



## NGĀTI WHĀTUA ŌRĀKEI

Policy Title:	Privacy Policy
Applies to:	All
Policy Number:	HR015.2
Date Approved by Whai Maia Board:	25 June 2018
Date Implemented:	25 June 2018

### PURPOSE

Background	<p>The Privacy Act 1993 sets out how organisations collect, use, disclose, store and give access to 'personal information' about individuals.</p> <p>Ngāti Whātua Ōrākei Whai Maia (“<b>Whai Maia</b>”) routinely collects personal information in the course of its work – for example: hapū member registration, tenancy agreements, payroll, grant applications, ECE enrolments, job applications and event registrations.</p> <p>Individuals providing personal information have an expectation this information will be kept secure and their privacy protected. This expectation of confidentiality is embodied under the Privacy Act. Where an individual feels we have breached their privacy in any way, they have the right to complain.</p> <p>This policy sets out how Whai Maia manages your personal information and how general privacy complaints are to be handled.</p> <p>This policy replaces the previous “Privacy Act and Privacy Complaints” policy (HR015.1).</p>
Privacy Principles	<p>The Privacy Act contains Privacy Principles which Whai Maia must comply with. A breach of these principles can result in a complaint which must be handled appropriately by Whai Maia in accordance with the requirements of the Privacy Act.</p> <p>The Act sets out twelve privacy principles:</p> <ul style="list-style-type: none"> <li>• collection of personal information (principles 1-4)</li> <li>• storage and security of personal information (principle 5)</li> <li>• requests for access to and correction of personal information (principles 6 and 7, plus parts 4 and 5 of the Act)</li> <li>• accuracy of personal information (principle 8)</li> <li>• retention of personal information (principle 9)</li> <li>• use and disclosure of personal information (principles 10 and 11), and</li> <li>• using unique identifiers (principle 12).</li> </ul> <p>Details of the Privacy Principles can be viewed <a href="#">here</a>.</p>

## POLICY STATEMENT

Introduction	<p>This Privacy Policy sets out how Whai Maia collects, stores, uses and discloses personal information and how privacy complaints are to be handled.</p> <p>Note that there is a specific Code of Practice which applies to the Health Sector (the Health Information Privacy Code) which is not covered in detail in this general policy statement.</p>
About Us	<p>Whai Maia is committed to ensuring compliance with the Privacy Act 1993 and relevant privacy regulations including the New Zealand Health Information Privacy Code 1994 and the European Union’s General Data Protection Regulation (<b>‘GDPR’</b>).</p> <p>For the purpose of the GDPR:</p> <ul style="list-style-type: none"> <li>• Whai Maia is the data controller for personal data collected by it in the provision of services, support and assistance to registered members of Ngāti Whātua Ōrākei and their whanau.</li> <li>• Where Whai Maia uses personal data that has been collected by another entity (for example, by the Ngāti Whātua Ōrākei Trust or Ngāti Whātua Ōrākei Whai Rawa Limited), Whai Maia processes the information as a data processor on behalf of the entity that collected the personal information.</li> </ul>
Information we collect	<p>We collect your personal information.</p> <p>Personal information means any information that can be used to directly or indirectly identify you as an individual. This personal information includes ‘sensitive information’ about you, such as information about your race, ethnic origin, political opinions, religious or philosophical beliefs, trade-union memberships, health or sexual orientation.</p> <p>You must ensure that your personal information is accurate, complete, up-to-date and not misleading.</p>
How we collect your personal information	<p>We only collect personal information when we need it and for lawful purposes connected with performing the functions or activities of Whai Maia. We collect your personal information when you:</p> <ul style="list-style-type: none"> <li>• Communicate with us;</li> <li>• Use our services;</li> <li>• Receive support or other assistance from us;</li> </ul> <p>We may also obtain your personal information from publicly available sources, or otherwise from third parties from time to time, including obtaining information from Ngāti Whātua Ōrākei.</p>

How we will use and disclose your personal information	<p>We will use your personal information:</p> <ul style="list-style-type: none"> <li>• Only for the purposes for which we obtain it. For example, we will use your personal information in providing our services, support and assistance to you, updating you on our news/events, maintain your contact details in our records, and for verifying your identity; and</li> <li>• For any other purposes authorised by you.</li> </ul> <p>We will disclose your personal information to third parties:</p> <ul style="list-style-type: none"> <li>• As authorised by you from time to time. These third parties include our affiliates, divisions and groups within the broader Ngāti Whātua Ōrākei Group (including the Ngāti Whātua Ōrākei Trust and Ngāti Whātua Ōrākei Whai Rawa Limited);</li> <li>• To the extent necessary to perform the purposes under this policy; and</li> <li>• To comply with any legal or regulatory obligations we have under the laws of any relevant jurisdiction in relation to the collection, use, disclosure, storage or processing of your personal information (“<b>Legal Obligations</b>”).</li> </ul>
How long we will hold your personal information	<p>We will hold your personal information for no longer than is reasonably necessary to provide our services, support and assistance to you and as otherwise required to comply with our Legal Obligations. When we no longer require your personal information, we will securely dispose of it.</p>
How we protect your personal information	<p>We will take all reasonable care to protect your personal information from unauthorised access, misuse, disclosure or loss. In instances where it is necessary for us to share your information with a third party, we will take all reasonable care to prevent unauthorised use or disclosure of your personal information.</p>
Your rights	<p>You have the right to request to access to personal information we hold about you and to request correction of your personal information. If we cannot provide you with access to the information you request, or otherwise decide not to correct your personal information, we will provide the reasons for our refusal.</p>
Privacy Officer	<p>The Privacy Officer for Whai Maia is the Brand Manager.</p>
Role of the Privacy Officer	<p>Section 23 of the Privacy Act 1993 states that all agencies must have at least one Privacy Officer - a person in the organisation who can deal with complaints regarding privacy breaches. Complaints which are not resolved by the organisation can be referred on to the Privacy Commissioner.</p> <p>The Privacy Commissioner can investigate if an individual feels we have not given them proper access to information we hold about them or we have refused to correct information, or where they believe they have suffered some harm as a result of a privacy breach. The Privacy Officer:</p> <ul style="list-style-type: none"> <li>• Is familiar with the Privacy Principles in the Privacy Act;</li> <li>• Is familiar with any other legislation governing what Whai Maia can and cannot do with personal information;</li> <li>• Deals with any complaints from the Whai Maia’s stakeholders about possible breaches of privacy;</li> </ul>

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- Trains other staff at Whai Maia to deal with privacy matters;
  - Advises managers on how to ensure Whai Maia’s business practices comply with privacy requirements;
  - Advises managers on the privacy impacts (if any) of changes to Whai Maia’s business practices;
  - Advises managers if improving privacy practices might improve the business;
  - Deals with requests for access to personal information, or correction of personal information from individuals; and
  - Acts as a liaison person for Whai Maia with the Privacy Commissioner.
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#### Handling privacy complaints

If you consider that your privacy rights have been breached, you can make a written complaint to our Privacy Officer at [info@ngatiwhatuaorakei.com](mailto:info@ngatiwhatuaorakei.com).

All privacy complaints are to be referred to the Brand Manager as Whai Maia’s Privacy Officer. This includes complaints which arise from a possible breach of the Health Code of Practice.

The Privacy Officer will manage general privacy complaints using Whai Maia’s current complaints process, being mindful of the need to maintain confidentiality and deal with any complaints sensitively.

Privacy questions or complaints can be made to the Privacy Officer at any time verbally in writing, directly or through a representative.

On receipt of a complaint, the Privacy Officer will manage an investigation, seek to resolve the complaint and respond to the complainant with their findings.

The Privacy Officer may make recommendations to Whai Maia about improvements to policies or practices based on his or her findings.

An individual may complain to the Privacy Commissioner directly or following the conclusion of an investigation by the Privacy Officer if they are dissatisfied with the way their complaint has been handled or resolved.

Complaints will be dealt with using the process outlined in the Complaints Policy. Note however that complaints should be direct in the first instance to the Privacy Officer.

#### Changes to policy

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From time to time we may make changes to this policy. Any changes we make to this policy will be communicated to you on our website.

#### References

Privacy Act 1993  
 Health Information Privacy Code 1994  
 European Union’s General Data Protection Regulation

Next Review :

30 June 2020

By:

Ngāti Whātua Ōrākei Whai Maia Board