



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

Privacy Policy

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Privacy Policy

1. Relevant Legislation

- » [Local Government Official Information and Meetings Act 1987](#)
- » [Privacy Act 2020](#)
- » [Public Records Act 2005](#)

2. Purpose

This policy guides how South Wairarapa District Council (SWDC) manages the collection, storage, use and sharing of personal information in accordance with the Privacy Act 2020.

3. Scope

This policy applies to all personal information collected and held by SWDC.

4. Principles

SWDC applies the 13 information privacy principles outlined in section 22 of the Privacy Act 2020. These principles govern how organisations should collect, handle and use personal information:

- » The first four principles govern how we **collect** personal information. This includes when we can collect it, where we can collect it from and how we can collect it.
- » Principles five, six and seven govern how we **store** personal information. This includes the right people have to access and seek correction to their personal information.
- » The remaining principles govern how we **use and share** personal information.

If in any case these principles end up in conflict with one another, each situation is to be managed on a case-by-case basis. Discussions may be held with the appropriate manager and the SWDC Privacy Officer.

4.1. Collection of personal information

- 4.1.1 Personal information will only be collected by SWDC if it relates specifically to Council business and is necessary for SWDC to perform its duties and obligations.
- 4.1.2 Personal details that may be collected from individuals include name, address, date of birth, contact information (email and phone numbers) etc. Details to be collected will be clearly identified as to whether they are mandatory or voluntary.
- 4.1.3 When personal information is collected SWDC will notify individuals concerned that the information is being collected, what the purpose of the collection is and who can access the information.
- 4.1.4 If information has been collected for email correspondence, individuals have the option to request the removal of their information for future correspondence.

4.2. Storage, access and correction of personal information

- 4.2.1 SWDC will take reasonable steps to ensure that any personal information collected and held is kept secure and protected against loss, damage, misuse, and unauthorised access.
- 4.2.2 Any personal information will only be accessible to the employees who need access to the information to perform the duties and obligations of their role.
- 4.2.3 SWDC will take all reasonable and appropriate steps to ensure that any personal information is up to date, accurate, complete, relevant, and not misleading.
- 4.2.4 Individuals are entitled to request any personal information that council hold related to them.
- 4.2.5 Individuals have the right to request information held to be updated if they believe it to be incorrect.
- 4.2.6 Any information that is held will only be held for as long as it is administratively necessary or required by law or regulations. Protected records will be held indefinitely as required under the Public Records Act 2005.
- 4.2.7 Records will be held for as long as required to comply with the [Councils internal records retention schedule](#).

4.3. Usage of personal information

- 4.3.1 Any personal information collected will only be used to provide the individual with the service they have requested or to assist with any services in the future.
- 4.3.2 Personal information may be used:
 - » in correspondence to the person for which the information is held.
 - » to facilitate our responses to enquiries by the individual.
 - » to provide information about council events services or facilities.
 - » to comply with law and regulations.
 - » to process consent, licence, permit or other applications or for applications to use facilities.
 - » in the processing of payments.
 - » to record dog ownership.
 - » for general administration.
 - » to carry out other council related business and operations.

4.4. Sharing personal information

SWDC may disclose personal information to:

- 4.4.1 Any other individual who is engaged by council to provide products and services where personal information is necessary for the provision of those services.
- 4.4.2 Council Controlled Organisations in order to assist with the functions and services they provide.
- 4.4.3 Where required by law or regulations, any third party who may need an individual's personal details. This may be for legal proceedings or other legal investigations. Thirds parties may include the New Zealand Police, Office of the Auditor General or the Ombudsman.

- 4.4.4 Any other individual who is authorised by the individual concerned to have the information disclosed to.
- 4.4.5 Any person, if that information is held in a public register such as property files or the rating information database.

5. Refusal to Provide Information

- 5.1 If a request for information does not include enough detail SWDC may not be able to respond to requests or continue processing an application of request. SWDC will contact the individual for further details to continue processing the request.
- 5.2 If the requestor refuses to provide further details SWDC will take no responsibility in the failure to process the request due to a lack of information.

6. Privacy Officers Responsibilities

- 6.1 As required under Part 9 of the Privacy Act 2020, SWDC will ensure that at least one member of staff is appointed as Privacy Officer.
- 6.2 The Privacy Officer is responsible for encouraging and ensuring compliance with the information privacy principles, dealing with requests made under the Privacy Act 2020, working with the Privacy Commissioner in relation to investigations, and ensuring the Council complies with the Privacy Act 2020.
- 6.3 The Privacy Officer is to give reasonable assistance to any individual who would like to make an information privacy request. If the request has not been made in accordance with the Privacy Act 2020 further advice will be given.
- 6.4 If a request is made to the Privacy Officer and it is believed that the request should be transferred this must be done within 10 working days in accordance with section 43 of the Act.

7. Breaches

- 7.1 A privacy breach occurs if there is unauthorised or accidental access to, or disclosure, alteration, loss or destruction of personal information held by SWDC, or an action occurs that prevents SWDC from accessing the information either temporarily or permanently.
- 7.2 If a privacy breach occurs, SWDC will assess the likelihood of serious harm being caused by the breach using [guidance from the Privacy Commissioner](#) to determine if it is notifiable. This includes assessment of the following factors:
 - » Any action taken by SWDC to reduce the risk of harm following the breach.
 - » Whether the personal information is sensitive in nature.
 - » The nature of the harm that may be caused to affected individuals.
 - » The person or body that has obtained or may obtain personal information as a result of the breach (if known).
 - » Whether the personal information is protected by a security measure.
 - » Any other relevant factors.

- 7.3 SWDC will notify the Privacy Commissioner and affected individual(s) as soon as possible and no later than 72 hours after becoming aware of a notifiable privacy breach. Notification will be made in accordance with Part 6 the Privacy Act 2020.
- 7.4 SWDC may still opt to report privacy breaches not assessed as notifiable. This will be considered on a case-by-case basis.
- 7.5 It is an offence to fail to notify the Privacy Commissioner of a notifiable privacy breach and there could be a fine of up to \$10,000.

8. Non-compliance

- 8.1 If an SWDC employee fails to comply with this policy it may lead to disciplinary action being taken in accordance with the Staff Code of Conduct.
- 8.2 If an elected or appointed member fails to comply with this policy it may constitute a breach under the Elected Member Code of Conduct and will be managed in accordance with the Code.

9. Definitions

Affected Individual means the individual who the information relates, regardless of whether that individual is living inside or outside New Zealand. It includes a deceased person if it meets the criteria of section 112(c) of the Privacy Act 2020.

Notifiable privacy breach is a breach that it is reasonable to believe has caused serious harm to an affected individual or individuals or is likely to do so.

Personal Information is any Official Information which could be used to identify a person including name, date of birth, address etc. This information does not include any information which is required by law to be disclosed; for example, in LIM reports or building files which are referred to as public records.

Third Parties are any organisation or person who is not South Wairarapa District Council.