

## Privacy Policy

### **Rationale:**

The Privacy Act 2020 sets out protection for individuals right to privacy. This policy explains the practical side of how privacy is implemented and the necessary procedures to prevent a privacy breach from occurring. It expresses the kindergarten's intent to respect the privacy and confidentiality of the information we gather regarding tamariki, whānau, and employees, while also ensuring ease of access to information held as authorised and appropriate. We are committed to complying with education and early childhood service regulations, privacy legislation and other applicable legislation.

### **Te Whāriki:**

Well-being/Mana atua: Tamariki experience an environment where they are kept safe from harm.

### **Procedures:**

1. The 13 Privacy Principles: The privacy Act 2020 has 13 Information Privacy Principles (IPPs) which outline how agencies should handle personal information that is collected, stored, accessed, corrected, used, and disclosed. A summary of each of these IPPs which can be read in full in section 22 of the Privacy Act 2020 are set out in the table below:

Principle 1	<b>Purpose for collection:</b> Personal information must only be collected when it is for a lawful purpose and necessary.
Principle 2	<b>Source of information:</b> Personal information must usually be collected from the person the information is about, with some exceptions?
Principle 3	<b>What to tell an individual:</b> When collecting personal information: inform the person why it is being collected, who will get the information, whether the person must give the information (or whether it is voluntary), what will happen if the information is not provided.
Principle 4	<b>Manner of collection:</b> Personal information must not be collected by unlawful means or by means that are unfair or unreasonably intrusive in the circumstances.
Principle 5	<b>Storage and security:</b> Reasonable safeguards must be in place to prevent the loss, misuse or disclosure of personal information.
Principle 6	<b>Access:</b> People usually have the right to ask for access to personal information that identifies them, although there can be some instances when agencies can refuse.
Principle 7	<b>Correction:</b> People have the right to ask for agencies to correct information about themselves if they think it is wrong. If the agency does not want to do this, a person can ask the agency to add their views to the information kept about them.

Principle 8	<b>Accuracy:</b> Before personal information is used or disclosed, an agency must take reasonable steps to check that the information is accurate, complete, relevant, up to date, and not misleading.
Principle 9	<b>Retention:</b> An agency that holds personal information must not keep that information for longer than is necessary for the purposes for which the information can be lawfully used.
Principle 10	<b>Use:</b> Agencies must use personal information for the same purpose for which they collected that information. (Other uses are occasionally permitted).
Principle 11	<b>Disclosure:</b> Agencies can only disclose personal information in limited circumstances, e.g., when required by law, when the information is going to be used in a form that does not identify the person concerned, when the person concerned has given authorisation, etc.
Principle 12	<b>Disclosure outside New Zealand:</b> Agencies can only disclose personal information to a person outside New Zealand if, in addition to meeting the requirements of principle 11, that person overseas is subject to comparable privacy safeguards to those in the privacy act 2020 or one of the other exceptions listed in principle 12 apply.
Principle 13	<b>Unique Identifiers:</b> Some agencies give people a unique identifier instead of using their name. E.g., IRD number or driver's license number. An agency cannot use a unique identifier given to a person by another agency.

2. The kaiārahi is the Privacy Officer for the kindergarten and is responsible for ensuring all privacy law obligations are met when it comes to the collection, use, storage, and retention of all personal information.

3. Privacy breaches can be notified in person, by telephone or via email to the Privacy Officer as soon as possible, preferably within 24 hours of the breach being discovered. The Privacy Officer is responsible for recording a privacy breach (see the Privacy Breach Report below) which details the circumstances of the breach and actions taken, including remedial actions.

4. In a serious breach of privacy, the kaiārahi is responsible for the escalation to the Kāpiti Waldorf Trust and privacy commissioner.

5. A register of near misses and privacy breaches is maintained by the Privacy Officer.

6. The kindergarten will follow five key steps in the management of a privacy breach or complaint:

- a) Identify
- b) Contain
- c) Assess
- d) Notify – individuals or privacy commissioner
- e) Prevention of future breaches

7. To prevent privacy breaches every time we are required to collect, use, disclose or otherwise deal with any personal information, we will consider and comply with the privacy concepts detailed below:

- a) **Data minimisation:** We will only collect, create, and retain personal information that we actually require.
- b) **Transparency:** We will always be open and upfront with our employees and whānau about the personal information we collect as well as how we use, store, and disclose it.
- c) **Security:** We will always take all reasonable steps (as determined by the personal nature of information in question) to ensure that personal information is protected against loss and unauthorised access, use and disclosure.
- d) **Use Limitation:** We will only use or store personal information (be it within the kindergarten or with external people) in ways we say we will, or as otherwise agreed with the person the information is about. We will only use or store personal information, when necessary, to meet our lawful purposes as a service provider in relation to tamariki and whānau information, and as an employer in the case of employee information.
- e) **Rights Focused:** We will make sure that our people can exercise their privacy rights, including the right to know in advance and consent to how their personal information is used and shared, as well as, to access and correct or update their information as needed.

8. All confidential personal files are kept under lock and key, including enrolment, vaccination and personnel records.

9. Permission is sought via a signed enrolment form for use of images of the tamariki for the purposes of:

- a) Assessment and planning.
- b) Kindergarten publications and newsletters.
- c) Facebook and other social networking sites.

10. Visitors, kaiako and other whānau not employed by the kindergarten are required to seek and gain signed permission from parents when documenting or photographing their experiences with tamariki at kindergarten.

11. Separate written consent will be sought for any tamariki involved in research or child studies undertaken in the kindergarten.

12. All members of the kindergarten community, whānau, kaiako and other employees recognise the privacy of the whānau attending kindergarten. They will seek consent before using images of employees, tamariki or whānau on any social networking site.

13. Kindergarten employees understand that photographic, audio and video footage of tamariki learning experiences recorded on digital devices or other recordable electronic equipment will only be used within the context of kindergarten planning and documentation.

#### **Links To:**

- [Privacy Act 2020](#)

<b>Authorised:</b>	
<b>Date:</b>	
<b>Review Date:</b>	
<b>Consultation Undertaken:</b>	

## *Privacy Breach Report*

**Privacy Breach Definition:**

- Unauthorised or accidental access to, or disclosure, alteration, loss, or destruction of, the personal information.
- An action that prevents the agency from accessing the information on either a temporary or permanent basis.

<p>What are the circumstances of the breach?</p>	<ul style="list-style-type: none"> <li>• <i>What type of breach has occurred? Is it: (a) unauthorised or accidental access; (b) accidental loss or destruction or permanent or temporary loss of access?</i></li> <li>• <i>How did the breach happen?</i></li> <li>• <i>When did the breach happen?</i></li> <li>• <i>When was the breach discovered, who discovered it and how was it discovered?</i></li> <li>• <i>Who was the unauthorised participant o the information?</i></li> </ul>
<p>What is the type and amount of personal information involved in the breach?</p>	<ul style="list-style-type: none"> <li>• <i>Who was the information about? – e.g., was the information about employees, tamariki, other?</i></li> <li>• <i>What is the information about the individual? - e.g., name, residential address, email address, date of birth, health information, bank account number etc.?</i></li> <li>• <i>What is the number in affected individuals?</i></li> </ul>
<p>What action has been taken to contain and control the breach?</p>	<ul style="list-style-type: none"> <li>• <i>E.g., has the kindergarten attempted to recover the lost or corrupted information, shut down or suspended the website, online system, access to server, revoked or changed access, codes/passwords etc.?</i></li> </ul>
<p>What is the potential harm for the affected individual/s?</p>	<ul style="list-style-type: none"> <li>• <i>Could the information be used for identity theft, threats to physical safety, financial loss, workplace bullying, loss of employment opportunities, or humiliation or damage to reputation?</i></li> </ul>
<p>Are the affected individual/s aware the breach occurred?</p>	<ul style="list-style-type: none"> <li>• <i>If not, will the kindergarten notify the affected individual/s? In general, if a breach creates a risk of harm, to an individual/s the affected individual/s</i></li> </ul>

	<p><i>should be notified. The content of this notification could include information about the breach, what the kindergarten is doing to control or reduce the harm, what steps the individual can take to further protect themselves, and contact details for the privacy officer where questions about the breach can be directed.</i></p>
<p>Who has been notified about the breach?</p>	<ul style="list-style-type: none"> <li>• Privacy Officer</li> <li>• Owners</li> <li>• External Legal Advisor</li> <li>• Relevant team members, e.g., IT, HR</li> <li>• Privacy Commissioner</li> <li>• Police</li> </ul>
<p>What changes will be implemented to prevent or reduce the risk of reoccurrence?</p>	<ul style="list-style-type: none"> <li>• What safeguards or measures were in place to prevent a breach of this nature occurring?</li> <li>• Given the measures why did the breach occur?</li> <li>• What additional or amended measures will be implemented, for example, staff training, new or amended policies, improved physical or technical security, etc.</li> </ul>
<p>Who is the kindergartens contact concerning the breach?</p>	<ul style="list-style-type: none"> <li>• Serious - Trustees and/or Privacy Officer. -</li> <li>• Minor - Privacy Officer</li> </ul>
<p><b>Recorded By:</b></p>	<p><b>Date:</b></p>