

## Privacy Policy and Procedure

The organisation will ensure anyone engaging with our organisation and/or receiving services will do so with a clear regard to their dignity, privacy, confidentiality at all times. Regulations around privacy and confidentiality are governed by the Privacy Act 2020 and the Health Information Privacy Code 1994 (and any amendments)

### Law Changes effective 1 December 2020

A new Privacy Act took effect from 1 December 2020 which repeals and replaces the Privacy Act 1993. The key changes are summarised below and in response the organisations privacy policy and any related documents have been updated.

#### Key Changes:

1. Requirements to report privacy breaches: If an agency has a privacy breach that causes serious harm or is likely to do so, it must notify the people affected and the Commissioner.
2. Compliance notices: The Commissioner will be able to issue compliance notices to require an agency to do something, or stop doing something.
3. Decisions on access requests: The Commissioner will make binding decisions on complaints about access to information, rather than the Human Rights Review Tribunal. The Commissioner's decisions can be appealed to the Tribunal.
4. Strengthening cross-border protections: New Zealand agencies will have to take reasonable steps to ensure that personal information sent overseas is protected by comparable privacy standards. The Act also clarifies that when a New Zealand agency engages an overseas service provider, it will have to comply with New Zealand privacy laws.
5. Class actions: The Act permits class actions in the Human Rights Review Tribunal by persons other than the Director of Human Rights Proceedings.
6. New criminal offences: It will be an offence to mislead an agency in a way that affects someone else's information, and to destroy documents containing personal information if a request has been made for it. The penalty will be a fine of up to \$10,000.
7. Strengthening the Privacy Commissioner's information gathering power: The Commissioner will be able to shorten the timeframe in which an agency must comply with investigations and the penalty for non-compliance will be increased from \$2,000 to 10,000.

#### Scope

All employees are bound by this legislation. Any disclosure of private or personal information can only be made with the consent of the person to which the information belongs and such disclosure can only be made for a lawful purpose, whether this information relates to clients, employees, advocates, funders, suppliers and service partners.



## Privacy Statement

The following statement confirms what personal information we might collect, why, what we will use it for and how to access or correct any incorrect information. The organisations privacy statement is a commitment to each person engaging with us regarding our management of their data, and this might include employees, clients, funders, suppliers.

Kiwi Nursing Service will collect personal information from you only, and you have the right to decline to provide that information.

We will collect this information for a number of reasons and we will advise you specifically at that time if it is not obvious.

The reasons we might collection information are:

- to assist us in considering applicants for employment
- to manage employees
- to assist us to provide cares and services to clients
- to complete reasonable business activities and administration

We will share information for the purpose/s that it was obtained. This includes uses that are directly related to the purpose for obtaining the personal information. For example, information obtained for care and treatment may also be used for administrative purposes related to that care and treatment. We may at times be required to share information in a manner that was not expected and this might be to prevent or lessen serious harm, for public safety, or as required by law.

Some information we request might be described as voluntary (you are not required to provide these details), and beyond that all other information requested will be considered to be 'required' and will be lawful and relevant for us to undertake our business activities and provide services properly. If you choose not to provide some of the required information requested this may impact our ability to provide those services and we will explain that to you at the time and potential consequences for you to consider and understand. You can ask for information we hold about you to be corrected. We will make those corrections and document the details, however, if we do not agree that the information needs correcting, you can ask us to attach a statement of correction to the records, and, if reasonable, we will do so.

You can request information we hold about you at any time (we prefer this in writing so we can be sure of who is requesting the information and have evidence of that). You do not have to explain why you want to see your personal information.

The Privacy Act does not allow you to request information about another person, unless you are acting on that person's behalf and have written lawful permission.

In some situations, we may have good reasons to refuse a request for access to your personal information. For example, the information may involve an unwarranted breach of someone else's privacy, or releasing it may pose a serious threat to someone's safety.



## Definition

Personal information is any information which tells us something about a specific individual. The information does not need to name the individual, as long as they are identifiable in other ways, like through their home address.

The Privacy Act is concerned with the content of personal information, rather than the specific form that content is in. This means that all sorts of things can contain personal information, including notes, emails, recordings, photos and scans, whether they are in hard copy or electronic form. (definition taken directly from Privacy Commissioner website).

For more information, to raise any privacy concerns or detailed policy please email: [admin@kiwinursing.com](mailto:admin@kiwinursing.com)

## Informative links:

- **Privacy Act 2020 -**  
<https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html>
- **Official Information Act 1982 (“OIA”)**  
<https://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>
- **Harmful Digital Communications Act 2015**  
<https://www.legislation.govt.nz/act/public/2015/0063/latest/whole.html>
- **Office of the Privacy Commissioner**  
<https://www.privacy.org.nz/>