



# Privacy Policy

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| This policy applies to: | anyone we work with:<br>referring agencies, clients, others<br>anyone who works with, or for us:<br>employees, volunteers, contractors<br>anyone who uses our services:<br>anyone who enters our place of business and/or engages our services.<br>anyone who interacts with our social media platforms (i.e., website, Facebook, etc.) |
| Legislation:            | Children's Act 2014<br>Family Violence Act 2021<br>Oranga Tamariki Act 1989<br>Privacy Act 2020   |
| Effective Date:         | 19 April 2021   |
| Revision Date:          | 19 April 2024   |
| Signed by:              |   |
| Name:                   |   |
| Review Date:            |   |
| Reviewed By:            |   |

# Privacy Policy

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# Privacy Policy

## Purpose

We are committed to providing a quality service that considers its clients, employees, contractor's, volunteer's, and community needs. Part of our commitment to you is to ensure that we are operating responsibly and safely.

Our policies have been developed to reflect our commitment and they are what guide everyone we have a relationship with. Our policies are aligned with current legislation and our accreditation standards and are available to read and comment on.

## Definitions

- All personal information includes Closed Circuit Television (CCTV) video and audio recordings.

## Privacy Policy

This policy helps you understand what happens when we collect, store, use, or share your personal information and will explain how you can access it, correct, or update it. Transparency is important to us and we want you to have confidence that we will treat your information with care and respect.

## Closed Circuit Television (CCTV)<sup>1</sup>

We want to make sure that you are kept safe while using our services, so we have installed CCTV cameras at our premises. This will enable us to react quickly and decisively should the need arise. It is also helpful when conflicting versions of session visits are levied. Our cameras capture voice and video recordings, and they operate 24 hours, seven days per week. We monitor all areas of our premises.

Should we capture any incidents, such as violence, child abuse, or illegal activities, they will be logged into our systems and the appropriate agency, such as Family Court, Oranga Tamariki or the Police will be contacted.

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<sup>1</sup> The Privacy Commissioner. (2009). *Privacy and CCTV: A guide to the privacy act for businesses, agencies, and organisations*. Wellington, NZ: The Office of the Privacy Commissioner.

# Privacy Policy

## Privacy Act 2020 – Privacy Principles<sup>2</sup>

### What is the purpose of us collecting your personal information?

We only collect personal information where it is necessary to carry out our functions of providing a safe and secure service.

### Where we get your information from

We may collect personal information about you either directly from you, CCTV images and recordings, or from other people or agencies, such as the Ministry of Justice, Family Courts, Oranga Tamariki, referees, references, and others as may be necessary. We may also generate personal information about you when we carry out our functions.

### We must inform you

We must let you know why we collect your information, who we collect it from, how we look after it, and how you can access your personal information.

### What we collect

**Clients:** Some personal information that we collect from you may be *(but not limited to)* your name, address, contact details, medical and health information, and CCTV recordings. This information will be used by us to perform risk assessment which will help us ensure that we can perform our functions and meet your needs as well as help us to provide a safe and secure environment for you.

You do not have to provide your personal information to us. However, we may not be able to effectively carry out our functions, and we may have to consider whether we can provide a safe and secure environment for you.

**Employees, Volunteers, and Contractors:** Some personal information that we may collect from you may be related to *(but not limited to)* past and current employment, work experience, skills, and education.

### Who will receive your information, have access to it, and how is it secured?

Personal information collected will be received by us and is only accessible to authorised personnel. Paper documents are kept secure in locked cabinets and our electronic, video and audio records are kept secure in Microsoft cloud storage.

We take all reasonable steps to ensure the personal information we collect is protected against loss, unauthorised access and disclosure or any other misuse, including meeting the requirements prescribed by the New Zealand government for the secure handling, storage, and disposal of any protectively marked or security classified information.

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<sup>2</sup>Ministry of Justice. (9 December 2020). Part 3: Information privacy principles and codes of practice: Subpart 1—Information privacy principle: Principle 3(2). Retrieved from <https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23342.html>

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We have confidence that our third-party data processors can meet our privacy and security requirements. For example, we are satisfied that Microsoft has adequate security and privacy safeguards in place to protect the information it holds on our behalf.

## How you can access and correct your personal information

You have the right to request access to all personal information we hold about you. If you feel that some of your personal information is wrong, you have the right to request us to correct it. You will need to submit your request in writing.

We will process your request as soon as possible, and no later than 20 working days after we receive it. We will be as open as we can with you, but please note that your right to request personal information is subject to Section 44 (*Responding to IPP 6 request*) of the Privacy Act 2020.

We may also occasionally need to withhold personal information under Sections 46-53 of the Privacy Act 2020, for example where the information requested includes disclosure of information about another person. However, we will only ever withhold information where it is essential to do so.

If you are not satisfied with the outcome of any decision we make regarding access to your personal information, you can contact the New Zealand Privacy Commission.

## Sharing your information

There may be times when we may have to collaborate and share your information with other agencies to help prevent or stop abuse or family violence<sup>3</sup>, to provide continuity of care, and reports. Some agencies, persons, and entities that we may have to share your information with are the Ministry of Justice, Family Courts, Lawyer for Child, Oranga Tamariki<sup>4</sup>, Worksafe, and the Police. We may be requested to share personal information for a reference check for a future employer<sup>5</sup>.

Before sharing your personal information, we will make every reasonable endeavour to ensure that the information is accurate, up to date, complete, relevant, and not misleading.

## How long do we keep your information for?

Although the Privacy Act does not specify how long we can keep your personal information, it does state that we should not keep your information for longer than we have a lawful need to<sup>6</sup>.

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<sup>3</sup> Ministry of Justice. (1 December 2020). *Family Violence Act 2021. Information sharing (s18)*

<sup>4</sup> Oranga Tamariki—Ministry for Children. (2020). *Oranga Tamariki Act 1989. Information sharing (s65A)*.

<sup>5</sup> Oranga Tamariki—Ministry for Children & Ministry of Education. (7 August 2020). *Children's Act 2014. Part 3: Children's worker safety checking s(31)(2)*. Retrieved from <https://www.legislation.govt.nz/act/public/2014/0040/latest/DLM5501715.html>

<sup>6</sup> Ministry of Justice. (1 December 2020). *Privacy Act 2020. Privacy principles: Principle 9 (s22)*.



# Privacy Policy

**Client Records:** Our policy is that we will keep your personal information for 18 months. At times we are called to testify in the Family Court, in this instance, it would be necessary to access your personal information so that we can provide an accurate and factual account to the court. Family court cases may continue long after your relationship with us has ended<sup>7</sup>.

**Employees, Volunteers, and Contractors:** We have a legal responsibility to keep personnel files for at least six years and pay records for seven years<sup>8</sup>.

At the end of the retention period, we will remove all traces of your personal information from our systems. If we have your personal information stored on Microsoft servers (cloud storage) all traces of personal information will be removed from those servers.

## We will only use your personal information for the purpose we got it

In most cases, we will seek your permission if we need to use your personal information for reasons outside of our normal functions or legal obligations.

## We will only disclose your personal information for good reasons

We will only disclose your information where we are required to do so by law, or if it is necessary for court proceedings or child protection. We will seek your permission should we need to disclose your information that is outside of our normal functions, such as surveys for research (any forms involved in the data collection will be anonymous and unidentifiable to any person). We may need to disclose information, both verbally and documented, to the following:

**Clients:** Reports to the Family Court and/or Lawyer for Child, Oranga Tamariki, or Police (*this list is not exclusive*).

**Employees, Volunteers, and Contractors:** Work Safe, tribunal agencies, or reference checking (*this list is not exclusive*).

## Should we need to send your personal information overseas

In the rare instance that we may need to share your personal information overseas, e.g., you may live in another country and we may have to email or send sensitive documents to a legal firm on your behalf. Whoever receives the information will be subject to New Zealand's Privacy Act 2020 and must make every endeavour to keep your information safe and secure.

## Unique Identifiers

Documents we receive from the Family Court contain unique identifiers and in the course of our work, we may collect your unique identifier when we ask for a copy of your Driver's

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<sup>7</sup> Office of the Privacy Commissioner. (2020). Don't keep personal information for longer than you need. Retrieved from: <https://www.privacy.org.nz/responsibilities/your-obligations/using-and-disclosing/>

<sup>8</sup> Ministry of Business, Innovation & Employment. (2021). Personnel files and record keeping.



# Privacy Policy

License or Passport for identification. We know how important this information is to you and we will take every reasonable step to ensure your personal information is kept safe, secure, and free from misuse.

## Complaints and Breaches

Any complaints and breaches of the policy will be referred to our Privacy Officer. You can register a complaint by making a written request to our office and we will send you our complaints form and procedure.

## Notifiable Breaches

Should we become aware that there may be a privacy breach<sup>9</sup> of your personal information, we will assess in accordance with Part 6 (*Notifiable privacy breaches and compliance notice*) of the Privacy Act 2020. This will help us determine if it is a “notifiable breach”. If it is determined that it is, then we will follow the legislative process according to the Privacy Act 2020<sup>10</sup>.

## Privacy Officer

Our Privacy Officer is responsible for ensuring that we fulfil our responsibilities to the Privacy Act 2020<sup>11</sup> by ensuring that we are meeting all our legal responsibilities regarding your personal information. Our Privacy Officer is an appointed member of our management team and is responsible for responding to all privacy enquiries.

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<sup>9</sup> (i.e., “unauthorised or accidental access to, or disclosure, alteration, loss, or destruction of”)

<sup>10</sup> Ministry of Justice. (1 December 2020). *Privacy Act 2020. Part 6. Notifiable privacy breaches and compliance notices for notifiable breaches*. Retrieved from <https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html#LMS23576>

<sup>11</sup> Ministry of Justice. (1 December 2020). *Privacy Act 2020. Part 9: Miscellaneous provisions: General: Privacy officers (s201)*. Retrieved from <https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23530.html>