

1. Purpose

This policy outlines:

- How the Council will gather, access, use and distribute personal information
- The obligations under law and how the Council will meet these obligations

1.1 Scope

This policy applies to any LGOIMA response and other documents deemed appropriate to release.

1.2 Commencement

This policy comes into force on 24 August 2020.

1.3 Definitions

- Personal information is any official information held about an identifiable person that could be used to identify the person including name, date of birth, address etc. This does not include information which is required by law to be disclosed such as in LIM reports.
- Third Party is an organisation or person who is not the Westland District Council.
- WDC Privacy Officer(s) are listed in the WDC Delegations Manual

2. Policy

- Council will only collect information which is necessary to perform its duties and obligations. It will ensure the information is held and kept securely.
- Council will apply the Privacy Principles (see s 6 of the Privacy Act) which public sector organisations are required to comply with.
- Where these principles are in conflict with each other, they will be managed on a case-by-case basis in discussion with the appropriate manager and the Privacy Officer(s).

2.1 Collection of Personal Information

- The personal information Council collects should only be information that specifically relates to Council business and is necessary for Council to undertake its duties and obligations. This could include: Name, Address, Date of Birth, Contact Information (email and phone numbers), gender etc.
- Where information has been collected for electronic correspondence, Council will offer easy opt-out options as stated in the Marketing Association's Code of Practice for Direct Marketing in New Zealand.
- Where information is going to be collected, Council will take reasonable steps to inform the person concerned that the information is being collected and the purpose(s) for which the information is being collected.

2.2 Using Personal Information

Personal information collected will only be used to provide the person with the service requested or to assist in the provision of future services.

- Personal information may be used to:
 - Identify a person to avoid inappropriate release of information
 - In correspondence to the person for which the information is held
 - Process consent, licence, permit or other applications or for applications to use services or facilities
 - In the processing of payments made or received
 - To respond to requests or enquiries

- Provide information about council events, services or facilities
- To comply with laws and regulations
- To carry out council related business and operations

2.3 Sharing Personal Information

Council may disclose personal information to:

- Any Person engaged by the Council to provide products and services where personal information is necessary for the provision of those services. A list of approved systems is kept in the “Approved Data Stores Register” which is reviewed every 6 months. Only the minimum of information required to provision these 3rd party services should be shared.
- Council Controlled Organisations – in order to assist with the functions and services they provide.
- A third party where required by law or regulations, or in the course of legal proceedings or other investigations. This may include the New Zealand Police, Office of the Auditor General or the Ombudsman.
- Any person who has been authorised by the individual concerned to have the information disclosed to.
- Any person, if that information is held in a public register such as property files or the rating information database.

3 Security and accuracy

- Council will take all reasonable and appropriate steps to ensure all personal information is protected against loss, damage, misuse and unauthorised access.
- All personal information will only be accessible to the individuals who need access to the information in order to perform their duties and obligations.
- Council will take all reasonable and appropriate steps to ensure all personal information is accurate, up to date, complete, relevant and not misleading.
- Individuals may request confirmation of whether or not Council holds any personal information about them. Individuals also have the right to request the information be updated if they believe it is incorrect.
- Information will only be held for as long as is administratively necessary or required by law and regulations. Protected records will be held indefinitely as required under the Public Records Act 2005.

4 Refusal to provide information

- Where a person does not provide information which has been requested Council may not be able to respond to requests or process applications adequately. Council will explain to the individual concerned the need for the information in order to process the request.
- Where the individual refuses to provide the information Council takes no responsibility in the failure to process the request as a result of lack of information.
- There are some circumstances where failure to provide information when requested may be unlawful. Staff will explain this to individuals when required.

5 Privacy Officer(s) responsibilities

- As required under the Privacy Act s 23, Council will ensure that at least one (1) member of staff is appointed as a Privacy Officer.
- The Privacy Officer(s) is responsible for encouraging compliance with the information privacy principles, dealing with requests made under the Privacy Act, working with the Privacy Commissioner in relation to their investigations, and ensuring the Council complies with the Privacy Act.
- The Officer(s) will give reasonable assistance to an individual who wishes to make an information privacy request. If the request has not been made in accordance with the requirements of the Act, or not made to

the appropriate agency, the Officer(s) are to offer suitable guidance and ensure they submit the request in accordance with the Act, to the correct agency.

- Where the request is made to the Privacy Officer(s) and it is believed the request should be transferred they must ensure to transfer the request in accordance with section 39.

6 Related Documents and Acts

The following Westland District Council documents relate to this policy:

- Staff Handbook
- Communications Policy
- Proactive Release Policy

Various legislation requires Council to collect personal information and also to disclose collected information to third parties. This legislation includes, but is not limited to, the following Acts:

- Privacy Act 2020
- Building Act 2004
- Local Electoral Act 2001
- Local Government (Rating) Act 2002 section 28C
- Dog Control Act 1996
- Sale and Supply of Alcohol Act 2012
- Reserves Act 1977
- Local Government Act 2002 section 178
- Resource Management Act 2004 section 22
- Local Government Official Information and Meetings Act 1987

Note: Any legislation referred to should be interpreted as meaning the Act and its amendments

7 Policy Review

A review of this policy will take place in August 2023.

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