

PROCEDURE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION (PRIVACY ACT)

Section	Risk Management
Contact	Risk Manager
Last Review	July 2014
Next Review	July 2017
Approval	n/a

Definitions:

- “**Personal Information**” is any information about an identifiable living individual
- “**Agent**” means an agent authorised in writing
- “**Prospective Student**” means a person who provides personal information to Massey University with a view to enrolling as a student at Massey University and has never been and does not enrol at Massey University.

Collection of Personal Information:

Massey University must not collect personal information unless:

- The information is collected for lawful purposes connected with a function or activity of Massey University; and
- The collection of the information is necessary for that purpose.

When Massey University collects personal information it must collect it directly from the individual concerned unless one of the exceptions set out in Information Privacy Principle 2(2) applies (**see appendix 1**).

When Massey University collects personal information directly from the individual concerned it must comply with Information Privacy Principles 3 and 4.

Staff:

Massey University will keep all personal information that it holds or obtains about a staff member in a personal file for that staff member.

Massey University will keep a staff members personal file for 7 years after the end of the employment relationship between it and the staff member. At the end of that period the staff member’s personal file will be destroyed unless there is a good reason why it should not be.

Students:

Massey University will keep a personal file for each student that includes the following personal information:

- The students:
 - Full name and address
 - Date of birth
 - Identification number, if any, assigned by Massey University

- Course of study and the fees for that course of study
 - Changes to their course of study, if any
 - Citizenship or residency status in New Zealand
- The progress of the student at Massey University (including the principal results achieved by the student) in his or her course of study.
 - Particulars of any allowances, grants or other payments received by the student in respect of his or her course of study at the institution out of public money appropriated by Parliament.
 - Such other information as must be kept so that Massey University can fulfill its obligations to provide the Secretary of Education with statistical information relating to students generally or to a particular class of student.
 - Such other personal information relating to the student as may be reasonably required by the Chief Executive (as that term defined in Section 226A of the Education Act 1989) for the administration of the student loan scheme.

Prospective Students:

All personal information obtained by Massey University about a prospective student will be kept in a personal file for that prospective student.

If a prospective student does not become a student their personal file must be destroyed no later than five years after the last piece of information on the file was obtained.

Access to and correction of personal information:

Any staff member, student, prospective student or their agent may request access to all personal information about themselves held by Massey University other than evaluative material and other material that is subject to exception under the Information Privacy Principles in the Privacy Act 1993. If such a request is made then Massey University must provide the person making the request with access to that information, either by providing a copy or allowing viewing of the personal information, within a reasonable time.

Anyone is entitled to request correction of their own personal information other than evaluative material and other material that is subject to exception under the Information Privacy Principles in the Privacy Act 1993. Where such a request is made Massey University must decide whether or not to correct the personal information. Once it has decided Massey University must inform the staff member, student, prospective student or their agent of its decision. If Massey University decides not to correct the person's personal information then it must inform the person of their right to have their request and Massey University's refusal noted on their personal file. If a person decides to exercise this right then Massey University must note then the person's request and Massey University's refusal on the person's personal file.

Requests for Personal Information:

Massey University must not disclose personal information that it holds about any individual to any person, body or agency unless one of the exceptions in Principle 11 of the Information Privacy Principles applies.

Complaints:

Any Massey University staff member, student or prospective student may complain to Massey University that there has been a breach of the Privacy Information Principles in relation to themselves. Where a complaint is received under this Clause it will be dealt with through the privacy complaints procedure set out in Appendix 2.

RELATED PROCEDURES / DOCUMENTS

[Privacy Policy & Privacy Management Framework](#)
[Privacy Impact Assessment Toolkit](#)
[Records Management Policy and Procedures](#)

DOCUMENT MANAGEMENT

Prepared by:	Risk Manager
Authorised by:	AVC Operations, International and University Registrar
Approved by:	n/a
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APPENDIX 1:

INFORMATION PRIVACY PRINCIPLES AS OUTLINED IN THE PRIVACY ACT 1993

PRINCIPLE 1

Purpose of collection of personal information

Personal Information shall not be collected by any agency unless –

- (a) The information is collected for a lawful purpose connected with a function or activity of the agency; and
- (b) The collection of the information is necessary for that purpose.

PRINCIPLE 2

Source of personal information

1. Where an agency collects personal information, the agency shall collect the information directly from the individual concerned.
2. It is not necessary for an agency to comply with subclause (1) of this principle if the agency believes, on reasonable grounds, -
 - (a) That the information is publicly available information; or
 - (b) That the individual concerned authorises collection of the information from someone else; or
 - (c) That non-compliance would not prejudice the interests of the individual concerned; or
 - (d) That non-compliance is necessary –
 - i. To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution and punishment of offences; or
 - ii. For the enforcement of a law imposing a pecuniary penalty; or
 - iii. For the protection of the public revenue or
 - iv. For the conduct of proceedings before any court or [tribunal] (being proceedings that have been commenced or are reasonably in contemplation); or
 - (e) That compliance would prejudice the purpose of the collection; or
 - (f) That compliance is not reasonably practicable in the circumstances of the particular case; or
 - (g) That the information –
 - i. Will not be used in a form in which the individual concerned is identified; or
 - ii. Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
 - (h) That the collection of the information is in accordance with an authority granted under section 54 of this Act.

PRINCIPLE 3

Collection of information from subject

1. Where an agency collects personal information directly from the individual concerned, the agency shall take such steps (if any) as are, in the circumstances, reasonable to ensure that the individual concerned is aware of –
 - (a) The fact that the information is being collected; and
 - (b) The purpose for which the information is being collected; and
 - (c) The intended recipients of the information; and
 - (d) The name and address of –

- i. The agency that is collecting the information; and
 - ii. The agency that will hold the information; and
 - (e) If the collection of the information is authorised or required by or under law, -
 - i. The particular law by or under which the collection of the information is so authorised or required; and
 - ii. Whether or not the supply of the information by that individual is voluntary or mandatory; and
 - (f) The consequences (if any) for that individual if all or any part of the requested information is not provided; and
 - (g) The rights of access to, and correction of, personal information provided by these principles.
- 2. The steps referred to in subclause (1) of this principle shall be taken before the information is collected, or, if that is not practicable, as soon as practicable after the information is collected.
- 3. An agency is not required to take the steps referred to in subclause (1) of this principle in relation to the collection of information from an individual if that agency has taken those steps in relation to the collection, from that individual, of the same information or information of the same kind, on a recent previous occasion.
- 4. It is not necessary for an agency to comply with subclause (1) of this principle if the agency believes, on reasonable grounds,
 - (a) That non-compliance is authorised by the individual concerned; or
 - (b) That non-compliance would not prejudice the interests of the individual concerned; or
 - (c) That non-compliance is necessary –
 - i. To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution and punishment of offences, or
 - ii. For the enforcement of a law imposing a pecuniary penalty; or
 - iii. For the protection of the public revenue; or
 - iv. For the conduct of proceedings before any court or [tribunal] (being proceedings that have been commenced or are reasonably in contemplation); or
 - (d) That compliance would prejudice the purposes of the collection; or
 - (e) That compliance is not reasonably practicable in the circumstances of the particular case; or
 - (f) That the information –
 - i. Will not be used in a form in which the individual concerned is identified; or
 - ii. Will not be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

PRINCIPLE 4

Manner of collection of personal information

Personal Information shall not be collected by an agency –

- (a) By unlawful means; or
- (b) By means that, in the circumstances of the case, -
 - i. Are unfair; or
 - ii. Intrude to an unreasonable extent upon the personal affairs of the individual concerned.

PRINCIPLE 5

Storage and security of personal information

An agency that holds personal information shall ensure –

- (a) That the information is protected, by such security safeguards as it is reasonable in the circumstances to take, against –
 - i. Loss; and
 - ii. Access, use, modification, or disclosure, except with the authority of the agency that holds the information; and
 - iii. Other misuse; and
- (b) That if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or unauthorised disclosure of the information.

PRINCIPLE 6

Access to personal information

1. Where an agency holds personal information in such a way that it can readily be retrieved, the individual concerned shall be entitled –
 - (a) To obtain from the agency confirmation of whether or not the agency holds such personal information; and
 - (b) To have access to that information
2. Where, in accordance with subclause (1) (b) of this principle, an individual is given access to personal information, the individual shall be advised that, under principle 7, the individual may request the correction of that information.
3. The application of this principle is subject to the provisions of Parts IV and V of this Act.

PRINCIPLE 7

Correction of Personal Information

1. Where an agency holds personal information, the individual concerned shall be entitled -
 - (a) To request correction of the information; and
 - (b) To request that there be attached to the information a statement of the correction sought but not made.
2. An agency that holds personal information shall, if so requested by the individual concerned or on its own initiative take such steps (if any) to correct that information as are, in the circumstances, reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete and not misleading.
3. Where an agency that holds personal information is not willing to correct that information in accordance with a request by the individual concerned, the agency shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the information, in such a manner that it will always be read with the information, any statement provided by that individual of the correction sought.

4. Where the agency has taken steps under sub clause (2) or sub clause (3) of this principle, the agency shall, if reasonably practicable, inform each person or body or agency to whom the personal information has been disclosed of those steps.
5. Where an agency receives a request made pursuant to sub clause (1) of this principle, the agency shall inform the individual concerned of the action taken as a result of the request.

PRINCIPLE 8

Accuracy, etc, of personal information to be checked before use

An agency that holds personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date, complete, relevant and not misleading.

PRINCIPLE 9

Agency not to keep personal information for longer than necessary

An agency that holds personal information shall not keep that information for longer than is required for the purposes of which the information may lawfully be used.

PRINCIPLE 10

Limits on use of personal information

An agency that holds personal information that was obtained in connection with one purpose shall not use the information for any other purpose unless the agency believes, on reasonable grounds, -

- (a) That the source of the information is a publicly available publication; or
- (b) That the use of the information for that other purpose is authorised by the individual concerned; or
- (c) That non-compliance is necessary –
 - i. To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution and punishment of offences; or
 - ii. For the enforcement of a law imposing pecuniary penalty; or
 - iii. For the protection of the public revenue; or
 - iv. For the conduct of proceedings before any court or [tribunal] (being proceedings that have been commenced or are reasonably in contemplation); or
- (d) That the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to –
 - i. Public health or public safety; or
 - ii. The life or health of the individual concerned or another individual; or
- (e) That the purpose for which the information is used is directly related to the purpose in connection with which the information was obtained; or
- (f) That the information –
 - i. Is used in a form in which the individual concerned is not identified; or
 - ii. Is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
- (g) That the use of the information is in accordance with an authority granted under section 54 of this Act.

PRINCIPLE 11

Limits on disclosure of personal information

An agency that holds personal information shall not disclose the information to a person or body or agency unless the agency believes, on reasonable grounds, -

- (a) That the disclosure of the information is one of the purposes in connection with which the information was obtained or is directly related to the purposes in connection with which the information was obtained; or
- (b) That the source of the information is a publicly available publication; or
- (c) That the disclosure of the individual concerned; or
- (d) That the disclosure is authorised by the individual concerned; or
- (e) That non-compliance is necessary –
 - i. To avoid prejudice to the maintenance of the law by any public sector agency; including the prevention, detection, investigation, prosecution and punishment of offences; or
 - ii. For the enforcement of a law imposing a pecuniary penalty; or
 - iii. For the protection of the public revenue; or
 - iv. For the conduct of proceedings before any court or (tribunal) (being proceedings that have been commenced or are reasonably in contemplation); or
- (f) That the disclosure of the information is necessary to prevent or lessen a serious and imminent threat to –
 - i. Public health or public safety; or
 - ii. The life or health of the individual concerned or another individual; or
- (g) That the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern; or
- (h) That the information –
 - i. Is to be used in a form in which the individual concerned is not identified; or
 - ii. Is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
- (i) That the disclosure of the information is in accordance with an authority granted under section 54 of this Act.

PRINCIPLE 12

Unique identifiers

1. An agency shall not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable the agency to carry out any one or more of its functions efficiently.
2. An agency shall not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another agency, unless those 2 agencies are associated persons within the meaning of (section OD 7 of the Income Tax Act 1994).
3. An agency that assigns unique identifiers to individuals shall take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.
4. An agency shall not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or for a purpose that is directly related to one of those purposes.

APPENDIX 2:

COMPLAINTS PROCEDURE

1. If a complaint is made whether orally or in writing to a staff member by any individual regarding their own personal information then the staff member shall endeavor to resolve the complaint directly with the person concerned.
2. If the complaint is not resolved then the staff member shall refer the complainant to the University's Privacy Officer.
3. On receipt of a complaint, the Privacy Officer shall ascertain the nature of the complaint and endeavor to bring about a resolution to the complaint.
4. This procedure does not affect any rights the complainant might have under the Privacy Act 1993 or the University in relation to the Student Contract (see Massey University Calendar) or Grievance procedures.