

Policy Title: Privacy Policy	Classification: Management
Monitored by: HR Manager	Approved by: GM Operations
Effective Date: November 2020	Review Date: November 2022

Objective To ensure the privacy of all staff, tamariki and whānau are protected in accordance with the requirements of the Privacy Act 2020.

Commitment Hutt City Kindergartens is committed to meeting its obligations under the Privacy Act 2020.

Related Documents

- [Privacy Act 2020](#)
- [Licensing Criteria for Early Childhood Education and Care Services 2008](#)
- Archiving and Record Keeping Policy

Policy Details

1. The role of Privacy Officer will be held by the Human Resource Manager.
2. Personal information shall not be collected unless the collection is necessary for a lawful purpose.
3. Where personal information is collected, it will be collected directly from the person concerned or in the case of children, from the person who is enrolling the child.
4. Where information is collected from an individual, that person shall be made aware that the information is being collected, why it is being collected, how it will be used, the consequences of not providing it and the individual's right to have information corrected.
5. All personal information held in HCK's Association office or at a kindergarten will, as far as is reasonably possible, be protected against loss or unauthorised use, modification or disclosure.
6. Personal information will not be collected by unlawful, unfair or unreasonably intrusive means.
7. Every person is entitled to seek confirmation of the accuracy of personal information and to seek correction.
8. Before using any information held, the Association shall ensure that the information is accurate, up to date, complete, relevant and not misleading.
9. Personal information will not be kept for longer than is required by law for lawful use.
10. Personal information held by the Association will not be disclosed to any other person or agency, with certain specified exceptions. These exceptions include, but are not limited to, a disclosure that is directly related to the purposes in connection with which the information was obtained, or if the disclosure is to the individual concerned, or if the disclosure is authorised by the individual concerned.

Responsibilities of the Privacy Officer:

- Administration of this Policy and promoting compliance with the principles set out in the Privacy Act 2020
- Receiving and promptly actioning requests made in pursuant to the Act for disclosure of personal information held by HCK
- Working with the Commissioner in relation to investigations conducted
- Ensuring compliance with provisions of the Privacy Act 2020
- Receiving and promptly responding to complaints alleging breaches of this policy.

Employment Information

Files held on employees shall comprise:

- Copies of correspondence between HCK and the employee, unless that correspondence is related to matters such as complaint investigation or performance management.
- The application for the position currently held and any documentation provided with that application

- Copies of qualifications and Teacher Registration Practising Certificate and applications for teacher registration where appropriate
- Copies of evidence of professional development, such as certificates
- Miscellaneous records (e.g. medical certificates, ACC documentation).

Access to employee files is restricted to the General Managers, Payroll Advisor, HR Manager, Senior Teachers and the employee whose file it is. If an employee wishes to view their file, they should contact the HR Manager.

Management shall ensure that personal information is accurate, up to date, complete, relevant and not misleading.

Every person is entitled to seek confirmation of whether or not personal information is held, to access that information and to seek its correction. Corrections sought shall be actioned or, where declined, shall be noted in a statement attached to the information.

Evaluative material prepared in confidence, as defined in Principle 6 of the Privacy Act 2020, may be protected from disclosure to the employee concerned.

Personal information shall not be kept for longer than is required for the purposes for which it was collected or held.

Employee files of staff who have resigned shall be held for such time as is required by relevant statute. Salary and sick leave details shall be retained in case a staff member returns to the employment of HCK.

Information held regarding former employees shall not be disclosed without their consent, except where the disclosure is made pursuant to a direction of a court order.

Unique identifiers shall not be assigned to individuals unless required for the effective functioning of HCK. The unique identifier shall not be the same as that assigned by another agency.

The gathering and retaining of, and access to, information pertaining to investigation of complaints, discipline or performance shall be consistent with HCK Complaints Procedure. This information will not be kept in the staff member's employee file but rather in a separate electronic file accessible only to those involved in the matter.

Application forms submitted by unsuccessful job applicants shall be destroyed immediately an appointment is made unless permission is sought and given by the applicant. Comment sought from nominated referees is provided on the basis of confidentiality and detail of these reports shall not be made available to applicants.

Children's Records

Any information about an individual child is personal information under the Privacy Act 2020, and all principles of the Act apply to it, regardless of the age of the child.

Personal information about a child may not be disclosed to a third party without the written permission of the child's parent/guardian unless the Privacy Officer believes on reasonable grounds that the information for that other purpose is necessary to prevent or lessen an imminent threat to:

- Public health or public safety; or
- The life or health of the individual concerned or another individual
- It has been requested under a Government statute.

Personal information may be disclosed to schools to ensure the best interest of the child are maintained – refer Privacy Act 2020, Part 30 Clause 6b.

Schools may be provided with statistical information, which does not identify individuals.

Review:

This policy will be reviewed biennially.