**Privacy Policy**

Board of Trustees Minute reference : April 2017 Part 1 Item 5

Date first created/This version no. : 2005/8

Review date (3 year cycle) : March 2020

Owner : Privacy Officer (Chief Advisor, Strategy)

Responsibility for this policy : Privacy Officer

**Background**

The Board recognises that privacy is a closely held and high personal value.

The Board acknowledges the provisions of the Privacy Act 1993 and amendments (the Act).

**Policy statement**

Te Kura will, in accordance with the Act, promote and protect the privacy of individuals with particular regard to:

1. the collection, use, storage, and disclosure of information by Te Kura relating to individuals; and
2. access by an individual to information relating to that individual and held by Te Kura.

As stated in the Privacy Statement on Te Kura’s website enrolment page:

Te Kura is required to collect personal information from students to comply with obligations laid down by the Ministry of Education and the Education Act 1989. This information is used to provide for the educational and general advancement of the student and for the purpose of carrying out the activities of the school.

The school may also provide this information to other third parties, where the information relates to the education, health, welfare or safety of the student, both during and after enrolment at Te Kura. These third parties include government agencies such as the Ministry of Education, New Zealand Qualifications Authority and the Ministry of Social Development, and online education providers which Te Kura recommends as a beneficial educational resource supplementary to its own courses. Student name, identification number and email address may be provided to these online providers to facilitate student registration on their sites. By submitting an application for enrolment, students authorise the school to disclose such personal information to third parties in accordance with this privacy statement.

Under the Education Act 1989 and the National Administration Guidelines, parents and guardians have the right to access information directly relating to matters concerning the education of their child/student.

Under the Privacy Act 1993, any other personal information about a student held by Te Kura can only be released to the student. Personal information about a student will only be released to another party, including parents and guardians, with the student’s written permission or where the Privacy Act provides for an exception to be made.

Students have the right to access and request corrections to personal information held by the school, and are informed that to do so they shouldput their request in writing to the school’s Privacy Officer.

Any requests for personal information about a student not directly related to a student’s education should also be put in writing to the school’s Privacy Officer.

**Definitions**

**A privacy incident** includes a breach, a near miss, or actions where Te Kura does not comply with the provisions of privacy legislation.

**A privacy breach** occurs when there is unauthorised access to or collection, use, or disclosure of personal information. Such activity is ‘unauthorised’ if it occurs in contravention of the Privacy Act 1993 (or applicable code of practice issued under the Act).

**A near miss** is an identified action that would have led to a privacy breach but didn’t because the information was not disclosed.

**Procedures**

* Te Kura will have a Privacy Officer.
* Procedures will be in place to assist the Privacy Officer to monitor compliance with, and observe, the provisions of the Act, including the 12 information privacy principles and processes for dealing with requests for personal information under the Act.
* Te Kura will maintain clear, consistent processes for reporting, managing and escalating privacy related incidents.
* Te Kura will endeavour to resolve any privacy incidents at the time the incident comes to our attention. This will include consideration of whether or not to notify affected individuals.
* Te Kura will record all privacy breaches. If the breach is serious and likely to cause harm to the individual, affected parties will be notified as soon as practicable (unless a risk to health and/or safety is identified).

**Supporting documentation**

National Administration Guideline (NAG) 3

NAG 5

Privacy Act 1993 and amendments

Protected Disclosures Act 2000

State Sector Act 1988

NZ School Trustees Association Privacy Act guidelines

Privacy in Schools: A guide to the Privacy Act for principals, teachers and boards of trustees. Office of the Privacy Commissioner

Privacy Breach Guidance Material, Office of the Privacy Commissioner, 2008

<https://www.privacy.org.nz/news-and-publications/guidance-resources/privacy-breach-guidelines-2/>

Responding to media and other external requests for information Policy

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**Approved as a governance policy Date**

**Karen Sewell**

**Chair**

**Board of Trustees**