, you must get the consent of the people involved, preferably in writing. As the Act is particularly concerned with protecting young people, parental permission must be sought in these situations
- Take the Privacy Act into consideration when collating or reviewing your organisation's policies and procedures including your Code of Conduct/Code of Behaviour and Document Management Policy
- If you have any concerns about a privacy breach use the Privacy Commissions 'Notify Us' process to establish whether the breach is notifiable or not - <https://privacy.org.nz/responsibilities/privacy-breaches/notify-us/>
- Individuals with a concern with a privacy complaint concerning their own or another person's personal information can, after making reasonable efforts to resolve the complaint directly with the business or organisation may be able to make a complain to the Privacy commissioner's office - <https://privacy.org.nz/your-rights/making-a-complaint/>

#### Other info

- The Privacy Act is subject to other pieces of legislation (e.g. around the length of time employee time and wage records are kept)
- Employee information must be held for a minimum of 7 years. There is no limit for how long volunteer records should be kept for, organisations can make their own decisions around this based on their own organisational needs and must be reasonable
- The Health (Retention of Health Information) Regulations 1996 say that health agencies **must** keep any health records they hold for a patient for 10 years from the last time they provided services to that patient
- Organisations should be able to provide people with information about it's record keeping policy to explain how long it holds information for
- If you are working with other NZ providers check your contracts with them to ensure that they are not opting out of their responsibilities and accountability
- If you are using overseas service providers e.g. Mailchimp check your contracts with them around their privacy policies