

Procedures & Principles



Part B: Privacy and Personal Information (formerly Dealing with Requests for Personal Information)

Number: OP-96/04 [old number AB8 – 3/13]

Policy Manager:	Student Enrolment and Information Centre Manager	Date Approved:	January 2017
Category	Operational	Date Last Revised	February 2010
Authorised by	Chief Executive	Next Review Date:	January 2020

Privacy and Personal Information

1. Definitions

Privacy Officer	Individual or individuals whose responsibilities include: <ul style="list-style-type: none">• the encouragement of compliance, with the information privacy principles;• dealing with information requests pursuant to the Privacy Act;• working with the Commissioner in relation to investigations conducted pursuant to Part 8 of the Privacy Act in relation to Wintec;• otherwise ensuring compliance by Wintec with the provisions of the Privacy Act.
Personal Information	Personal information means information about an identifiable individual that is not in the public domain, including: <ul style="list-style-type: none">• personal details• evaluative material (e.g. confidential references, performance reviews)• academic results• student work• marked scripts• photographs• ID numbers• attendance information• enrolment status
Public Information	Information that can be gained through public documents such as telephone directories or graduation handbooks.
Disclosure	Providing personal information protected by the Privacy Act to a third party
Third party	In this policy, the first party is Wintec, the second part is the individual concerned (student, staff or other individual) and the third party is any other person or persons.
Level three manager	A manager who reports to, and is accountable to, a member of the Executive.

2. Privacy Officer

- 2.1. The Director Products and Planning is the Privacy Officer.
- 2.2. All issues relating to the collection, storage or disclosure of personal information about staff, students or other individuals associated with Wintec must be referred to the Privacy Officer.

3. Collecting Personal Information

- 3.1. The [Privacy Act](#) and [Official Information Act](#) limit the collection and use of personal information held. Although Wintec is required to collect personal information about students and staff for legitimate business and educational purposes, only personal information essential to an educational organisation and employer can be collected.
- 3.2. Students and staff are entitled to know why the information collected is need, and who will have access to this information.

- 3.3. Personal information may only be used for the purposes stated at the time of collection, and should only be provided to other staff on a 'need to know' basis.
- 3.4. Personal information must be gained directly from the individual concerned.
- 3.5. If personal information, in addition to what is collected from students during enrolment is required, the Privacy Officer must be consulted, specifying:
 - 3.5.1. the intended purpose of the information to be used
 - 3.5.2. who will receive and store the information
 - 3.5.3. any law which authorises or requires the information
 - 3.5.4. the consequences of not supplying the information
- 3.6. On appointment, staff will sign the Protection of Privacy form, which gives consent to the publication in Wintec publications of their formal name, professional qualifications and current memberships.

4. Storage of and Access to Personal Information

- 4.1. Staff are responsible to ensure that any personal information held by them on behalf of Wintec is secured against loss or unauthorised access.
- 4.2. Students and staff are entitled to reasonable access to personal information about themselves without charge. They are also entitled to attach a statement correcting any information held that they believe to be incorrect.
- 4.3. All personal information collected must be stored, archived or securely destroyed in accordance with parts A and B of the Records Management Policy.

5. Student results

- 5.1. Any display of student assessment results must be in a format that does not include any identifier that could reasonably be interpreted by a third party.
- 5.2. Student work used for purposes of moderation must remove any identifiers that reasonably could be interpreted by a third party.

6. Disclosure of information to a third party

- 6.1. Any requests by a third party for personal information about a student must be dealt with by the Head of School/Centre Director or Business Unit / Support Services Manager. In the case of personal information relating to a staff member, this will only be responded to by the Director People and Culture.
- 6.2. The relevant manager will respond to such a request as soon as is reasonably practicable, normally within 20 working days.
- 6.3. Personal information should not be disclosed to a third party unless the person concerned has given permission in writing for the information to be disclosed to this third party.
- 6.4. Where such written consent has not been provided the matter should be referred to the Privacy Officer who will disclose the personal information where:
 - 6.4.1. there is a legal requirement to release the information; or
 - 6.4.2. reasons of public interest exist which outweigh the individual's need for privacy
- 6.5. Parents, spouses, partners, employers or Trusts do not have the right to personal information unless they provide a written authority signed by the individual concerned. Decisions to provide such personal information about a student will be made by the Head of School/Centre Director or Business

Unit / Support Services Managers or for staff by the Director People and Culture. Where there is any doubt or concern about the request, the matter must be referred to the Privacy Officer.

- 6.6. Where a request is declined by the relevant manager or the Privacy Officer, the reason¹ must be stated, with reference made to Wintec Policy, Regulations, the Privacy Act 1993 or the Official Information Act 1982.

7. Disclosure to Police

- 7.1. Requests from the Police for personal information about a student or a staff member, must be referred to the Privacy Officer. Should the Privacy Officer is unavailable, the request must be referred to the Director People and Culture.
- 7.2. If the Police have a search warrant, arrest warrant or court order, or claim the right to search without a warrant, the Privacy Officer, or a member of Executive, must be contacted immediately.

8. Disclosure to Government Agencies

- 8.1. Court Bailiffs, Inland Revenue, Work and Income, ACC, Immigration and some other government agencies have special privileges of access to information under the Privacy Act. Any requests from a government agency must be referred immediately to the Privacy Officer or, if unavailable, to the Director People and Culture.
- 8.2. Before responding to such requests, the Privacy Officer or Director People and Culture will request that the government agency provide:
- 8.2.1. a written statement that the individual has authorised the request
 - 8.2.2. a written statement quoting the statutory right that the agency is invoking and the grounds for invoking that right.

9. Exceptional Circumstances

- 9.1. If personal information is required urgently on health or safety grounds, and it is impractical to refer the enquiry to the Privacy Officer, Director People and Culture or member of Executive, a level three manager can make the decision to release the information to the Police or other official agencies. The matter must then be reported in writing to the Privacy Officer within 24 hours, including the reasons for the decision to disclose the information.
- 9.2. Where any uncertainty or an actual or potential dispute exists, the request for information must be referred to the Privacy Officer or other manager referred to in 8.1.

10. Measurements of Success

- Personal information is used for appropriate business purposes.
- All requests for personal information are managed in accordance with this policy and within the limits of the Privacy Act and Official Information Act.

¹A suitable response would be: “Regulations protecting the confidentiality of personal information prevent me from providing you with this information”

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11. Records Management:

Record	Minimum retention period	Disposal Action
Formal record of Third Party requests for personal information and actions taken	Until superseded and administratively no longer required for reference purposes	Archive as a public record

Refer Part A

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