

Policy and Procedure Guide

Subject: Privacy	Date Effective: September 2011
	Review Date: By end of December 2012

Responsible to: General Manager**Applies to:** All staff

Purposes:

1. To acknowledge the information privacy principles contained in the Privacy Act 1993.
2. To ensure Wellington Region Free Kindergarten Association meets its obligations with respect to the collection, storage, use and disclosure of personal information about employees and about children (and families) attending kindergarten.

Definitions: •

References:

- WRFKA Child Protection Policy
- CYF Act
- Privacy Act

POLICY

1. Every person who attends, works at or makes personal or professional contact with Wellington Region Free Kindergarten Association is entitled to full privacy with regard to personal details, as specified in the Privacy Act 1993.

Information Principles:

1. The requirements of the Privacy Act apply to board, management, and staff of the Association and to members and office holders of local kindergarten committees.
2. Personal information shall not be collected unless the collection is necessary for a lawful purpose connected with a function of the Association.
3. Where personal information is collected, it shall be collected directly from the person concerned.
4. Where information is collected from an individual, that person shall be made aware that the information is being collected, why it is being collected, how it will be used, the consequences of not providing it and the individual's right to have information corrected.
5. All personal information held in the Association office or in kindergartens (or passed to another person in connection with the provision of a lawful service) shall, as far as is reasonably possible, be protected against loss or unauthorised use, modification or disclosure.

Children's Records:

1. Any information about an individual child is personal information under the Privacy Act and all principles of the Act apply to it, regardless of the age of the child.
2. Children have the right to privacy and the right to access information about themselves, subject to section 29(d) of the Act which provides that information may be withheld from a child under the age of 16 if the disclosure of the information would be contrary to the child's interests.
3. Personal information may be disclosed to schools to ensure the best interests of the child are maintained – refer Privacy Act 1993 Part 54 Clause b.
4. Schools may be provided with statistical information, which does not identify individuals.

Employment Information:

1. Personal files held on employees shall comprise:
 - copies of correspondence between the Association and the employee
 - the application for the position currently held and any documentation provided with that application
 - copies of qualifications and teacher registration practicing certificate and applications for teacher registration where appropriate
 - copies of evidence of professional development such as certificates
 - miscellaneous records e.g. sick leave status
 - material compiled for the purpose of promotion, competency proceedings or dismissal
2. Access to personal files is restricted to the administration staff, senior teachers and the teacher whose file it is. If a Teacher or Head Teacher wishes to view their file they should call the Association ahead of time so the file can be accessed from the file room.
3. Management shall ensure that the personal information it holds is accurate, up to date, complete, relevant and not misleading.
4. Every person is entitled to seek confirmation of whether or not personal information is held, to access that information, and to seek its correction. Corrections sought shall be actioned or, where declined, shall be noted in a statement attached to the information.
5. Evaluative material prepared in confidence, as defined in section 29(3) of the Privacy Act 1993, may be protected from disclosure to the employee concerned.
6. Personal information shall not be kept for longer than is required for the purposes for which it was collected or held.
7. Personal files of staff who have resigned shall be held for such time as is required by relevant statute. Salary and sick leave details shall be retained in case a staff member returns to the employment of the Association.
8. Information held regarding former employees shall not be disclosed without their consent, except where the disclosure is made pursuant to a direction of a court of record.

9. Unique identifiers shall not be assigned to individuals unless required for the effective functioning of the Association. The unique identifier shall not be the same as that assigned by another agency.
10. The gathering of, and access to, information pertaining to investigation of complaints shall be consistent with the Association's complaints procedure.
11. Application forms submitted by unsuccessful job applicants shall be destroyed immediately an appointment is made unless permission is sought and given by the applicant. Comment sought from nominated referees is provided on the basis of confidentiality and detail of these reports shall not be made available to applicants.

Privacy Officers

1. The Wellington Region Free Kindergarten Association Privacy Officer shall be the General Manager.
2. The Privacy Officer shall be responsible for:
 - administration of the privacy policy and promoting compliance with the information privacy principles set out in the Privacy Act 1993;
 - receiving and promptly actioning requests made pursuant to the act for disclosure of personal information held by the Association;
 - working with the Commissioner in relation to investigations conducted pursuant to Part VIII of the Privacy Act 1993;
 - otherwise ensuring compliance with the provisions of the Act.