

CANTERBURY WESTLAND KINDERGARTEN ASSOCIATION INC**POLICY: PRIVACY (EXTERNAL)****RATIONALE:**

The Board recognises that the Association collects and holds personal data relating to employees, tamariki (children) and their whānau (family), suppliers, and other organisations in order to deliver early childhood education and ancillary services. The Board is committed to protecting privacy and confidentiality in compliance with the Privacy Act 2020. The association policy relating to privacy of employees is Policy: Privacy (Employees) OM/C/03.

Data protection is the responsibility of all employees, contractors, and Board members. The Privacy Officer (Manager - Human Resources) is responsible for managing the response to all data or privacy breaches.

Employees will be made aware of their obligations on employment, and Kidsfirst will ensure access to Privacy training for existing employees.

PURPOSE:

This policy provides guidance on how the Association and its employees, contractors and Board members will comply with the requirements set out in the Privacy Act 2020, and adhere to the principles contained in the Act relating to the management of data held by the Association pertaining to tamariki and their whānau, suppliers and other organisations.

This includes data held in any form including, paper, electronic, text or other forms.

GENERAL PRINCIPLES:**1. Collection of Information**

- The Association will only collect personal information about individuals for lawful purposes relating to the organisation and will only use lawful means to collect that information.
- Where the Association collects personal information from an individual, the individual concerned will be advised of the reason for the need to collect the information, who will see the information, and details of the person collecting the information. The individual has the right to refuse to provide the information and will be advised of the likely consequences of such a refusal.
- Where the Association needs to collect personal information from an individual every endeavour will be made to collect that information directly from the person concerned or from a person they have authorised.
- The Association reserves the right to collect information about an individual from another source if this information is already publicly available.
- There may be a time where the Association is required to report issues of a general nature that requires the collection and publication of personal information such as

health and wellbeing surveys. In such situations every endeavour will be made to ensure that the individual concerned is not personally identified.

2. Use of information

- The Association will only use personal information for the purpose for which it was collected. If any other use is identified the Association will obtain the individual's permission for its new use. This includes the use of photographic images and video for the purposes of research, professional learning and marketing.
- Consent will be sought from website users to be contacted for the purposes of marketing activity.

3. Storage and Access to information

- The Association will make every effort to ensure that no person can gain unauthorised access to or alter an individual's information or give it to another person.
- The Association may release personal information if it has reasonable grounds to believe the disclosure is necessary for the maintenance of the law including the prevention, detection, investigation, prosecution and punishment of offences.
- Individuals have the right to approach the Privacy Officer with any issue associated with their own personal information or that of their tamaiti (child).
- Information is kept for seven years, and thereafter destroyed securely.

4. Tamaiti/ Whānau Information

- All information contained in the enrolment application and collected from whānau at the point of enrolment is required to meet the Education (early childhood services) Regulations 2008 Inc. Amendments. This data contains sensitive information such as immunisation records and parenting orders. A privacy statement is contained in the enrolment form, informing the parent/guardian that the information contained in the form will be shared with the Ministry of Education.
- All physical documentation pertaining to the tamaiti including enrolment forms, correspondence and referrals are kept under the name of the tamaiti in a locked filing cabinet, cupboard or office at the kindergarten and are only accessible to kaiako (teachers). All electronic documentation is to be held under the name of the tamaiti in the Infocare system, on the Kidsfirst SharePoint site, or in Educa.
- Information about an identifiable tamaiti must not be left unattended, especially in publicly accessible areas, and must be stored securely when not being used (e.g. no information will be left on a desk unattended or overnight).
- No identifiable tamaiti data is to be transferred or kept on any home device. If it is necessary for any printed material containing personal information to be taken home then the employee must ensure that every precaution is taken to keep this information safe and private. Where possible, in preference to taking printed personal information home, any material should be scanned and accessed remotely on an association device.

5. Supplier Information

- Suppliers provide the Association with their information in the course of doing business with us. This information is used by the Association to maintain its accounts, business and job costing records.

- The Association’s employees must protect supplier’s confidential or commercially sensitive information. This includes information that could compromise fair competition between suppliers. A supplier’s confidential or commercially sensitive information will only be disclosed if:
 - the supplier has already agreed to the disclosure in writing (email is acceptable); or
 - the disclosure is permitted or required by law (e.g. under the Official Information Act, or any other Act or Regulation); or
 - it is a limited disclosure expressly notified in a Notice of Procurement which suppliers have consented to by participating in the process.

When responding to a supplier's questions, employees must take care not to discuss or disclose another supplier’s confidential or commercially sensitive information.

6. Data Breaches

- The Privacy Officer is responsible for managing the response to all data or privacy breaches. Any data or privacy breach is considered a serious matter. A data or privacy breach is the result of unauthorised access to or collection, use or disclosure of personal information. All privacy breaches (actual or potential) must be reported to the Privacy Officer without delay.
- If personal information has been lost or accidentally disclosed, the breach should be reported to the Privacy Officer as soon as possible.
- The Privacy Officer will take the following steps:
 - Attempt to contain the breach. A preliminary assessment will determine if there is anything that can be done to retrieve or secure the personal information.
 - Evaluate the risk associated with the breach. Identification of what potential harm could result in this case, and mitigation/minimisation of the harm.
 - Notify. Decide whether the affected parties are to be made aware of the breach, and, if so, how they will be notified.
 - Prevention. Review the lessons learned from this experience to prevent future breaches or to better respond if there is another breach.

7. Access and correction of information

- Individuals are entitled to obtain confirmation from the Association as to whether the Association holds any personal information in respect of that individual and have access to that information.
- Individuals are entitled to request that any personal information held by the Association is corrected to ensure accuracy.
- The Association, prior to using any personal information, shall take all steps reasonable in the circumstances to ensure that the information is accurate, up to date, complete, relevant and not misleading.

SUPPORTING DOCUMENTATION/REFERENCES

- Privacy Act 2020
- The Education (early childhood services) Regulations 2008 and amendments
- Licensing Criteria for Early Childhood Education and Care Centres 2008
- Office of the Privacy Commissioner <http://www.privacy.org.nz/>
- Office of the Privacy Commissioner's 'Data Safety Toolkit'.
- IT 01 Internet Usage Policy (Section 5, Operations Manual)
- IT 01 (i) Laptop terms of use

REVIEW INFORMATION:

Document Name:	Policy #:	File locations:
Policy: Privacy (External)	OM/C/03 (i) (External)	Operations Manual
Date reviewed:	Date next review:	Reviewed by:
2021	2024	Manager-Business Development