



# He Matapuna Ora Charitable Trust Family Start

## PRIVACY POLICY

### PURPOSE

The purpose of this policy is to ensure Family Start is clear about the privacy responsibilities under the Privacy Act 2020.

### SCOPE

Board of Trustees, all employees, clients, and volunteers

### ISSUE OUTLINE

The Privacy Act 2020 sets out protections of individual's rights to privacy, including the privacy of children and parents that we work with. As a Family Start Service receiving government funding, we are required to collect some information to operate our service and meet government requirements for our sector. All individuals are entitled to know what information is being collected and the purpose; and who the information about them is being shared with and why.

### POLICY OBJECTIVES

To ensure that all the provisions of the Privacy Act 2020 are complied with.

#### **Aim:1 The Information Privacy Principles**

To comply with the 13 Information Privacy Principles (IPP) of the Privacy Act 2020 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/>.

**In Summary, the IPPs are:**

- 1. Only collect 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 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 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.**

### **Aim 2 Privacy Officer**

Have a Privacy Officer that is familiar with the requirements of the Act by participating in training offered by the Privacy Commission (see: <https://www.privacy.org.nz/further-resources/online-privacy-training-free/>).and acts as the go to person for staff and whanau for assistance in regard to complying with the Act.

The Privacy officer has the responsibility to:

The following information will be displayed in the Family Start.

- a) Use information collected for the purpose it was collected for
- b) Ensure personal information is securely stored
- c) Ensure information collected is accurate
- d) Make available to a person information held about them
- e) Refer to the Privacy Commission website or contact the Commission for clarification if there are any concerns or queries
- f) Report notifiable privacy breaches to the Privacy Commissioner, affected individuals and Oranga Tamariki
- g) To undertake, encourage training and education programmes for employees

### **Aim 3 Information Collection**

For the Information collected HMOT Family Start Board and staff will ensure that:

- Information about the person is collected directly from that person (eg Must only contact people whom the applicant has put down as a referee).
- Only information that will be used is collected.
- Information collected from young people and children is done in a fair and reasonable manner.
- Explanations are given about what the information is going to be used for and who it will be shared with.
- Information is only used for a lawful purpose.
- Information is stored in locked cupboards to guard against loss or wrongful disclosure.
- Only staff whose job directly relates to the information has access to it.
- Information is destroyed or returned to job applicants.

#### **Aim 4 Information on Clients**

HMOT Family Start staff will ensure that:

- Information gathered on clients that is required to be kept for 7 years is secured away from public access and kept dry and secure.
- Clients will be informed why information is being collected, who will get the information and what will happen to the information.
- All clients will be supplied with information setting out their rights of access to their personal files and their right to seek correction of any information contained in their personal files.
- Information collected on clients is only used for the purpose that it was obtained for.
- Information on a client is shared only with others who need it to effectively carry out their duties related to that client, and consent has been obtained to share the information.
- Only authorised Family Start personnel and those whose jobs directly relate to the information will access client files and only when it is consistent with the purposes for which the information was obtained and for which the client has given their consent.
- Client's personal information can be given only to the client and to individuals/agencies granted consent on the Consent to exchange information form.
- Information on vulnerable children will be shared following the guidelines in appendix 2.
- If consent has been obtained to access information, the information should be delivered in such a way that unnecessary personal information belonging to that client, or others is not accidentally disclosed e.g. blocking out unnecessary information and other names.
- If you are at all uncertain, it is best to contact the client to ask if the information requested can be given to the person/agency asking for it, or if they would like to contact the individual/agency directly. If you are still concerned or unsure seek clarification from the Privacy Office who may need to contact the Privacy Commission's office.

#### **Aim 5 To Effectively Manage Privacy Breaches**

- All staff are required to report **potential privacy breaches** that they become aware of as soon as possible to the Privacy Officer.
- Where a potential **privacy breach** has been discovered, Family Start privacy officer will take immediate steps to contain and assess the situation on an urgent basis.
- Information on the role of the privacy officer (Appendix 1) is displayed in each HMOT Family Start office.

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.

An initial investigation will be undertaken 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. Family Start is in breach of the Privacy Act and liable for a fine if it does not adhere to these requirements.

For more information about which breaches need to be notified, when, and to who, 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.

In summary:

If the breach has or is likely to cause serious harm to affected individuals, Family Start 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.

### **Dealing with information requests**

Parents have a right to access and correct the information about them and their child that Family Start holds, with only some limited exceptions. All privacy information requests should be forwarded to and dealt with promptly by Family Start's privacy officer, in accordance with all the process and other requirements under the Privacy Act.

Whanau need to be aware that under the Oranga Tamariki Act 1989 that Family Start is obligated to respond to any requests for information from Government departments such as Oranga Tamariki or New Zealand Police if there are care and protection/safety issues related to children.

Further information about dealing with information requests is available on the Privacy Commissioner's website.

### **Storing and disposing of records**

Family Start is required to keep information collected about children and their whanau for seven years. Family Start stores this information so that it is retrievable but is otherwise stored securely and safely with controlled access.

When information is no longer required, it is destroyed so that it cannot be retrieved.

### **Procedures for when parents/guardians separate and guidance specific to dealing with children's information**

Unless otherwise specified by Court Guardianship Order, Family Start recognises the role of both parents of the child where applicable in relation to information requests about the child, whether parents have separated or remain together. Only when Family Start is made aware that the Court orders a specific guardianship or custody order, by provision of a copy of that written order to Family Start, will Family Start act on such an order and refer any requests for information to the legal guardian named by the Court.

It should be noted that it is not this Family Start's role to become engaged in matters of dispute between parents.

### **Implications and/or Risks**

Following this policy helps to ensure we are meeting our privacy obligations and protecting the privacy of children, their families and our staff. It significantly reduces the risk of harm caused by privacy breaches, losing trust with parents and maintaining our reputation.

### **Implementation**

The implementation of this policy occurs at the time new staff are inducted into Family Start and periodically through reference and discussion in staff meetings. The implementation of privacy procedures is monitored by the Privacy Officer.

### **References**

Privacy Act 2020

More information about the Privacy Act and useful resources can be found here on the Privacy Commissioner's website: <https://www.privacy.org.nz/>.

Privacy Statement- Client Information

Rights & Responsibilities – Clients

## APPENDICES

Appendix 1 Information on the role of the privacy officer

Appendix 2 Sharing information regarding vulnerable children.

Date Developed: 2014	Developed By: Policy Team
Approved By: HMOT Board April 2021	Last Reviewed: July 2024
Location: Operational	Next Review Due: April 2027

Appendix 1 to be displayed in each HMOT Family Start office

### **The privacy officer for HMOT Family Start is Teresa Keogan**

It is her responsibility to:

- a) Use information collected for the purpose it was collected for
- b) Ensure personal information is securely stored
- c) Ensure information collected is accurate
- d) Make available to a person information held about them
- e) Refer to the Commission website or contact the Privacy Commission for clarification if there are any concerns or queries
- f) Report notifiable privacy breaches to the Privacy Commissioner and affected individuals and Oranga Tamariki
- g) To undertake training, organise training and induction programmes for all employees.

Induction for employees

### **Managing Privacy Breaches**

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

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.

see: <https://www.privacy.org.nz/further-resources/online-privacy-training-free/>).

## **Appendix 2**

### **Sharing information about vulnerable children**

Sharing information about an individual is often essential to their health, safety and wellbeing.

For social service agencies and their employees to do that job effectively, they often have to consult with each other to ensure that the right kind of intervention is made and at the right time. To do this, they need to share information while remaining on the right side of laws around personal, health and other information.

#### **The Escalation Ladder**

Sharing information involves both the collection and disclosure of personal information. Deciding which laws apply and what information to share can be complicated, but there are some guiding rules.

#### **How to use the Escalation Ladder**

Work through from question 1 to question 5 and stop when you can answer 'yes'. If the answer to all of the five questions is 'no', then disclosure should be unnecessary, and should be avoided, at least for now.

*Remember that the proportionality principle always applies – you should only provide as much information as is reasonably necessary to achieve your objectives.*

The escalation can be found at this link: <https://privacy.org.nz/how-to-comply/sharing-information-about-vulnerable-children/>