

Kaupapa Here Matatapu

Privacy Policy

Executive Summary

This policy provides information to the public and staff on how the Council will manage personal information by following the thirteen principles of the Privacy Act 2020 (the Act).

Council's Role and Responsibility

As part of its business operations and under specific legislation, the Council gathers personal information and data about members of the public, employees, contractors, and other agencies. The Council is required to manage this personal information by following the thirteen principles of the Act.

The Council is required to appoint a Privacy Officer who is responsible for ensuring that the Council complies with the Act, and for investigating privacy complaints or privacy breaches.

Purpose of the Policy

The purpose of this policy is to:

- a) Provide guidance to the public on the process that the Council will follow in relation to managing personal information that the Council holds.
- b) Ensure that Council staff and its contracted service providers (managing personal information held by the Council) meet their obligations to appropriately manage private information under the Act.

Definitions

Act means the Privacy Act 2020.

CCTV means Closed Circuit Television.

Council means the South Taranaki District Council.

Individual means a natural person.

IPP6 request means a request made by an individual under section 22) Principle 6) 1) of the Act, to request their personal information.

IPP7 request means a request made by an individual under section 22) Principle 7) 1) of the Act, to request that the organisation amends or corrects the information which it holds on that individual.

Notifiable privacy breach means a privacy breach that, it is reasonable to believe, has caused serious harm to an affected individual or individuals or is likely to do so (see section 113 of the Act).

Personal information means information about an identifiable individual.

Privacy breach in relation to personal information held by the Council, means unauthorised or accidental access to, or disclosure, alteration, loss, or destruction of, the personal information.

Proof of identification means a birth certificate (together with a copy of a bank statement and utility bill no greater than three months old), current New Zealand Passport, current New Zealand drivers' licence, or 18+ card.

Policy

The following sections (1-13) outline how the Council addresses the 13 principles of the Privacy Act 2020.

1.0 Information Privacy Principle 1 – Purpose of collection of personal Information

- 1.1 The Council can collect personal information for a number of reasons; however, any personal information gathered must be necessary for a function or activity of the Council.
- 1.2 Personal information gathered by the Council may include:
 - name,
 - gender,
 - date of birth,
 - image,
 - address,
 - email address, or
 - telephone number;where appropriate to respond to a request for information, to provide services, and/or for the use of Council facilities.
- 1.3 The Council may collect personal information when communicating or interacting with an individual.

2.0 Information Privacy Principle 2 – Source of personal information

Wherever possible, personal information will be collected directly from the individual, or anyone who is authorised to provide personal information on behalf of another.

3.0 Information Privacy Principle 3 – Collection of information from subject

- 3.1 When the Council collects information from an individual, it will ensure that the individual concerned knows:
 - a) That information is being collected
 - b) The purpose of the collection of the information
 - c) Who will use the information (the Council or a third party)
 - d) The Council's contact details
 - e) If the collection of information is required under legislation and what legislation that is

- f) If the supply of information is mandatory or voluntary
 - g) The consequences of not providing voluntary information
 - h) The right of that individual to access and correct information through IPP6 requests.
- 3.2 If the Council is unable to advise the individual that information is being collected, at the time of collection (under clause 3.1 above), the Council will advise the individual as soon as practicable.
- 3.3 If a customer does not provide all personal information requested by the Council, the Council may not be able to adequately respond to correspondence, process any applications, provide services or facilities requested, process payments, or otherwise deal with any requests or enquiries a customer has submitted.
- 3.4 In some circumstances, a customer is legally obligated to provide personal information if the Council is fulfilling a statutory requirement.

4.0 Information Privacy Principle 4 – Manner of collection of personal information

- 4.1 The Council may collect personal information from an individual, or someone acting on their behalf, in a variety of situations, including:
- a) Communicating with the Council by letter, phone, or electronically.
 - b) Completing and submitting forms or applications for consents, licences, approvals, permits, funding, or other authorisations.
 - c) Using, or registering for, any of the Council's services or facilities, such as online services or apps, including libraries, hire of Council facilities, online payment services, newsletters, or service updates.
 - d) Lodging written submissions, requests, or other feedback.
 - e) Following or posting comments in relation to Council social media or other online communications.
 - f) Applying for employment with the Council.
 - g) Appearing in any images and audio from CCTV or body cameras, as described below.

Note: this is an indicative list of examples only.

- 4.2 The Council may keep a record of any information which is provided to customers.
- 4.3 The Council may monitor and record phone calls for quality control or staff training purposes. If a call is to be monitored and recorded, the Council shall advise the individual, at the time of the call.

- 4.4 The Council may collect personal information about an individual from other agencies, entities, or persons to fulfil a necessary activity. This might include:
- a) The Council's related organisations.
 - b) The Council's suppliers, which include organisations such as:
 - Land Information New Zealand
 - QV
 - Other government departments
 - Solicitors/conveyancers
 - The New Zealand Police
 - Credit reporting agencies, and other organisations, entities, or persons from whom the customer has expressly authorised the Council to request and obtain their information or the customer has authorised Council's suppliers to provide the Council with information.

Online information

- 4.5 The Council may use technology solutions such as cookies to provide customers with better access to tailored information and services.
- 4.6 The Council may use non-personalised statistics to monitor site traffic, to analyse trends, to gather demographic information about those who use Council services, to improve Council services, and to improve user experience. These anonymised and/or amalgamated statistics do not include personal information.

Video footage

- 4.7 The Council may collect video footage through various means, including:
- a) CCTV may be used in particular areas to monitor secure facilities such as service centres, libraries, parking facilities, and recreation centres. This is to monitor in order to reduce crime and antisocial behaviour. Where possible, signage will advise when CCTV is being used. Only authorised people will be able to watch the CCTV footage for the purposes mentioned above or to regularly check the system is working. The Council will not actively attempt to identify individuals from the CCTV footage unless a reported or suspected incident requires investigation and the correct Council protocols are followed.
 - b) Council staff may wear body cameras which are activated as required. This is to reduce abusive or threatening behaviour. Recordings of violent or threatening incidents will be forwarded to the New Zealand Police.
- 4.8 Recordings captured by body cameras and CCTV which relate to litigation will be retained by the Council for evidential purposes. Recordings are otherwise disposed of within two years. The Council will not keep any other recorded activity.

Drones

- 4.9 The Council may use drones in connection with carrying out work and delivery of services. This could include conducting condition assessments of Council assets, undertaking surveys of Council property, and capturing other property work under development.
- 4.10 If the Council flies over private property for the purposes of survey works, the Council will seek landowners' consent before flying over. The Council does not use footage of privately-owned properties without this consent.
- 4.11 The Council may, at times, capture images of Council events using a drone.
- 4.12 The Council's use of drones is conducted in accordance with Civil Aviation Authority rules and guidance, and data obtained via drones is processed in accordance with Council Policy.

5.0 Information Privacy Principle 5 – Storage and security of personal information

The Council has implemented measures designed to keep customers' personal information safe and secure, protected against loss, misuse, unauthorised access or use, modification, or disclosure.

6.0 Information Privacy Principle 6 – Access to personal information

- 6.1 A customer may ask the Council to confirm whether it holds any personal information about them and have access to that information (through an IPP6 request).
- 6.2 The Council will verify the customer's identity by viewing their proof of identification and will provide confirmation and access to the requested information; unless the Council believes it can withhold the information under the Act.
- 6.2.1 If a person is unable to verify their identity, the Council is unable to process their request for access to personal information.

7.0 Information Privacy Principle 7 – Correction of personal information

If a customer believes that their personal information held by the Council needs to be corrected, the customer may request the Council to do this (through an IPP7 request). If the Council agrees

that the personal information needs to be corrected, the Council will do so and provide the customer with an amended record, if requested.

8.0 Information Privacy Principle 8 – Accuracy etc, of personal information to be checked before use or disclosure

The Council will undertake reasonable measures to ensure personal information is accurate, current, and relevant.

9.0 Information Privacy Principle 9 – Agency not to keep personal information for longer than necessary

- 9.1 The Council may retain personal information collected (on both active systems and archives) for as long as administratively necessary or required by law. This is in accordance with the Council's information retention and disposal schedule and any applicable statutory requirements.
- 9.2 The Public Records Act 2005 requires the Council to retain protected records indefinitely. In some circumstance, personal information may be included within a protected record, including submissions made in relation to bylaws, annual plans, and district plans.

10.0 Information Privacy Principle 10 – Limits on use of personal information

- 10.1 Personal information will only be shared when the customer has consented, or where there is a statutory requirement to share it. In the case of the latter, the Council will notify the individual that their information is being, or could be, shared.
- 10.2 The Council may disclose personal information about a customer to:
- Any person engaged by the Council to provide products or services to customers on the Council's behalf, where the personal information is necessary for the provision of those products or services.
 - Council's related organisations in order to assist with Council's functions and services.
 - A third party, if the Council is required to do so under laws or regulations, or in the course of legal proceedings or other investigations. This may include the sharing of CCTV footage or footage from body cameras with the New Zealand Police or other public sector agencies where criminal activity is reported or suspected.
 - Any person that the Council advises the customer of (when the personal information is being collected from an individual).

- e) Any person to whom the customer authorises the Council to disclose their personal information to.
- 10.3 Some personal information the Council holds about, or in relation to, a customer may be made available to the public, such as:
- a) Any submissions made in relation to bylaws, annual plans, long term plans, district plans, or draft or proposed strategies and policies, or other submissions to council will include the name of the submitter. Names of submitters will be published on the Council's website, available in documents at the Administration Building or any LibraryPlus; and will form part of Council records. The council will redact contact details of all submitters.
 - b) Personal information held on property files or Council's rating information database.
 - c) Video footage of Council meetings that are intended for broadcast or to be otherwise available for public viewing.

11.0 Information Privacy Principle 11 – Limits on disclosure of personal information

- 11.1 Personal information collected by the Council, may only be used for the purpose for which it was acquired, except with the individual's express consent.
- 11.2 Council uses private information for a number of services, including:
- a) To provide services.
 - b) To confirm identity.
 - c) To process consents, licences, approvals, permits, or other authorisations.
 - d) To process applications to use or register for any services, facilities, including online services.
 - e) To process payments received or made by the Council.
 - f) To respond to correspondence, requests, enquiries, feedback, or for customer care related activities.
 - g) To update information that the Council holds about customers, or in connection with customers in existing Council records, databases, or systems.
 - h) To analyse or further develop or improve Council products or services.
 - i) To comply with relevant laws and regulations.
 - j) For specific information which the Council will notify customers of, at the time that the personal information is being collected.
 - k) To provide information about the Council (or related organisations), events, news, services, or facilities that the Council considers may of interest to customers.

- l) For general administrative and business purposes, and to carry out activities connected with the running of the business or operations, such as personnel training, or testing and maintenance of computer and other systems.
- m) For any other purpose that the customer may authorise.

12.0 Information Privacy Principle 12 – Disclosure of personal information outside of New Zealand

The Council will only disclose personal information to an overseas agency if that agency has a similar level of protection to New Zealand, or the individual is fully informed and authorises the disclosure.

13.0 Information Privacy Principle 13 – Unique identifiers

The Council assigns unique identifiers to individuals as part of council operations, as the unique identifier is necessary for the Council to undertake its functions efficiently.

14.0 Questions or complaints

- 14.1 If a customer feels that the Council has breached any principles set out in the Act, they can contact the Council and ask for the breach to be rectified, by contacting the Privacy Officer: privacyofficer@stdc.govt.nz
- 14.2 If a customer believes that there is a privacy dispute that the Council cannot resolve, the customer may make a complaint to the Privacy Commissioner, via the Privacy Commissioners website: www.privacy.org.nz

15.0 Breaches of privacy

If the Council identifies that a privacy breach has occurred, it is required to follow the steps outlined in the Act to determine if the breach is notifiable to the Privacy Commissioner.

16.0 Charges

Requests for information and correction to personal information are free of charge unless the Commissioner has authorised the Council to charge a fee under section 67 of the Act.

17.0 More Information

Privacy Officer
Policy and Governance

South Taranaki District Council 06 278 0555 or 0800 111 323

18.0 *Review of Policy*

This Policy shall be reviewed every five (5) years to ensure the policy is effective and efficient at achieving the objectives.

History of Policy

Action	Description	Decision date	Decision number	Commencement
New	Adoption of Privacy Policy	20 September 2021	136/21	21 September 2021



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