Privacy Policy

Department:	Information Services
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Approved by:	Chief Executive Officer
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Purpose:

To outline the Central Otago District Council's ("Council") code of practice and legal obligations in accordance with the Privacy Act 2020.

Objectives:

The objectives of this policy are to:

- Create a framework to manage Council's legal obligations under the Privacy Act 2020 to achieve compliance.
- Provide external communication to the public via the Council website regarding the personal information Council collects, the purpose of the collection and how Council manages, protects, and respects that information including requests under the Privacy Act 2020.
- Provide clear guidance regarding the management and release of personal information including requests under the Privacy Act 2020.
- Ensure Privacy is considered as a starting point by users for responsible, ethical and legal use of Artificial Intelligence (AI) tools.
- Establish privacy breach prevention mechanisms and establish responsibilities for privacy breach detection.
- Maintain a positive "privacy culture" in which users are supported and encouraged to adopt good privacy practices and adherence to the Information Privacy Principles (IPPs).

Scope:

This policy applies to all employees, contractors, temporary staff, elected members, or other third parties, hereafter referred to as 'users' It also applies to anyone who is involved in Council operations, including volunteers and those people with honorary status or unpaid user status.

Users may only access, use, or share information that Council holds for the express purposes of conducting the role for which they are employed by Council, or with the

authorisation of the person which the information relates to, and in keeping with the conditions of the Code of Conduct.

Specific responsibilities are detailed in the 'roles and responsibilities' section of this policy.

Definitions:

Consent - Refers to authorisation from the individual concerned or their personal or legal representative.
Personal Information - Any information about a specific individual. The information does not need to name the individual, as long as they are identifiable in other ways, like through their home address. This may include photographs, videos or audio recordings, and camera surveillance.
Privacy breach - Unauthorised access to or collection, use or disclosure of personal information.

Policy:

Information Privacy Principles

The Council is committed to the 13 Information Privacy Principles (IPPs) of the Privacy Act 2020 which govern the collection, holding, use and disclosure of individuals' personal information. The types of information collected for these purposes include:

- General contact details – address, telephone, email
- Identification details – name, address, date of birth
- Images from CCTV cameras and wearable cameras
- License plate numbers for parking matters
- Financial details for payments
- Medical information for recreation programmes or events.

Sharing personal information

Personal information will only be shared outside Council when:

- The reason for sharing matches the reason the information was collected; or
- A specific legal reason or obligation to share the information exists; or
- The persons concerned give permission for it to be shared; or
- When the persons concerned sign a consent form or voluntarily provide information to Council.

Other applicable legislation includes the Local Government (Rating) Act 2002, Resource Management Act 1991, Building Act 2004, Health and Safety at Work Act 2015

Building and resource consents

Documentation associated with consents such as resource and building consents are public record and will be available online for public access. This will include personal information on consenting documents and submissions.

Rating information

Section 28A of Local Government (Rating) Act 2002 requires the Council to maintain a rating information database and to make this available to the public. You have a right to request, in writing, that your name and/or postal address be withheld from this database. You do not need to provide reasons for this request, and you can revoke this request at any time.

Procedures

Council users will contain, assess, and notify all privacy breaches, near misses, trends, risks, and other relevant information to the appropriate levels of management in accordance with the Privacy Act 2020. Serious harm breaches that have caused "serious harm" to someone (or is likely to do so) must be reported to the Office of the Privacy Commissioner using the OPC online reporting tool - NotifyUs.

A series of procedures to support this policy will be maintained by Council users.

Council users will maintain up-to-date Privacy Information on its website.

Roles and Responsibilities:

The following positions have additional responsibilities:

Chief Executive

The Chief Executive is responsible for:

- Ensuring that privacy practice in Council meets statutory requirements and adds value to the business operations of the Council.
- Ultimate responsibility for the success of the policies rests with the Chief Executive.

Executive Leadership Team

The Executive Leadership Team is responsible for:

- The direction and support of privacy at Council and ensuring it conforms to statutory and business requirements.
- Support and foster a culture that promotes good privacy practices.

Executive Sponsor

The Executive Sponsor is responsible for:

- Oversight of privacy.
- Ensuring adequate skilled privacy resources are available to implement policy.
- Monitoring, reviewing, and reporting on the Digital and Information Strategy and the Privacy Policy to ensure it meets business needs and supports compliance.

Privacy Officer

Council has a designated Privacy Officer who is responsible for:

- Assisting users in managing personal information requests.
- Liaising with business units to ensure that privacy is integrated into work processes, systems, and services.
- Requests for information received.

- Complaints made about Council's actions or procedures.
- Ensuring all new users receive privacy induction and training.
- Chairing the Privacy Champions Advisory Group.
- Establishing privacy standards, procedures, and good practices for Council as a whole.
- Managing Privacy Breaches processes.

Chief Information Officer
Chief Information Officer is responsible for:

- Monitoring, reviewing, and reporting on privacy to ensure that it is implemented, transparent, and meets business needs.
- Overseeing the budget for privacy as part of Information Services.
- Ensuring privacy responsibilities are identified and assigned in job descriptions, performance plans and service agreements.
- Ensuring adequate skilled privacy resources are available to implement policy.

Activity Managers
Activity Managers are responsible for:

- Proactively engaging and collaborating with Information Services in the design and maintenance of privacy systems and practices throughout the Council.
- Ensuring privacy is integrated into work processes, systems, and services.

Information Services Team
Members of the Information Services department are responsible for assisting the Executive Sponsor, Privacy Officer, and Chief Information Officer with their responsibilities, as appropriate, and setting an example in privacy standards, procedures, and good practices within the Council.

Council employees
All employees need to be aware of privacy requirements that affect the performance of their duties. It is expected that employees will:

- Comply with privacy standards, procedures, and good practices.
- Promote good privacy practices to peers.

Breaches of this policy:

Breaches of this policy may be considered misconduct. Misconduct may result in disciplinary action under:
For employees: Performance Management Policy
For elected Members: Code of Conduct
For contractors: As per agreements in place with the contractor.

Relevant legislation:

Privacy Act 2020
Public Service Act 2020
Human Rights Act 1993
Local Government Official Information and Meetings Act (LGOIMA) 1987
Official Information Act (OIA) 1982
Local Government Act (LGA) 2002
Local Government (Rating) Act 2002

Related documents:

Staff Delegations Manual (Internal use)
Request for Personal Information Procedure (Internal use)
Privacy Breach Notification Procedure (Internal use)
Request for Personal Information Process (Internal use)
Personal Information Collection, Use and Sharing Guidelines (Internal use)
Office of the Privacy Commissioner Enquiry Form
Office of the Privacy Commissioner - AskUs
Office of the Privacy Commissioner AboutMe (Request my Info Tool)
Office of the Privacy Commissioner Privacy Statement Generator
LGOIMA Request Policy
LGOIMA Request Procedure (Internal use)
LGOIMA Request Process (Internal use)
Redaction Guidelines (Internal use)
CCTV Policy
Standing Orders 2022-2025 (Section 12)
Use of Artificial Intelligence (AI) Policy