



Guidelines on the Privacy Act 1993 and Privacy Officer

September 2009

Part 1: Background Information

The Privacy Act seeks to promote individual privacy by establishing principles for the collection, storage, security, accuracy, use, and disclosure of information, which relates to identifiable individuals. It also governs how that information is accessed.

The Act contains 12 principles:

- Principle 1 Entitles your organisation to collect personal information for a lawful purpose connected with your organisation's activities, providing the information is necessary for that purpose.
- Principle 2 Requires your organisation to collect information directly from the individual concerned. (Refer paragraph 1.3 of Privacy Act 1993)
- Principle 3 Requires that, when your organisation collects personal information directly from an individual, the individual must be given certain details. (Refer paragraph 1.3 of Privacy Act 1993)
- Principle 4 Prevents your organisation from collecting personal information by unlawful or unfair means, or by means that would intrude to an unreasonable extent upon the privacy of the individual concerned.
- Principle 5 Requires your organisation to ensure personal information that your organisation holds is kept secure against loss or unauthorised use, modification, or disclosure.
- Principle 6 Requires your organisation to make any personal information that your organisation holds about an individual available to that individual on request.
- Principle 7 Entitles an individual to request that any personal information held by your organisation be corrected.
- Principle 8 Obliges your organisation to ensure that any personal information that your organisation proposes to use is accurate, up-to-date, complete, relevant, and not misleading.
- Principle 9 Prohibits your organisation from keeping any information for longer than is required for the purposes for which the information may be lawfully used.
- Principle 10 Restricts your organisation to using personal information only for the purpose for which it is obtained. (Refer paragraph 1.4 of Privacy Act 1993)
- Principle 11 Prevents your organisation disclosing personal information about an individual to any other person. (Refer paragraph 1.6 of Privacy Act 1993)
- Principle 12 Places limitations on the use of identification numbers for individuals and also restricts your organisation's right to require an individual to disclose any identification number that may have been given to him or her by another organisation.

As privacy is a concept that covers an enormous area and means a wide variety of things to different people, it is important that all people involved in Centres/ Association have a clear understanding of how the Privacy Act relates to the organisation.

Privacy of Information

The Privacy Act covers personal information – which is, any information that is collected about an identifiable individual. It will affect what information is collected about people, as well as how

it is stored and used. The information collected can be used only for the purpose for which it is obtained.

Part 2: Guidelines for Playcentre

2.1 Guidelines: Employment of Staff

1. Collect information about the person directly from that person. (Must only contact people who the applicant has put down as a referee.)
2. Explain what the information is going to be used for and who else you will tell.
3. Information must be used for a lawful purpose.
4. Collect information only relevant to the job/position.
5. Information must be stored with proper safeguards against loss or wrongful disclosure.
6. Only people whose job/positions directly relate to the information should have access to it.
7. Information should be returned to all applicants.

2.2 Guidelines: Collection of Information through Observations

1. The information collected must be relevant for the purpose of the agency collecting it (i.e. Playcentre).
2. Collection and retention of information should be agreed to (refer to Enrolment Form).
3. **Children and adults included in observations for training purposes should not be identified. Use initials or some other non-identifying term on all the observations.**
4. Parents/caregivers have the right to access an observation about their child and should be provided a copy.
5. Information about children should be safe-guarded (e.g. care taken in storing information so as to prevent unauthorised access, disclosure, misuse).
6. Disclosure of information to parties outside Playcentre should be agreed to by the parent/caregiver (e.g. observations, stories, photographs).
7. Any data (observations, ME books, LEAP etc) are the property of the child's family to store and/or discard as they wish.
8. Children's portfolios are compiled by the parents/ caregiver. The family should retain the portfolio when the child leaves the Centre.

2.3 Guidelines: Personal / Confidential Information

Collection of, storage of, correcting, and access to personal information.

1. Enrolment Forms (child):

- Clarification must be provided about the purpose of collection of the information.
- Clarification will be provided on who will have access to the information (i.e. parent, guardian, President, Secretary, Enrolment Officer).
- Clarification will be provided as to what the information will be used for. Any disclosure of this information should be agreed to.
- Parents, guardians are able to access their own personal information to make any changes. Centre families receive a copy of the child's Enrolment Form so that they have a record of their agreement with the Centre.
- Authorised persons only must access Enrolment Forms and reasonable steps must be taken to prevent unauthorised access (i.e. storage in a filing cabinet or lockable cupboard).
- Enrolment forms are kept for 7 years.
- Each Centre is responsible for the overseeing of the Privacy Act 1993 within the structure and operation of each session.

2. *Adult Education Training Programme Data:*

- The North Shore Playcentre Association keeps records of trainee's enrolment and completions in the Association's training programme.
- The trainee completes their adult enrolment form. The information is held on computer by Playcentre Education and North Shore Playcentre Association for the Adult Education Programme records. It is used by NZ Playcentre Federation to access funding from the Ministry of Education. Personal information can be viewed on request at North Shore Playcentre Association headquarters.
- Changes to the personal data are advised to the Association via the Adult Education Amendment Form.

3. *Centre and Association Address and Telephone Lists:*

- Centre and Association address and telephone lists must meet the requirements of the Privacy Act 1993.
 - Centre members are to be made aware that the details will be included in the Centre Address list and circulated for use in the Centre. Requests for confidentiality will be met.
 - Association and Centre Office Holders, and paid personnel, are to be made aware that the details will be included in the Association Address Book and circulated for use within Playcentre. Requests for confidentiality will be met.
- These lists within the Association and individual centres should carry a statement covering the use of the information and the Privacy Act 1993.
- Phone lists should not be displayed on a notice board for all to see.
- It is not appropriate to give out phone numbers over the phone unless the Association / Centre personnel (e.g. Management / Education Team) identify themselves as such, and that they want the phone number for Playcentre business only. When uncertain, it is advisable to take the enquirer's name and phone number, and pass that information onto the person they wish to contact.

4. *Any forms completed by parents, caregivers, existing members:*

- Surveys received through the mail (not via the Association mailing system) should not be completed until the Association Secretary has given clearance.
- Permission forms need to be completed by a parent/ caregiver who will not be in attendance if they wish their child to be seen by the Public Health Nurse.

Part 3: Privacy Officer

North Shore Playcentre Association appoints one member of the Management Team to act as Privacy Officer. The Privacy Officer's contact information shall be published in the Association Address Book.

The Privacy Officer will encourage compliance with the Act's privacy principles, deal with privacy requests and be a contact for Members regarding privacy concerns or complaints.

Further information

The Privacy Commissioner's Office

<http://www.privacy.org.nz>

Enquiries Line: 302 8655 Email: enquiries@privacy.org.nz

Relevant papers:

A copy of the Privacy Act 1993 is held at Association Headquarters [ref. Part 1]
Enrolment Form (child)
NSPA Adult Training Programme
Child Protection Policy
In-Committee Minutes
Guidelines for Child Assessment Meetings