

## **Privacy Policy – 9.10**

Queenstown Lakes Community Housing Trust

March 2015

Updated August 2020

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### **Background**

The release of information, and access to and handling of personal information undertaken by the Queenstown Lakes Community Housing Trust (QLCHT) has previously been solely governed by the Privacy Act 1993<sup>1</sup>. This includes having documented systems and processes in place to ensure that the confidentiality of all client information is maintained. Not only is this best practice, but it is a requirement to maintain QLCHT's status as a registered Community Housing Provider (CHP) with the Community Housing Regulatory Authority.

In 2019 the Family Violence Act 2018 and the Oranga Tamariki Act 1989 imposed requirements on registered CHPs that override the Privacy Act in some circumstances, with respect to information requests applying to CHP's as an identified agency.

### **Policy**

#### **General**

Release of information, and access to and handling of personal information about any individual is governed by the Privacy Act, unless the Family Violence Act 2018 and/or the Oranga Tamariki Act 1989 override it. Employees should make themselves familiar with the various Acts and apply it to QLCHT work. QLCHT's standards and guidelines for handling requests for confidential information should be followed at all times.

'Confidential Information' means all transactions, records and information relating to the business of QLCHT, whether held in hard copy form, electronically or otherwise, including (but not limited to):

1. Any information, knowledge or material which QLCHT has designated or may designate as proprietary;
2. Client and customer information;
3. Business and financial information pertaining to QLCHT, including salary and the terms and conditions of employment;
4. Technical information, including services, techniques, designs, processes, data, formulae, programming or research of QLCHT;
5. Know-how, inventions, designs, compositions, improvements or other matters connected with products or services manufactured, marketed, provided or obtained by QLCHT.

Both during the Employee's employment and after termination, the Employee is required to keep confidential all Confidential Information. The Employee must not release any information unless they are satisfied that they have the appropriate written authority to do so.

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<sup>1</sup> 1993 Act has been repealed and replaced with the Privacy Act 2000

## Privacy Principles

There are 13 Information Privacy Principles (IPPs) at the core of the Privacy Act. These IPPs set out how agencies are to:

- Collect personal information,
- Store personal information,
- Provide access to and correct personal information,
- Use and disclose personal information,
- Only keep personal information for as long as necessary, and
- Use unique identifiers.

QLCHT will adhere to the principles of the Privacy Act.

## Collecting information

The personal information QLCHT collects may include a person's name, date of birth, addresses, email address, telephone numbers, gender, financial information and any other information provided in connection with, or specifically related to their communications with or, use of our services or facilities.

1. We may collect personal information as set out below:  
When a person, or someone acting on their behalf:
  - a. applies for housing with us,
  - b. applies for employment with us,
  - c. corresponds with us, whether in person, by letter, phone, text, email, instant messages or other means of electronic communication,
  - d. completes and submits forms we provide for applications for housing or other authorisations or for the use of any of our services or facilities, including signing up for and using our online services,
  - e. uses any of our services or facilities,
  - f. subscribes to any of our newsletter or update services, and/or
  - g. follows or posts comments in response to our social media or other facilities such as Facebook.
2. We may collect personal information from other organisations, entities or persons, such as:
  - a. Ministry of Social Development,
  - b. Ministry of Housing and Urban Development,
  - c. Support agencies, and
  - d. The New Zealand Police, credit reporting agencies and other organisations, entities and persons where a person has expressly authorised them to provide us with information.
3. We may keep a record of any information that we acquire.
4. We may monitor and record phone calls made to or by us for quality control or staff training purposes. If a call we make is to be monitored and recorded, the other party will be informed of this at the time of the call.
5. We may use technology solutions such as "cookies" on our website to provide visitors with better access to tailored information and services on the website and to better serve them when they return.
6. Our internet service providers may also make a record of visitors and log information for statistical purposes. This information is only analysed on a bulk basis for broad demographic

content. Individual use is not analysed. We do not attempt to identify users or their browsing activities unless they choose to give us personal information while using our website.

### Using information

The personal information that we collect may be used for any of the following purposes:

1. To provide people with services or facilities.
2. To positively confirm a person's identity, to avoid inappropriate release or use of information.
3. To respond to correspondence or to provide information a person has requested.
4. To process an application for housing.
5. To process an application to use or to register for any of our services or facilities.
6. To process payments received by, or made by QLCHT,
7. To respond to requests, enquiries or feedback, or for customer care related activities.
8. To provide information about our events, news, services or facilities, or the events, news, services or facilities of QLCHT that we consider may be of interest to the recipient.
9. To comply with relevant laws and regulations.
10. To carry out activities connected with the running of our business or operations such as personnel training, or testing and maintenance of computer and other systems.
11. For any specific purpose, which we notify at the time the personal information is collected.
12. For general administrative and business purposes.

### Sharing information

We may disclose personal information to:

1. Any person engaged by QLCHT to provide products or services on our behalf, where a person's personal information is necessary for the provision of those products or services.
2. QLCHT employees and Board members, in order to assist with the functions and services that we provide.
3. A third party if we are required to do so under any laws or regulations, or in the course of legal proceedings or other investigations. This may include sharing CCTV footage with the New Zealand Police or other public-sector agencies where criminal activity is reported or suspected. The New Zealand Police may also access feeds from certain CCTV cameras from time to time, for law enforcement, investigation and emergency response purposes.
4. Any person we are authorised to disclose personal information to.
5. Any person, if that information is held in a public register, e.g. information held on property files or the rating information database.

### Failure to provide personal information

If someone does not provide us with all of the personal information that we request, we may not be able to adequately respond to their correspondence, process any applications they have submitted, provide the services or facilities they have requested, process payments or otherwise deal with any requests or enquiries they have submitted.

In some circumstances, failure to provide information when requested may be unlawful, and/ or result in legal consequences. These circumstances and the potential consequences will be explained when personal information is collected.

### Security and accuracy

We take reasonable steps to ensure personal information is:

1. Protected against loss, damage, misuse and unauthorised access. We restrict access to personal information to those individuals who need access to this information in order to assist us in performing our duties and obligations, and
2. Accurate, up to date, complete, relevant, and not misleading.

### Breach of Privacy

1. In the event of a breach of the Privacy Act, the person who causes or discovers a breach must as soon as practicable report the breach to the Executive Officer(EO), who will then report the breach to the Board.
2. Where the privacy breach is also an Internet security incident, the breach must also be reported to the Queenstown Lakes District Council who oversees QLCHT's cyber security.
3. The EO must determine whether the privacy breach is a notifiable privacy breach. Factors that may be relevant to this determination include the sensitivity of the personal information involved, nature of the harm that may be caused, whether the information was protected by security measures, the distribution of the information and the nature of the recipient, and the ability to contain the breach or its consequences. It should also be noted that the test for emotional harm is subjective, and so consideration should be given to the particular sensitivities of the data subject(s) affected.
4. Where the EO has determined that the privacy breach is a notifiable privacy breach, the EO must prepare a notification to the Privacy Commissioner, or any other relevant regulator, and the data subjects affected.
5. Privacy breach notifications must be made to the Privacy Commissioner and data subjects affected as soon as practicable after QLCHT has become aware of the privacy breach.

### Holding personal information

We may retain all personal information that we collect (on both our active systems and our archive systems), for as long as administratively necessary.

### Accessing and correcting personal information

Anyone may request confirmation whether we hold any personal information about them and may request access to their personal information that we hold by emailing us at [admin@qlcht.org.nz](mailto:admin@qlcht.org.nz) or otherwise contacting us, at the addresses provided below. Once we have verified their identity we will provide them with such confirmation and access unless one of the grounds for refusal to do so under the Privacy Act applies.

Anyone may request that the personal information we hold about them be corrected by emailing us at [admin@qlcht.org.nz](mailto:admin@qlcht.org.nz). If we agree that their personal information is to be corrected, we will provide them with an amended record of their personal information if requested.

A person's rights of access to and correction of any personal information we hold about them is subject to the procedures set out in the Privacy Act.

### Family Violence Act 2018

The Family Violence Act lists those agencies and social services practitioners, including registered CHPs to whom the information sharing provisions apply.

A registered CHP must consider sharing information if:

- It receives a request for information from another agency or social services practitioner to whom the Act applies; or
- It believes that sharing the information with another agency or person to whom the Act applies may protect a victim from family violence.

The information can only be shared, whether in response to a request or spontaneously, for three purposes.

- To help ensure that a victim will be protected from family violence.
- To make or contribute to, a family risk or needs assessment.
- To make, or contribute to, or carry out a decision or plan related to, arising from, or responding to family violence.

It is not mandatory to share the information, but the registered CHP has a legal duty to consider sharing in the circumstances outlined above.

Most of the Principles of the Privacy Act still apply when information is shared under the Family Violence Act. That is, information that is shared must be relevant, consent should be obtained if safe and practicable, and people should do their best to ensure the information is accurate and record their decision on sharing the information.

### Oranga Tamariki Act 1989

The Oranga Tamariki Act requires that every agency within the meaning of Section 21, Privacy Act, which includes registered CHPs:

1. Must on request supply to:
  - Chief Executive, Oranga Tamariki, or
  - Care and Protection Co-ordinator, Oranga Tamariki, or
  - A Police Constable.

Any information held by an agency that may relate to or affect the safety or well-being of a child or young person if the information is:

- Required to determine whether a child or young person is in need of care or protection or assistance under the relevant legislation,
  - Required of the purposes of any proceedings under the relevant legislation.
2. May share information with another person or agency (either spontaneously or on request), if they reasonably believe that disclosing the information will assist the other person or agency to:
    - Prevent or reduce the risk of a person under 18 years being subject to harm, ill-treatment, abuse, neglect, or deprivation,

- Carry out various other listed functions related to the care and protection of persons under the age of 18 years.

Anyone sharing under the second limb must consult with the child or young person concerned, unless it is not safe or appropriate to do so.

It should be noted that an agency may refuse to disclose any information that may be withheld on the grounds of a legal professional privilege.

Information obtained from an agency for the reasons mentioned must not be used for the purpose of investigating any offence and is not admissible in any proceedings other than proceedings under the relevant legislation.

Most of the Principles of the Privacy Act still apply when information is shared under the Act. That is, information that is shared must be relevant, we should do our best to ensure the information is accurate and we should record our decision on sharing the information.

#### Further Information

If you have any queries about this Privacy Policy or personal data QLCHT has collected, please contact:

The Executive Officer

Email address: [admin@qlcht.org.nz](mailto:admin@qlcht.org.nz)

Postal Address: PO Box 1748, Queenstown, 9348