



RANGIORA NEW LIFE SCHOOL

POLICY AND PROCEDURES MANUAL

Providing quality Christian education that equips and inspires all students to reach their life potential in order to serve God's purposes.

6.5	Legislation and Community Partnership	Privacy	
Ratification		Chairperson	
Last Review	July 2008	Chairperson	Subcommittee: D Pons

RATIONALE

- 1 To collect and hold only the information necessary, on behalf of the student and the family.
- 2 To examine the information at intervals and to dispose of that which is no longer required (in line with M.O.E. guidelines).

The Board of Trustees of Rangiora New Life School is required to comply with the Privacy Act 1993 (amended 1994) in all aspects for employees, and in its role as the body with the overall responsibility for the running of the school.

The School will respect and observe the right to privacy of all persons and will abide by the regulations of the Education ACT (1989) and the Privacy ACT (1993).

"A gossip betrays a confidence, but a trustworthy person keeps a secret" Proverbs 11:13

PURPOSES

The purpose of this privacy policy is to promote and protect individual privacy with regard to:

- The collection, use, and disclosure of information relating to individuals
- Access by each individual to information relating to that individual held by the school.

GUIDELINES

- 1 In terms of the Privacy Act 1993, the Board appoints the Principal as the school's *Privacy Officer*.
- 2 The role of the *Privacy Officer* is to ensure that all school staff adheres to the principles contained in the Act (see Appendix 1) in all aspects of their work for the Board.
- 3 In applying the principles of the act to pupils:
 - a. The School shall on enrolment, ascertain, from the Parent / Guardian / Caregiver / Pupil, such information as may be required by law, or needed by the School / Proprietors, or considered necessary by the Parent / Guardian / Caregiver / Pupil.
 - b. Only information that is deemed necessary for the good of the child and the welfare of the school shall be collected. The source for such information shall be from the child's parents/guardians/caregivers and from previous schools.
 - c. Types of information that shall be collected and deemed to be private include:
 - i. Application for enrolment*
 - ii. Parent information*
 - iii. Pupil attendance record
 - iv. Information on Health, disclosed by Parent / Guardian / Caregiver / Pupil
 - v. Special education records*
 - vi. Academic reports*
 - vii. Disciplinary reports**
 - viii. Student achievement data **
 - d. The pupil's records / file shall be held by the School Administration / teaching staff and shall be treated as confidential and stored accordingly.
 - e. Academic Results and Classroom observations for individual pupils may be made available to authorized support agencies and subsequent schools with the approval of the *Privacy Officer*.
 - f. Other than the above, no personal information about any student or their family shall be given to anyone without the approval of the *Privacy Officer* and the consent of the Parent / Guardian / Caregiver / Pupil.

- g. As allowed under the Education ACT and the Privacy ACT Parents / Pupils may have access to certain information and may request alteration or additions to that information. Any request for access, correction or addition under these ACTs must be made in writing to the School *Privacy Officer*.
- 4 In applying the principles of the act to staff:
- a. Types of information that may be collected and will be deemed to be private include:
 - i. Application for appointment
 - ii. Curriculum vitae
 - iii. Letter of appointment**
 - iv. Employment contract (if applicable)**
 - v. Performance appraisals
 - vi. Disciplinary records
 - vii. Payroll data
 - viii. Employment-related correspondence**
 - b. Access to information shall be to those who have a right to view such information. Permission from the person from whom the information was received, shall be given prior to the release of information.
- 5 Private information shall, except where indicated otherwise, be retained for at least seven years after the person has left the school, and may then be disposed. Items marked * will be retained for at least 12 months after the person has left the school, and may then be disposed except where an issue has arisen or is about to arise. Items marked ** above shall be retained indefinitely. Due to the large and dispersed volume of information collected in the school, and the practical difficulties of selectively disposing certain information and not others, the Board considers it acceptable for the School to manage the disposal of information as a periodic activity. Disposal may include archiving or secure destruction as appropriate.
- 6 Requests to view Board minutes are to be directed to the Chair of the Board. Board documents (minutes, charter, annual reports, policies, but not procedures or election results) shall be kept indefinitely.

Notes:

- 1 The Public Records Act (2005) 'requires government organisations to create and maintain records and to dispose of them in accordance with the authority of the Chief Archivist' (<http://www.archives.govt.nz/publicrecordsact.php#who>). However the Act only applies to 'public offices' , and while 'School Boards of Trustees' are listed (<http://continuum.archives.govt.nz/list-public-offices-type.html#education>) the inference is that only state schools fall under the Public Records Act. Therefore the provisions of that act have been excluded from this policy. At future revisions of the policy it would be prudent to check whether the concept of 'public offices' has changed.
- 2 The website of the Privacy Commissioner <http://www.privacy.org.nz/> should also be checked for recent developments when this policy is next reviewed.
- 3 For records retention and disposal, see www.minedu.govt.nz/web/downloadable/dl11649_v1/school-records-retention-disposal-schedule.doc This guideline comments that 'Under the Public Records Act 2005, the School Records Retention/Disposal Schedule applies to state and state integrated schools' (p14), so there is some ambiguity here.

PRIVACY ACT PRINCIPLES

The Privacy Act 1993 defines twelve principles as follows:

Principle 1: Purpose of collection of personal information

Personal information shall not be collected by any agency unless-

- (a) The information is collected for a lawful purpose connected with a function or activity of the agency; and
- (b) The collection of the information is necessary for that purpose.

Principle 2: Source of personal information

- (1) **[Person concerned]** Where an agency collects personal information, the agency shall collect the information directly from the individual concerned.
- (2) **[Exceptions]** it is not necessary for an agency to comply with subclause (1) of this principle if the agency believes, on reasonable grounds, -
 - (a) That the information is publicly available information; or
 - (b) That the individual concerned authorises collection of the information from someone else; or
 - (c) That non-compliance would not prejudice the interests of the individual concerned
 - (d) That non-compliance is necessary-
 - (i) 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
 - (ii) For the enforcement of a law imposing a pecuniary penalty; or
 - (iii) For the protection of the public revenue; or
 - (iv) For the conduct of proceedings before any court or Tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
 - (e) That compliance would prejudice the purpose of the collection; or
 - (f) That compliance is not reasonably practicable in the circumstances of the particular case; or
 - (g) That the information-
 - (i) Will not be used in a form in which the individual concerned is identified; or
 - (ii) 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
 - (h) That the collection of the information is in accordance with an authority granted under section 54 of this Act.

Principle 3: Collection of information from subject

- (1) **[Subject to be informed]** 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
 - (a) The fact that the information is being collected; and
 - (b) The purpose for which the information is being collected; and
 - (c) The intended recipients of the information; and
 - (d) The name and address of-
 - (i) The agency that is collecting the information; and
 - (ii) The agency that will hold the information; and
- (e) If the collection of the information is authorised or required by or under law;
 - (i) The particular law by or under which the collection of the information is so authorised or required; and
 - (ii) Whether or not the supply of the information by that individual is voluntary or mandatory; and
- (f) The consequences (if any) for that individual if all or any part of the requested information is not provided; and
- (g) The rights of access to, and correction of, personal information provided by these principles.
- (2) **[Timing of information]** The steps referred to in subclause (1) of this principle shall be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected.
- (3) **[Previous collection of information]** An agency is not required to take the steps referred to in subclause (1) of this principle in relation to the collection of the information from an individual if that agency has taken those steps in relation to the collection, from the individual, of the same information or information of the same kind, on a recent previous occasion.

- (4) **[Exceptions]** it is not necessary for an agency to comply with subclause (1) of this principle if the agency believes, on reasonable grounds, -
 - (a) That non-compliance is authorised by the individual concerned; or
 - (b) That non-compliance would not prejudice the interests of the individual concerned; or
 - (c) That non-compliance is necessary-
 - (i) 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
 - (ii) For the enforcement of a law imposing a pecuniary penalty; or

- (iii) For the protection of the public revenue; or
- (iv) For the conduct of proceedings before any court or Tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
- (d) That compliance would prejudice the purposes of the collection; or
- (e) That compliance is not reasonably practicable in the circumstances of the particular case; or
- (f) That the information-
 - (i) Will not be used in a form in which the individual concerned is identified; or
 - (ii) 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-

- (a) By unlawful means; or
- (b) By means that, in the circumstances of the case,-
 - (i) Are unfair; or
 - (ii) 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-

- (a) That the information is protected, by such security safeguards, as it is reasonable in the circumstances to take, against-
 - (i) Loss; and
 - (ii) Access, use, modification, or disclosure, except with the authority of the agency that holds the information; and
- (iii) Other misuse; and
 - (b) 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) **[Access]** where an agency holds personal information in such a way that it can readily be retrieved, the individual concerned shall be entitled-
 - (a) To obtain from the agency confirmation of whether or not the agency holds such personal information; and
 - (b) To have access to that information.
- (2) **[Correction]** Where, in accordance with subclause (1) (b) of this principle, 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.
- (3) **[Application of principle]** The application of this principle is subject to the provisions of Parts IV and V of this Act.

Principle 7: Correction of personal information

- (1) **[Correction]** where an agency holds personal information, the individual concerned shall be entitled-
 - (a) To request correction of the information; and
 - (b) To request that there be attached to the information a statement of the correction sought but not made.
- (2) **[Steps to correct]** 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.
- (3) **[Statement of correction]** Where an agency that holds personal information is not willing to correct the 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.
- (4) **[Disclosure of steps taken]** Where the agency has taken steps under subclause (2) or subclause (3) of this principle, the agency shall, if reasonably practicable, inform each person or body or agency to whom the personal information has been disclosed of those steps.
- (5) **[Action notified]** Where an agency receives a request made pursuant to subclause (1) of this principle, 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, -

- (a) That the source of the information is a publicly available publication; or
 - (b) That the use of the information for that other purpose is authorised by the individual concerned; or
 - (c) That non-compliance is necessary-
- (i) 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
 - (ii) For the enforcement of a law imposing a pecuniary penalty; or
 - (iii) For the protection of the public revenue; or
 - (iv) For the conduct of proceedings before any court or Tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
- (d) That the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to -
- (i) Public health or public safety; or
 - (ii) The life or health of the individual concerned or another individual; or
- (e) That the purpose for which the information is used is directly related to the purpose in connection with which the information was obtained; or
 - (f) That the information-
- (i) Is used in a form in which the individual concerned is not identified; or
 - (ii) 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
- (g) That the use of the information is in accordance with an authority granted under section 54 of this Act.

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, -

- (a) 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
 - (b) That the source of the information is a publicly available publication; or
 - (c) That the disclosure is to the individual concerned; or
 - (d) That the disclosure is authorised by the individual concerned; or
 - (e) That non-compliance is necessary-
- (i) 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
 - (ii) For the enforcement of a law imposing a pecuniary penalty; or
 - (iii) For the protection of the public revenue; or
 - (iv) For the conduct of proceedings before any court or Tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
- (f) That the disclosure of the information is necessary to prevent or lessen a serious and imminent threat to-
- (i) Public health or public safety; or
 - (ii) The life or health of the individual concerned or another individual; or
- (g) That the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern; or
- (h) That the information-
- (i) Is to be used in a form in which the individual concerned is not identified; or
 - (ii) Is to be used for statistical or research purposes and will not be published in a form that could be expected to identify the individual concerned; or
- (i) That the disclosure of the information is in accordance with an authority granted under section 54 of this Act.

Principle 12: Unique identifiers

- (1) **[Must be necessary]** 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 one or more of its functions efficiently.
- (2) **[Same identifier - two agencies]** An agency shall not assign to an individual a unique identifier that, to the agency's knowledge, has been assigned to that individual by another agency, unless those 2 agencies are associated persons within the meaning of section 8 of the Income Tax Act 1976.
- (3) **[Identity established]** 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) **[Disclosure of identifier]** 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.

