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# PRIVACY POLICY

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**AUGUST 12, 2020**  
 CLANWILLIAM HEALTH  
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## 1. Introduction

This policy sets out Clanwilliam Health's commitment to ensuring that any personal and sensitive information processed, is carried out in compliance with the Privacy Act 2020. Clanwilliam Health processes the personal information of employees, clients, suppliers and third parties and ensures that good privacy practice is embedded in the culture of our employees and throughout the organisation.

Clanwilliam Health's other related policies and procedures are:

- Privacy notices (website, clients, employees)
- Incident and Breach reporting procedure
- Data Retention Policy
- Right of Access and Correction Procedure
- Privacy by Design
- IT security policies

## 2. Scope

This policy applies to all personal information processed by Clanwilliam Health and is part of Clanwilliam Health's approach to compliance with the Privacy Act 2020. All Clanwilliam Health's employees are expected to comply with this policy and failure to comply may lead to disciplinary action for misconduct, including dismissal.

## 3. The Privacy principles

Clanwilliam Health complies with the Privacy Principles set out below and when processing personal information, it ensures that:

### **Principle 1 - Purpose for collection**

A purpose for collection is determined and communicated in policies, made available to individuals.

Personal information must only be collected when:

- the collection is for a lawful purpose
- the purpose is connected with the functions of the organisation, and
- it is necessary to collect the information for that purpose

### **Principle 2 - Source of information**

Personal information is only collected from the individual concerned and they also know what information is being collected and have the opportunity to exert some control over what is collected.

### **Principle 3 - What to tell an individual**

When collecting personal information, take reasonable steps to make sure the individual concerned understands:

- why it is being collected
- who will see the information
- whether the person is required to give the information or whether it is voluntary
- what will happen if the information isn't provided

### **Principle 4 - Manner of collection**

Personal information is not collected by unlawful means or by means that are unfair under the circumstances or unreasonably intrusive.

Personal information must not be collected by means that are:

- unlawful
- unfair under the circumstances, or
- unreasonably intrusive

### **Principle 5 - Storage and security**

Takes reasonable steps to prevent the loss, misuse or disclosure of personal information and effectively apply security safeguards to protect against:

- loss
- unauthorised access, use, modification, or disclosure; and
- other misuse

Clanwilliam health will do everything reasonable within its control to prevent the unauthorised use or disclosure of that information shared with a supplier or third party.

### **Principle 6 - Access**

If information is readily retrievable, individuals have a right to receive confirmation of what information is held about them (including information received from other organisations) and see the information or obtain a copy.

Clanwilliam Health can refuse to give access in some limited situations, for instance, where giving the information would:

- endanger a person's safety
- prevent the detection and investigation of criminal offences
- involve an unwarranted breach of someone else's privacy

### **Principle 7 - Correction**

Individuals have a right to have information about themselves corrected, if they believe the information is incorrect or inaccurate.

### **Principle 8 – Accuracy**

Prior to using personal information, take all reasonable steps to warrant it is:

- accurate
- up-to-date
- complete
- relevant
- not misleading

### **Principle 9 – Retention**

That personal information is not retained for longer than is required for the purposes for which that information may be lawfully be used and define retention schedules for all personal information stored.

### **Principle 10 – Use**

That personal information obtained for one purpose and must not be used for another purpose unless there are reasonable grounds that an exception applies. Examples of exceptions are where:

- the other use was authorised by the individual or their representative, or
- the other purpose is directly related to the purpose for which the information was originally collected

### **Principle 11 – Disclosure**

That personal information is not disclosed unless an exception applies. Unless:

- disclosure is one of the purposes for which the agency obtained the information
- disclosure is necessary to uphold or enforce the law
- disclosure is necessary for court proceedings
- the person concerned authorised the disclosure
- the information is going to be used in a form that does not identify the person concerned

### **Principle 12 - Disclosure of personal information outside New Zealand**

An agency disclosing personal information to foreign persons or entities may only make that disclosure if it reasonably believes the foreign person or entity meets at least **one** of the following criteria:

- is carrying on business in New Zealand and is subject to the Privacy Act
- is subject to privacy laws that overall, provide comparable safeguards to those in the Privacy Act, or
- is required to protect the information in a way that, overall, provides comparable safeguards to those in the Privacy Act (for example, by agreement between the agencies)
- is subject to the privacy laws of a country, province or State, or is a participant in a binding scheme for international disclosures of personal information that has been prescribed in regulations by the New Zealand Government as providing comparable safeguards to the Privacy Act.

### **Principle 13 - Unique identifiers**

Do not use the unique identifier given to a person by another organisation. Individuals are not required to disclose their unique identifier unless this is one of the purposes for which the unique identifier was set up (or directly related to those purposes).

A unique identifier is an identifier that is assigned to an individual by an organisation for the purpose of its operations to uniquely identify the individual in relation to that organisation.

Principle 12 restricts the use of unique identifiers and an organisation may only assign a unique identifier if:

- this is necessary to enable it to carry out its functions
- the person's identity is clearly established

## **4. Privacy Procedures**

Clanwilliam Health will:

- Ensure that appropriate privacy notices are in place advising employees, clients, customers and third parties how and why their information is being processed and in particular, advising individuals of their rights
- Only collect and process the personal information that it needs for the lawful purposes it has identified in advance
- Ensure that, as far as possible, the personal information it holds is accurate, or a system is in place for ensuring that it is kept up to date as far as possible
- Only retain personal information for as long as it is needed, after which time Clanwilliam Health will securely delete the personal information – Clanwilliam Health's data retention schedule sets out the appropriate period of time
- Ensure that appropriate security measures are in place to ensure that personal information can only be accessed by those who need to access it and that it is stored and disclosed securely

Clanwilliam Health will ensure that all staff who handle personal information on its behalf are aware of their responsibilities under this policy and other relevant privacy and information security policies, and that they are adequately trained and supervised.

Breaching this policy may result in disciplinary action for misconduct, including dismissal. Obtaining (including accessing) or disclosing personal information in breach of Clanwilliam Health's information security and privacy policies may also be a criminal offence.

## **Rights to Access and Correction**

Clanwilliam Health have identified a process to ensure that it can facilitate any request made by an individual to exercise their rights to access and correction under the Privacy Act 2020. All employees have received training on the correct procedures and are aware of the rights of individuals. Employees can identify such a request and know how it should be managed.

All requests will be considered without undue delay the individual informed of the decision of whether the request will be granted, within 20 working days of receiving the request.

## **Breach Notification (Incident and Breach Reporting Procedure)**

Clanwilliam Health have implemented a procedure to ensure all security incidents and potential breaches are effectively managed, by assessing whether a breach to privacy is likely to cause 'Serious Harm' to affected individuals.

If it is determined that the 'Serious Harm' has been inflicted on affected individuals, Clanwilliam Health will notify the OPCNZ.

## **Training & Awareness**

Clanwilliam Health are committed to developing the knowledge and awareness of employees in privacy best practice. Privacy training is critical in ensuring the use of personal information is carried out in compliance with the Privacy Act.

Privacy training will be completed annually by each employee and all new starters entering the business.

## **Privacy by Design (Procedure)**

Clanwilliam Health will ensure the principles are Privacy by Design are incorporated into networked data systems and technologies, by default and privacy is integral to organisational priorities, project objectives, design processes and planning operations.

In adherence to the principles of Privacy by Design, in order to minimise privacy risks of a project, Clanwilliam Health will complete a Privacy Impact Assessment for documented assurance that privacy risks have been identified and adequately addressed.

# **5. Responsibility for the processing of personal information**

The Senior Management of Clanwilliam Health take ultimate responsibility for information protection.

If you have any concerns or wish to exercise any of your rights under the Privacy Act 2020, then you can contact the Privacy Officer in the following ways:

Email: [privacy@healthlink.net](mailto:privacy@healthlink.net)

Post: PO Box 9920, Newmarket, Auckland 1149