

MICHAEL PARK SCHOOL AND KINDERGARTEN MANAGEMENT POLICY

PRIVACY

Outcome Statement

The Board will ensure the compliance with the provisions off the Privacy Act 2020.

Scoping

The Privacy Act 2020 sets out protections for individual's right to privacy. The School and Kindergarten are required to collect some information in order to operate. Children, young people, their families and staff are entitled to know what information is being collected, its purpose and with whom information is being shared and why.

Privacy Principles

The Privacy Act has 13 Information Privacy Principles (IPPs) which outline how personal information is collected, stored, accessed, corrected, used and disclosed. An overview of the IPPs can be read here: <https://www.privacy.org.nz/news-and-publications/guidance-resources/a-quick-tour-of-the-privacy-principles/>

1. Collect only the information you need
2. Where possible, get the information directly from the person
3. Be clear about what the information will be used for
4. Use fair and reasonable ways of collecting information
5. Keep information safe
6. Let people access information about themselves
7. Correct information if the person thinks it is wrong
8. Make sure information is accurate before you use it
9. Only keep information as long as you need it
10. Only use the information for the purpose you collected it
11. Only share personal information if you have a good reason
12. Only send personal information overseas, if the agency is outside of New Zealand, if there are similar safeguards to those in the Privacy Act
13. Only use individual identifiers if it is clearly allowed

Privacy Officer

The Principal will be the school Privacy Officer. The Kindergarten Manager will be the kindergarten privacy officer.

The privacy officer will participate in training offered by the Privacy Commissioner's office (see: <https://www.privacy.org.nz/further-resources/online-privacy-training-free/>).

The responsibilities of the Privacy Officer will be:

- to encourage the school and kindergarten to comply with the information privacy principles
- respond to requests for personal information. Requests will be processed within 20 working days in accordance with requirements of the Act.
- work with the Privacy Commissioner in relation to investigations
- ensure that the kindergarten and school comply with the Privacy Act
- review and update privacy statements

Managing Privacy Breaches

All staff are required to report potential privacy breaches to the Privacy Officer as soon as they become aware of them.

Where a potential privacy breach has been discovered, the privacy officer will take immediate steps to contain and assess the situation on an urgent basis.

A privacy breach, in relation to personal information held by an agency,

(a) means -

- (i) unauthorised or accidental access to, or disclosure, alteration, loss, or destruction of, the personal information; or
- (ii) an action that prevents the agency from accessing the information on either a temporary or permanent basis; and

(b) includes any of the things listed in paragraph (a)(i) or an action under paragraph (a)(ii), whether or not it -

- (i) was caused by a person inside or outside the agency; or
- (ii) is attributable in whole or in part to any action by the agency; or
- (iii) is ongoing.

The school/kindergarten will undertake an initial investigation to determine what has happened and take steps to stop it from continuing and/or becoming worse.

Certain privacy breaches also must be 'notified' both to the Privacy Commissioner and to the people affected. The school/kindergarten is in breach of the Privacy Act and liable for a fine if it does not adhere to these requirements.

If the breach has or is likely to cause serious harm to affected individuals, the school/kindergarten will notify the breach to the Privacy Commissioner and the affected individual(s) as soon as practicable after becoming aware of the breach.

When determining whether the breach is likely to cause serious harm, the following factors will be considered:

- the actions have been taken to reduce the risk of harm following the breach
- whether the personal information is sensitive in nature (information about children)
- 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 matters.

Notifying breaches can be complex and care will be taken. Failure to notify and failure to follow the Privacy Act requirements is an offence. Reference to the Privacy Commissioner's website and/or seeking legal advice is therefore a step that may be taken by the Privacy Officer from time-to-time.

For more information about which breaches need to be notified, when, and to whom, refer to the Privacy Commissioner's website (see <https://privacy.org.nz/privacy-for-agencies/privacy-breaches/notify-us/>) and to sections 112-122 of the Privacy Act.

Information Requests

Staff and parents have a right to access and correct the information about themselves and their children, with only some limited exceptions. All privacy information requests should be forwarded to and dealt with promptly by the school/ kindergarten's Privacy Officer, in accordance with all the processes and other requirements under the Privacy Act.

Parents and guardians need to be aware that government officials may request and access information held by the school and kindergarten about any child or parent.

Storage and Disposal of Information

The kindergarten and school will store information so that it is retrievable but is otherwise stored securely and safely with controlled access.

The school and kindergarten school will store and dispose of personal information by following the relevant school records retention process. When information is no longer required, it will be destroyed.

Privacy Statements

The Privacy Officer will review the school and kindergarten privacy statements, annually.

Legislation and Resources

Privacy Act 2020 -section 22, (the 13 Information Privacy Principles)

<https://www.legislation.govt.nz/act/public/2020/0031/latest/whole.html#LMS23342>

Privacy Commissioner's website - free Privacy education

<https://privacy.org.nz/tools/online-privacy-training-free/>

Archiving and disposing of school records <https://www.education.govt.nz/school/managing-and-supporting-students/archiving-and-disposing-of-school-records/#sh-school%20%20retention>

Policy type: Management Policy

NZSTA Governance Framework:

Date reviewed: 31/10/2022

Related NAGs: NAG6

Signed for MPS Board:

