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PRIVACY POLICY

Section	Institute Governance and Management		
Approval Date	22.09.2020	Approved by	Executive Team
Next Review	22.09.2023	Responsibility	Manager – People and Organisation Development
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PURPOSE

To ensure that Nelson Marlborough Institute of Technology (NMIT) satisfies the requirements of the Privacy Act 1993. Staff who have access to personal information about students and/or staff need to be aware of and follow the procedures set out in this policy to minimise the risk of inadvertent disclosure of personal information.

SCOPE

Disclosure of personal information collected and/or held by NMIT including information about any identifiable student or staff member is covered by the principles outlined in the Privacy Act listed in Appendix 1 of this document. This Policy applies to all personal information collected and/or held by NMIT about any person and in particular about people enrolled as students or employed as staff

DEFINITIONS

Agency	The Privacy Act uses the term ‘agency’. An agency is any individual, organisation or business, whether in the public sector or the private sector. There are a few exceptions such as MPs, courts, and the news media. Generally, if a person or body holds personal information, they must comply with the privacy principles. See the Privacy Act, section 2, for the full definition of ‘agency’.
Official Information Requests	Requests made under the Official Information Act
Personal Information	Any information about an individual (a living natural person) as long as that individual can be identified.

RESPONSIBILITIES

Privacy Officer	<p>Acts as a liaison person for the agency with the Privacy Commissioner. This is particularly important if the Privacy Commissioner is investigating whether the agency has breached privacy.</p> <p>The Privacy Officer for NMIT is the Manager - People and Organisation Development (POD).</p>
Privacy Officer or delegate	<p>Is familiar with the privacy principles in the Privacy Act</p> <p>Is familiar with any other legislation governing what NMIT can and cannot do with personal information.</p> <p>Trains other staff at NMIT to deal with privacy properly.</p> <p>Advises managers on how to ensure that NMIT's business practices comply with privacy requirements.</p> <p>Advises managers on the privacy impacts (if any) of changes to NMIT's business practices.</p> <p>Advises managers if improving privacy practices might improve the business.</p>

Specific responsibilities are also identified for the following roles:

Executive Director - Customer Experience and Excellence	<p>Deals with any complaints from NMIT's students about possible breaches of privacy.</p>
Manager - People and Organisation Development	<p>Deals with requests for access to personal information, or correction of personal information for staff.</p>

POLICY

The Privacy Act 1993 sets out the principles (Refer to Appendix 2 of this Policy) which form the basis on which all issues regarding privacy of personal information are determined and are to be managed. Everyone who has access to personal information collected or held by NMIT must understand and follow these principles.

Enrolment and employment forms will include statements regarding the collection and use of personal information and the purpose the information is being collected for under the provisions of the Privacy Act. Such information must be used only for the purpose it is intended.

The Public Records Act requires that certain information is held for specified time periods. For further details refer to the [Records Management Policy](#).

Any information collected and/or held by NMIT about students or staff members, current or past, must be stored either physically or electronically in a secure manner.

Specific information on website privacy is available in Appendix 2.

In the case of Official Information Requests these are dealt with by the POD Office.

PROCEDURES

1. GENERAL REQUESTS FOR INFORMATION

- 1.1 Students and staff have the right to request to see, and correct if necessary, information held by NMIT about them other than exclusions that are specified in the Privacy Act, for example confidential referees' reports and legally privileged information.
- 1.2 Enquiries about personal information held by NMIT should be referred to the Information and Enrolments Team in the first instance for students; or the People and Organisation Development Team for staff. When in doubt, staff must consult the Privacy Officer or delegate before disclosing any information.
- 1.3 Some form of valid identification such as a driver's licence or passport will be required for identification to enable access to an individual's personal information.
- 1.4 Some information may be disclosed. This includes the fact that a person is enrolled, or has been enrolled at NMIT; or is a current or former staff member. As these matters are not private, no special permission is required to make this simple disclosure to a third party, but all other personal information is protected.
- 1.5 The names of NMIT Board, Executive Directors, other Directors and staff are public information and are available on the NMIT website. However, private information such as private addresses may not be disclosed.

2. STUDENT RESULTS

- 2.1. Student attendance records, grades, marks, assessments and results are personal information. Care must be taken to ensure these are communicated only to the person concerned, unless there is explicit written authority to disclose them to an authorised party or there is a clear statutory requirement to disclose the information, for example providing results to NZQA. All requests must be in writing and should be actioned by the Programme Area Administrator. If the request is from an agency other than those noted in section 2 of the Privacy Act, the request must be accompanied by authorisation from the student.
- 2.2. Display of grades, marks, assessments results is acceptable as long as:

No student names or easily identifiable references are used, AND
the order of the results is altered so as not to be in alphabetical order
- 2.3. Moderation Results
Where materials are chosen for moderation purposes, any information identifying particular students should be removed before copying and using the materials, unless identity of the student is required for the purpose undertaken.

3. REQUESTS FOR ADDRESSES OR OTHER MEANS OF CONTACT

- 3.1. From time to time, requests are received from parents, relatives, friends and others wanting to get in touch with staff or students. Addresses and other contact details should NOT be disclosed except in emergencies as indicated below. Only staff contact details that are available on the NMIT website can be provided. Student details are private and some students have good reasons for keeping their contact details private.
- 3.2. General enquiries for staff addresses or contact information can be dealt with by providing the relevant details available on the public NMIT website e.g. NMIT email address and NMIT phone number. Other general enquiries should be politely declined with a brief explanation that “the NMIT Privacy Policy prohibits the information requested from being disclosed.”
- 3.3. Specific enquiries from parents, relatives, or friends can be handled by offering to deliver a message to the person concerned and asking the student or staff member to contact the person concerned. This can be done by obtaining the contact details of the enquirer and forwarding these to the person concerned.

4. EMERGENCY MESSAGES

- 4.1. Delivery of messages concerning a genuine emergency should be arranged as quickly and calmly as possible through a senior member of staff (for example the Privacy Officer, Director or Manager).

5. REQUESTS FROM PARENTS/CAREGIVERS/EMPLOYERS FOR STUDENTS’ PROGRESS REPORTS

- 5.1. Parents and employers have no special right to a student or employee’s personal information. This is irrespective of the fact that they may have paid fees or allowed time off employment to study. In these cases, every effort should be made to persuade parents and students; and employees and employers to deal directly with each other. If that is not possible, the student’s authorisation can be sought either by the parent/employer or by NMIT. This should be discussed with the Privacy Officer or delegate.

6. POLICE REQUESTS

- 6.1. Requests for personal information from the Police should be referred to the Privacy Officer in the first instance. Information privacy principles apply to requests from the Police except in certain circumstances such as investigation, prevention, detection or prosecution of an offence against the law.
- 6.2. While every endeavor is made to cooperate with the Police when they ask to contact a student or staff member on campus, the following principles must be followed:
 - The prior approval of the Privacy Officer or delegate or a member of the Executive Team is required for a student or staff member to be interviewed on NMIT premises.
 - Any person being interviewed has the right to be accompanied by another person including a lawyer or student support person such as a SANITI or NMIT representative if he/she wants that support.

- Should a Police Officer wish to interview or discuss a matter with a student or staff member, this should be done in a private room. If the nature of the questioning is in relation to a serious matter or allegation, this should preferably be done at the police station.

7. REQUESTS FROM SPECIFIC AGENCIES

- 7.1. NMIT collects and stores personal information about students from the enrolment process to comply with the requirements of NMIT as well as to meet the requirements of the Ministry of Education (funding and student statistical returns), and the Ministry of Social Development (confirmation of enrolment and academic outcomes).
- 7.2. When required by statute, NMIT releases information to Government agencies such as TEC, NZQA, Audit NZ, Skill New Zealand, Industry Training Organisations, Industry licensing and registration bodies, other tertiary institutions and providers of work experience for students in courses, the New Zealand Police, Ministry of Justice, Ministry of Social Development and the Accident Compensation Corporation (ACC).

In such cases, requests for personal information can be disclosed providing information is held and is clearly related to the purpose for which the information was collected.

8. REQUESTS FROM OTHER AGENCIES

- 8.1. Requests are received from other agencies (e.g. Immigration New Zealand, solicitors) from time to time and usually these come with a statement that the individual has authorised the request, or a clear statement indicating the enquirer has a statutory right to the information.

In these cases the enquiry should be accepted, but NOT answered immediately. The relevant details including name, organisation, role or position within that organisation and contact details should be obtained, as well as the details and reason for the request. The information can then be collated and further advice sought from the Privacy Officer.

RECORDS

- Student Records
- People and Organisation Development Records
- Requests for information correspondence
- Media Consent Forms
- *Consent to Release Information to a Third Party Form* [available for staff on the Intranet]

REFERENCES

INTERNAL

[Records Management Policy](#)

EXTERNAL

[Bill of Rights Act 1990](#)

[The Education Act 1990](#)

[Official Information Act](#)

[Privacy Act 1993](#)

[Privacy Commissioner website – Data breaches](#)

[Public Records Act](#)

APPENDICES

Appendix 1	<u>The Privacy Principles</u>
Appendix 2	<u>Website Privacy Statement</u>

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 the agency collecting the information; 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 the agency collecting the information believes on reasonable grounds that:

- the information is publicly available; or
- the individual concerned authorises collection of the information from someone else; or
- the interests of the individual concerned are not prejudiced; or
- it is necessary for a public sector agency to collect the information to uphold or enforce the law, protect the tax base, 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 under section 54 of the Privacy Act

PRINCIPLE 3: COLLECTION OF INFORMATION

When an agency collects personal information directly from the individual concerned, 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 names and addresses of who is collecting the information and who will hold it;
- any specific law governing provision of the information and whether provision 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 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.

An agency is not required to take these steps if they have 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 the agency collecting the information 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 a public sector agency to collect the information to uphold or enforce the law, protect the tax base, 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

An agency holding personal information must ensure that:

- there are reasonable safeguards against loss, misuse or disclosure; 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 the information.

PRINCIPLE 6: ACCESS TO PERSONAL INFORMATION

Where personal information is held in a way that 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.

An agency 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 confidence where the information has been gained solely for reasons to do with the individual's employment, or to decide whether to insure the individual;
- be contrary to the interests 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, for example, if the agency does not hold the information or if the request is frivolous or vexatious.

PRINCIPLE 7: CORRECTION OF PERSONAL INFORMATION

Everyone 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 agencies have already passed on personal information that they then correct, they should inform the recipients about the correction.

PRINCIPLE 8: ACCURACY OF PERSONAL INFORMATION TO BE CHECKED BEFORE USE

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

PRINCIPLE 9: PERSONAL INFORMATION NOT TO BE KEPT FOR LONGER THAN NECESSARY

An agency holding personal information must not keep it for longer than needed for the purpose for which the agency collected it.

PRINCIPLE 10: LIMITS ON USE OF PERSONAL INFORMATION

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

The exceptions include situations when the agency holding personal information 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 agency got the information from a publicly available publication; or
- the individual concerned has authorised the use; or
- the use is necessary for a public sector agency to collect the information to uphold or enforce the law, protect the tax base, or assist court or tribunal proceedings; or
- the use is necessary to prevent or lessen a serious and imminent 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 under section 54 of the Privacy Act

PRINCIPLE 11: LIMITS ON DISCLOSURE OF PERSONAL INFORMATION

Personal information must not be disclosed unless the agency reasonably believes that:

- the disclosure is in connection with, or directly related to, one of the purposes for which it was obtained; or
- the agency got the information 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 a public sector agency to disclose the information to uphold or enforce the law, protect the tax base, or assist court or tribunal proceedings; or

- disclosure is necessary to prevent or lessen a serious and imminent 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 under section 54 of the Privacy Act

PRINCIPLE 12: UNIQUE IDENTIFIERS

Unique identifiers – such as IRD numbers, bank customer numbers, driver’s licence and passport numbers – must not be assigned to individuals unless this is necessary for the organisation concerned to carry out its functions efficiently. The identifiers must be truly unique to each individual (except in some tax related circumstances), 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.

The Government is not allowed to give people one personal number to use in all their dealings with government agencies.

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 principle 6 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.

Section 7 of the Privacy Act states, in effect, that if another statute is contrary to the privacy principles, that other statute will “trump” the Privacy Act.

The privacy principles do not cover an individual who collects or holds personal information solely or principally for personal, family or household reasons.

Website privacy statement

What information do we collect?

We collect information from you when you visit our website, submit an enquiry or apply for a programme on our website.

NMIT also gathers information on our website via Google Analytics, Facebook, LinkedIn and Snapchat tracking codes.

By using the NMIT website, you agree to allow these tracking codes.

This website privacy statement applies only to information collected through our website and not to information collected offline.

What do we use your information for?

Any of the information we collect from you may be used in one of the following ways:

- To personalise your experience (your information helps us to better respond to your individual needs)
- To improve our website (we continually strive to improve our website offerings based on the information and feedback we receive from you)
- To improve customer service (your information helps us to more effectively respond to your customer service requests and support needs)
- To process transactions
- To administer a contest, promotion, survey or other site feature
- To send periodic emails
- To use in Google, YouTube, Facebook, LinkedIn and Snapchat advertising

Your information, whether public or private, will not be sold, exchanged, transferred or given to any other company for any reason whatsoever, without your consent, other than for the express purpose of delivering the purchased product or service requested.

Note: If at any time you would like to unsubscribe from NMIT emails, click on the link in the email, or reply and ask to be removed from our mailing list.

How do we protect your information?

We implement a variety of security measures to maintain the safety of your personal information when you enter, submit, or access your personal information.

Do we use cookies?

We use session cookies to enable website functionality. If you have cookies turned off, some parts of our website will not function properly.

Do we disclose any information to outside parties?

We do not sell, trade, or otherwise transfer to outside parties your personally identifiable information. This does not include trusted third parties who assist us in operating our website, conducting our business, or servicing you, so long as those parties agree to keep this information confidential.

We may also release your information when we believe release is appropriate to comply with the law, enforce our site policies, or protect ours or others' rights, property, or safety. However, non-personally identifiable visitor information may be provided to other parties for marketing, advertising, or other uses.

Third-party links

Occasionally, at our discretion, we may include or offer third party products or services on our website. These third party sites have separate and independent privacy policies. We therefore have no responsibility or liability for the content and activities of these linked sites. Nonetheless, we seek to protect the integrity of our site and welcome any feedback about these sites.

Changes to our Privacy Statement

If we decide to change our privacy statement, we will post those changes on the website.