

OTAGO POLYTECHNIC MANAGEMENT POLICY		Number: MP0106.02	
Title:	Disclosing Personal Information about Students and Staff		
Baldrige Criteria:	6 Operations		
Chief Executive Approval:	Approval Date: 1 June 2017	Effective Date:	1 June 2017
Previous Policy Number:	AP1011	Review Date:	as required
Contact Authority:	Chief Operating Officer	Status:	Current

Purpose To ensure Otago Polytechnic satisfies the requirements of the Privacy Act 1993.

Statutory Compliance Privacy Act 1993 and subsequent amendments
Public Records Act 2005 and subsequent amendments
The Education Act 1990, s226-226B
Bill of Rights Act 1990 and subsequent amendments

- Policy**
1. The Privacy Act 1993 sets out the principles which form the basis on which all issues regarding privacy of personal information are determined and are to be managed. Everyone who has access to personal information collected or held by Otago Polytechnic must understand and follow these principles. This policy applies to all personal information collected and/or held by Otago Polytechnic about any person and, in particular about people enrolled as students or employed as staff. A legislation fact sheet is attached as Appendix 1 to assist with this.
 2. Personal information collected and/or held by Otago Polytechnic including information about any identifiable student or staff member is covered by the principles outlined in the Privacy Act. Staff who have access to personal information about students and/or staff need to be aware of and follow the procedures set out in this policy to minimize the risk of inadvertent disclosure of personal information.
 3. Enrolment and employment forms will include statements regarding the collection and use of personal information and the purpose the information is being collected for under the provisions of the Privacy Act.
 4. Such information must be used only for the purpose it is intended.
 5. The Public Records Act 2005 requires that certain information is held for specified periods of time.
 6. Any information collected and /or held by Otago Polytechnic about students or staff members, current or past, must be stored either physically or electronically in a secure manner.
 7. The Polytechnic appointed Privacy Officer who will deal with any requests under the Privacy Act is the Chief Operating Officer.
 8. In the case of official information requests these are dealt with under policy MP0318 Requests for Official Information.
 9. In the case of CCTV footage, this is dealt with under policy MP0355 CCTV at Otago Polytechnic Sites. ('CCTV' means a camera surveillance system which captures images of individuals or information about individuals).



Procedures

1. Requests for Information

- 1.1. Students and staff have the right to request to see, and correct if necessary, information held by the Polytechnic about them other than exclusions that are specified in the Privacy Act, for example confidential referees reports and legally privileged information.
- 1.2. Enquiries about personal information held by Otago Polytechnic should be referred to Registry in the first instance for students or to Human Resources for staff. When in doubt, staff must consult with the Privacy Officer (Chief Operating Officer) before disclosing any information.
- 1.3. Some form of valid ID such as a drivers licence or passport will be required for identification to enable access to an individual's personal information.
- 1.4. Some information can be disclosed. This includes the fact that a person is enrolled, or has been enrolled at the Polytechnic, or employed as a staff member, or has been employed as a staff member. As these matters are not private, no special permission is required to make this simple disclosure to a third party, but all other personal information is protected.
- 1.5. The names of Council Members, Leadership Team, Managers, Heads of School, Programme Managers and staff are public information and are available on the Polytechnic web site. However, private information such as private addresses cannot be disclosed.

2. Requests from Specific Agencies

- 2.1. The Polytechnic collects and stores personal information about students from the enrolment process to comply with the requirements of the Polytechnic in regards to the programmes and courses in which students enrol as well as to meet the requirements of the Tertiary Education Commission (funding and student statistical returns), and the Ministry of Social Development (confirmation of enrolment and academic outcomes).
- 2.2. Also, when required by statute, the Polytechnic releases information to Government agencies such as NZQA, Audit New Zealand, Skill New Zealand, Industry Training Organisations, Industry licensing and registration bodies, other tertiary institutions and providers of work experience for students in courses, the New Zealand Police, Ministry of Justice, Ministry of Social Development and the Accident Compensation Corporation (ACC).
- 2.3. In such cases, requests for personal information can be disclosed providing the information is held and is clearly related to the purpose for which the information was collected.

3. Other Requests

- 3.1. Requests are received from other agencies from time to time and usually these come with a statement that the individual has authorised the request, or a clear statement indicating the enquirer has a statutory right to the information.
 - 3.1.1. In cases where a School regularly receives standard requests for information from a particular agency not covered by clause 2.2, the Privacy Officer may agree a standard procedure with the relevant School for dealing with such requests, without the need for referral of each individual request to the Privacy Officer.

- 3.2. In any other cases the enquiry should be accepted, but NOT answered immediately. The relevant details including name, organisation, role or position within that organisation and contact details should be obtained, as well as the details and reason for the request. The information can then be collated and further advice sought from the Privacy Officer.
4. **Requests for Addresses or Other Means of Contact**
- 4.1. From time to time, requests are received from parents, relatives, friends and others wanting to get in touch with staff or students. Addresses and other contact details should NOT be disclosed except in emergencies as indicated below. Staff contact details are available on the web and intranet and these can be provided, however student details are private and some students have good reasons for keeping their contact details private. Not all such requests are innocent or well intentioned, for example a company wishing to market to individuals in a personal manner by using their private information.
- 4.2. General enquiries for staff can be dealt with by providing the relevant details available on the public web site. Other general enquiries should be politely declined with a brief explanation that "*Otago Polytechnic Privacy Policy protects the information requested from being disclosed.*"
- 4.3. Specific enquiries from parents, relatives, or friends can be handled by offering to deliver a message to the person concerned and asking the student or staff member to contact the person concerned. This can be done by obtaining the contact details of the enquirer and forwarding these to the person concerned.
5. **Emergency Messages**
- 5.1. In a "genuine emergency", messages should be relayed as soon as possible through a senior member of staff such as the Head of School or Programme Manager, or a staff member's manager.
6. **Requests from Parents/Caregivers and Employees' Progress Reports**
- 6.1. Parents and employers have no special right to a child or employee's personal information; this is irrespective of the fact that they may have paid fees or allowed time off employment to study. In these cases, every effort should be made to persuade parents and children and employees and employers to deal directly with each other. If that is not possible, the student's authorisation can be sought either by the parent/employer or by Otago Polytechnic. This should be discussed with the Privacy Officer.
7. **Student Results**
- 7.1. Student attendance records, grades, marks, assessments and results are personal information. Care must be taken to ensure these are communicated only to the person concerned, unless there is explicit written authority to disclose them to an authorised party or there is a clear statutory requirement to disclose the information, for example providing results to NZQA. All requests must be in writing and should be actioned by Registry. The request should be in writing and, if it is from an agency other than those noted in section 2 above, the request should be accompanied by authorisation from the student. All requests will be processed as a Results Notice or an Academic Transcript. Charges will apply for the processing of these requests. Currently these charges are \$25.00 for an academic transcript. Refer also to policy AP1008 Student Results.

- 7.2. Display of results is to be avoided as students can access their results through the student portal of the student management system. Any results display must have:
- no names or easily identifiable references such as full student ID numbers, AND
 - a private PIN number such as part of the student ID, AND
 - the order of the results is altered so as not to be in alphabetical order

Note that published work, such as theses, is in the public domain.

- 7.3. Moderation of Results
- Where materials are chosen for moderation purposes, any identifying information should be removed before copying and using the materials, unless the identity of the student is required for the purpose undertaken.

8. Police Requests

8.1. Requests for personal information from the Police should be referred to the Privacy Officer in the first instance, or the Director: People and Culture, or Director: Quality Services. Information privacy principles apply to requests from the Police except in certain circumstances such as the investigation, prevention, detection or prosecution of an offence against the law.

- 8.2. While every endeavour is made to cooperate with the Police when they ask to contact a student or staff member on campus, the following principles must be followed:
- The prior approval of the Privacy Officer or a Leadership Team member is required for a student or staff member to be interviewed on Otago Polytechnic premises.
 - Any person being interviewed has the right to be accompanied by another person including a lawyer or student support person such as an OPSA representative if s/he wants that support.
 - Should a Police Officer wish to interview or discuss a matter with a student or staff member, this should be done in a private room. A staff member should discretely ask the student to accompany them from the class/office/premises to a suitable venue to meet with the Police Officer.

Referral Documents

"Privacy and CCTV A guide to the Privacy Act for businesses, agencies and organisations" Office of the Privacy Commissioner, 2009

Otago Polytechnic policies:

- MP0318 Requests for Official Information
- AP1008 Student Results
- AP0900 Assessment
- MP0101 Records Retention and Disposal

Appendix One: Legislation fact sheet

Appendix Two: Permission form enrolment/assessment information to third party

Appendix Three: Media Consent Form

Delegation of Procedures

Privacy Officer – Chief Operating Officer

Approved by Chief Executive
Date: 1 June 2017



Legislation Fact Sheet		 OTAGO POLYTECHNIC Te Kura Matatini ki Otago	
Privacy Act 1993			
Date/Version	August 2013 Version 2		
Area	Use of Information		
On Line Act	http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html		
Related Legislation	Official Information Act 1982 Unsolicited Electronic Messages Act 2007		

1 Summary of Legislation

The Privacy Act 1993 concerns personal information which has been gathered by an organisation such as Otago Polytechnic, and the Act sets out principles guiding how that information can be stored, used, disclosed and corrected.

Definitions

Personal information is defined as information about an identifiable individual; and includes information relating to a death that is maintained by the Registrar-General pursuant to the Births, Deaths, and Marriages Registration Act 1995, or any former Act.

Agency is defined as any person or body of persons, whether corporate or unincorporated, and whether in the public sector or the private sector; and, for the avoidance of doubt, includes a Department.

Privacy Principles

1.1 Collection

- 1.1.1 Personal information should be only be collected where necessary for the function of an agency and only for a lawful purpose related to that function. (Principle 1).
- 1.1.2 The information should be collected from the individual concerned, except as allowed in the Act (Principle 2, clause 2). Exceptions include the situation where an individual authorises collection of their information from someone else, or where the information being collected will not be used in a form in which the individual could be identified.
- 1.1.3 An agency should tell an individual why their information is being collected, and advise the individual about the extent to which, and manner in which, he or she can access or request changes to that information from the agency. This would not be necessary where the information being collected will not be used in a form in which the individual could be identified.

1.2 Storage and Use

- 1.2.1 An agency should store personal information securely and protect it against misuse, or unauthorised use or disclosure.
- 1.2.2 An agency should only keep personal information for as long as required to achieve the purpose for which it was collected.
- 1.2.3 An agency should not use personal information for a purpose other than its original, stated purpose of collection unless, for example, it will be used in a form in which the individual concerned is not identified, or the information is in a publicly available publication, or for purposes of maintaining or enforcing the law. (Principle 10).



1.3 Access and Correction

- 1.3.1 An individual can request access to information about himself/herself which is held by an agency. An agency can refuse a request for access in some situations (sections 27 – 32), in particular where an evaluation of an individual has been made in an employment context, or where the requested information is not readily retrievable.
- 1.3.2 An individual can ask for information held about himself/herself to be corrected. Where an agency declines to correct information the individual can ask for, and the agency is required to make, a note attached to the information recording the request.

1.4 Disclosure

- 1.4.1 An agency should, in general, only disclose collected personal information in order to fulfil the purpose of its collection. However, it may disclose personal information if, for example, disclosure is to the person concerned, or the information is publicly available, or the person has authorised disclosure to someone else, or to prevent or lessen a serious and imminent threat to someone's life or health. (Privacy Principle 11).

2 Risks of Failure to Comply

- 2.1 Complaints can be made to the Privacy Commissioner.
- 2.2 A case can be taken to the Human Rights Review Tribunal, either by recommendation of the Privacy Commissioner or by aggrieved individuals, and damages awarded against Otago Polytechnic.
- 2.3 Negative publicity for the Polytechnic via word of mouth or media.

3 Implications for Otago Polytechnic Processes

- 3.1 Staff who collect and handle personal information of students or staff should receive appropriate training in the application of the privacy principles contained in the Act.
- 3.2 The Polytechnic should inform students and staff about the processes around personal information within the organisation, including the proposed use of any collected information.
- 3.3 The Polytechnic should have a designated Privacy officer or officers who will promote the information privacy principles and deal with any requests for disclosure of personal information or issues around this area within the Polytechnic.

4 Resources at Otago Polytechnic

- 4.1 The Privacy Officer is Philip Cullen, Chief Operating Officer. Requests for disclosure of personal information or issues around this area should be referred to him.
- 4.2 The enrolment form outlines the processes around personal information for students, and by signing the form students confirm that they have been informed of those processes.

5 Relationship to Other Legislation

- 5.1 Where an agency holds personal information, this information is also official information, as defined in the Official Information Act 1982. That Act, however, is intended to allow public access to different sorts of information other than personal information and the Official Information Act requires that any request for personal information made by an individual be treated in accordance with the Privacy Act.
- 5.2 The Unsolicited Electronic Messages Act 2007 sets out regulations around commercial electronic messages. Messages sent by Otago Polytechnic (and any other government body) about goods or services offered or supplied are exempt from the regulations of the Act. The boundaries for emailing students or staff would be drawn from the Privacy Act.





Appendix 2

[School]
Forth Street, Private Bag 1910, Dunedin 9054, New Zealand
Freephone 0800 762 786
Telephone +64 3 477 3014
Email info@op.ac.nz
www.otagopolytechnic.ac.nz

Please return this form to:

[School]
Otago Polytechnic
Private Bag 1910
Dunedin 9054

Student Name:

Address:

Telephone:

Permission to discuss/divulge information on student enrolments and /or assessments to a third party (i.e. not the individual student)

I (Student Name): _____ hereby give my permission to discuss my enrolments and/or assessments and/or course progress (please cross out as appropriate) with the named third party.

I acknowledge without my specific written permission the [School] is not at liberty to discuss any of the above.

Student signature: _____

Course: _____

Date: _____

Full Name of Third Party/ies

Parent: _____

Employer: _____

Other: _____

Please print clearly

This form will be kept for administration purposes in the student folder and will only be relevant for the year of enrolment during which this form was completed.





OTAGO
POLYTECHNIC
To Give More to Otago

Media Consent Form.

Marketing's Copy (Please Return to Marketing)

> Marketing, Communications and Customer Relations

Thank you for agreeing to participate in future promotions of Otago Polytechnic. We would appreciate you completing this form as an indication that you understand the purposes for which your image/statements will be used.

I give permission for Otago Polytechnic to use my photo, artwork, name, and/or profile for promotional purposes, in a promotional video/CDRom, the domestic and international prospectuses, fliers, the part-time course guides, the world wide web and in any other media items aimed at promoting Otago Polytechnic, Polytechnic education and New Zealand as an educational destination, for a period of five years, unless otherwise stated.

Otago Polytechnic will always use discretion when using video footage, my photo, artwork and/or profile and will not use it to discredit me in any way.

I understand that I have the right to update or delete my file at any time. Once this request is made, it will be applicable to all future productions – all existing promotions will be continued to be used. All requests should be made in writing to:

*Marketing, Communications and Customer Relations
Otago Polytechnic – Freepost, Private Bag 1010, Dunedin*

I have the approval of my employer to invoke their name in promotional material for Otago Polytechnic (if applicable).

Participants who are under 18 years of age must produce evidence of consent by their parent or guardian in accepting the above release.

Name: _____

Area of Study: _____

Address: _____

Phone: _____ (Term-Time)

_____ (Permanent)

Email: _____

Signed: _____

Date: _____

MARKETING'S COPY



Media Consent Form.

Participant's Copy (Participant to Keep)

> Marketing, Communications and Customer Relations

Thank you for agreeing to participate in future promotions of Otago Polytechnic. We would appreciate you completing this form as an indication that you understand the purposes for which your image/statements will be used.

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Name: _____

Area of Study: _____

Address: _____

Phone: _____ (Term-Time)

_____ (Permanent)

Email: _____

Signed: _____

Date: _____

PARTICIPANT'S COPY

