

2.29 He Waka Tapu Privacy Policy

Purpose

He Waka Tapu complies with the New Zealand Privacy Act 2020 when dealing with personal information of kaimahi and whaiora who engage with He Waka Tapu business and services. Personal information is any information about an individual that can identify them.

This policy sets out how we will collect, use, disclose and protect the personal information.

Scope

The policy does not limit or exclude the rights of any individual, who He Waka Tapu collect information from, under the Act. For further information please see <http://www.privacy.org.nz/>

Collecting personal information

He Waka Tapu will only collect personal information that an individual has provided to us. We will ask for this information to support engagement to a service, recruitment, on boarding and employment. He Waka Tapu will collect information from third parties where the individual has authorised this or the information is publicly available. We will endeavour to collect all information required personally from the individual.

Using information collected

He Waka Tapu uses personal information to:

- Verify identity
- Provide services and support
- Ensure safety and welfare
- To improve services provided
- To collect money owing to He Waka Tapu
- To respond to communication, including complaints
- To conduct research and stats analysis
- To protect and/or enforce our legal rights and interests, including defending any claim
- For any other purpose authorised by an individual or the Act.

Disclosing personal information

He Waka Tapu **may** disclose personal information to:

- Any agency that supports our services and business, this includes any person that hosts or maintains IT, data and financial systems.
- Other third parties e.g. Police Vetting Service
- A person who can require us to supply personal information e.g. regulatory authority
- Any other person authorised by the act or another law e.g. a law enforcement agency
- Any other person authorised by the individual

Protecting personal information

He Waka Tapu will take all reasonable steps to keep personal information safe from loss, unauthorised activity or other misuse.

If personal information is held on databases or shared with individuals/agencies/entities who operate outside of New Zealand, He Waka Tapu will reasonably ensure that the foreign person or agency is subject to laws which provide comparable safeguards as the Act or agrees to be bound by comparable safeguards as those found in the Act (for example in a contract agreement with the He Waka Tapu).

At this point He Waka Tapu does not work with any overseas individuals or entity.

Accessing and correcting personal information

Subject to certain grounds for refusal set out in the Act, individuals have the right to access readily retrievable personal information that we hold and to request a correction to that information. If we think the correction is reasonable and we are reasonably able to make the change to the personal information we will make the correction. If we do not make the correction, we will take reasonable steps to note that a person has requested the correction.

If you want to exercise the rights above please email the Privacy Officer Nicole.finnegan@hewakatapu.org.nz

Internet use

While we take reasonable steps to maintain secure internet connections, if an individual provides us with personal information over the internet, the provision of that information is at that persons own risk. E.g. if an individual posts personal information on our Facebook page, they acknowledge and agree that information posted is publicly available.

Privacy breaches

A privacy breach will have taken place if:

1. an unauthorised or accidental access to, or disclosure, alteration, loss, or destruction of, personal information held by He Waka Tapu; or
2. an action that prevents us from accessing the information on a temporary or permanent basis.

The privacy breach does not need to be caused by or be attributable to He Waka Tapu. The hacking of our database, the accidental sending of information to the wrong person, the losing of a device like a USB or laptop containing personal information, or temporarily losing access to a database could all constitute a privacy breach.

Notifiable Privacy Breaches

A privacy breach will be notifiable if it is reasonable to believe that the breach has caused serious harm to an affected individual or is likely to do so. To assess whether a privacy breach is likely to cause serious harm, He Waka Tapu will consider the following:

- any action taken by us 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; and
- Any other relevant matters.

Notification requirements for data breaches

Once He Waka Tapu becomes aware of a notifiable data breach we will notify the Privacy Commissioner and any affected individuals. The notification will include:

- a description of the breach including the number of individuals affected (if known) and the identity of any person that may be in possession of personal information because of the breach;
- an explanation of the steps the we have taken or in response to the breach, including whether any affected individual has been contacted;
- the names or general description of any other agencies contacted with respect to the breach and the reasons for doing so; and
- details of a contact person within the agency for inquiries.
- all kaimahi are required to report a breach to the privacy officer as soon as they believe a breach has taken place. The Privacy officer will notify CEO, who will contact the Privacy commissioner.

Reporting procedures

1. Report

Any kaimahi who causes or discovers a privacy breach must as soon as is reasonably practicable, report it. You can report a breach by emailing the privacy officer Nicole.finnegan@hewakatapu.org.nz

2. Review and mitigation

The privacy officer will liaise with the CEO to determine the scope of the breach, including the types of data affected and the sensitivity. The relevant manager under guidance from the privacy officer must determine what steps need to be taken to contain the information.

3. Notify (privacy officer)

The privacy officer will determine if the privacy breach is a notifiable breach and if so will contact the privacy commissioner as directed by legislation.

Any affected individual will be notified containing similar information to the above, but also confirming that the Commissioner has been notified and that the individual has the right to complain to the Commissioner. If it is not reasonably practicable to notify an affected individual or each member of a group of affected individuals, then public notice will be given. In limited circumstances He Waka Tapu may delay notification to individuals if the notification itself would risk further breaches as per advice of the Act.

Compliance

- Privacy training at on boarding
- Privacy breach incident reporting procedures
- Health Privacy training