

4.1.3 CLI03: Privacy and Confidentiality Policy

PURPOSE

This policy is to provide guidelines for Ola le Ola Aotearoa to follow to protect the personal information of its clients and adhere to the principles of the Privacy Act 2020. We respect a person's right to privacy and this policy proceeds to set out how personal information will be collected, used, disclosed, and protected. This policy does not limit or exclude any rights under the Privacy Act 2020.

SCOPE

This policy applies to and must be adhered to by all Ola le Ola Aotearoa staff. For the purposes of this policy "staff" includes trustees, employees, contractors, volunteers, or student placements.

CORE POLICY

Staff must always maintain the confidentiality of personal information of any person in our service whether that personal information is written, electronic or verbal irrespective of the source.

Ola le Ola Aotearoa will assign a Senior Manager to act as the Privacy Officer on behalf of the organisation.

Conflicts of Interest

Staff must declare any conflicts of interest or relationships with clients to their direct Manager. Conflicts of interests must be recorded in the Conflicts of Interest Register and notified to Senior Management. If required senior management may determine it is appropriate to remove this staff access to certain folders or data or any other measures that are considered as appropriate to the circumstances.

Where a conflict of interest has been declared by an individual worker in respect of a client or other person for whom we hold personal information, access will be restricted by that staff to the client's files.

Collecting Personal Information (directly)

Before collecting any information, inform the client what is to be collected, the reason it is being collected, where the record will be held and who may access it.

- Document all client information in the electronic client management system.
- Record current client emergency contacts.
- Ensure that any information is discussed in a private space.
- Where possible, record the information in collaboration with the client, using their own words and identifying this with quotation marks.
- Consider the cultural values of the client when collecting information from them.
- Collect information directly from the client, only collecting information from a third party with the permission of the client or if information from another agency would aid the quality of the service or is necessary for the safety of another person.
- Ask the client if they wish to have a copy of any assessment, plan or review and print if they do.

- Record information correctly in the client management system within 24 hours of all client contact, writing in the third person with objective and relevant observations only, noting both the date and time of the visit and the date and time the note was written.
- Explain to each client that they have the right to refuse being taped, videoed or photographed.
- If entering any information in a client record from an unsolicited third party, document the source of that information.

Collecting Personal Information (Indirectly)

In most cases we collect information directly from the client. However, we may also collect your personal information from third parties. These sources may include Ministry of Social Development, Ministry of Cities, Environment, Regions & Transport (Previously, Ministry of Housing & Urban Development), Oranga Tamariki, Kainga Ora, healthcare providers, educational institutions, referral partners and family or community members.

Information collected indirectly is used strictly for service eligibility and/or service delivery.

To comply with the IPP3A of the Privacy Amendment Act 2025, we will make reasonable steps to notify the client if we have collected personal information indirectly, (unless the exception applies), and why, by

- Letting them know the information has been collected
- The purpose of the collection
- The intended recipients of the information
- The name and address of the agency that is collecting and the agency that holds the information
- If the collection is authorised or required by law, which law, and
- The client's rights of access to and correction of their information

Exceptions to issuing the IPP3A notice under the Privacy Amendment Act 2025.

- The client has already been made aware of the collection or has authorised it
- The information is collected from a publicly available publication.
- Notification would not prejudice the interests of the individual concerned
- Notification would prejudice a law enforcement investigation
- Notification would jeopardize personal safety, health & safety to public or safety of another person
- Notifying the individual is not reasonably practicable in the specific circumstances
- The information would not be used in a way that could identify the individual

Safe Keeping of Personal Information

Ola le Ola Aotearoa will take all reasonable steps to keep the personal information of clients safe from loss, unauthorised activity, or other misuse.

The following procedures should be taken when storing or maintaining client personal information:

- Client personal information will be stored in a secure place.
- Electronic client records will be protected with a confidential password that is not shared with others, using automatic screen savers, logging off the system when not in use and keeping laptops secure.

- Client information that needs disposing of such as forms or handwritten notes will be shredded or placed in an authorised secure bin.

Using or Disclosing Personal Information

Third party agencies may request certain personal information about a client. We will ensure that the proper procedures are followed so we do not breach the rights of our clients to privacy.

The following guidelines and procedures should be taken when dealing with personal information:

- Accessing client records is only permitted if there is a proper purpose to do so.
- Never include or attach client details to emails (with exception of funder reports and financial transactions). If you do attach clients' details to an email, password protect the document and send the password separately.
- Use tenant initials rather than names or numbers when emailing clients information either internally or externally.
- Never delete any previous entry in client records.
- When using a funder's record management system, meet the funder's privacy requirements for recording client information.
- Ensure there is no unauthorised access to client records.

The following guidelines and procedures should be taken when intending to disclose any Personal Information:

- Ensure the client is informed if a request for their record has been made by a third party and we have approved that request.

Consent to Share Information

All information Ola le Ola Aotearoa collects about you is confidential. We have systems in place to ensure that your records are safe and only authorised people have access to the information. We can only ask you about things that contribute to the support we provide you.

To provide you with a safe and seamless service there may be times we need to share information with people that provide other services to you. These include government or non-government agencies, health professionals or other people may require some information about you, or you may allow them to be informed of specific information. When you enter our services, you will be asked to give your consent to share information and to whom.

Staff Professional Development

We will provide training to staff on confidentiality, privacy of information including the Privacy Act 2020, and our client management systems within three months of commencing employment. Management is responsible for arranging this training as part of staff induction.

Access Requests

Staff must inform the Privacy Officer and/or the relevant Senior Manager if a client wants access to their personal information.

Senior Management must ensure that any request by a client for a correction to their record is acted on, or completed, or that, if not made, a statement to this effect is attached to the

file and the client is informed. Where requested information is withheld, it is the responsibility of a Senior Manager to inform that person of the reason under the legislation for withholding the information and that they have a right to make a complaint to the Privacy Commissioner.

Privacy Breaches

Staff must immediately inform the Privacy Officer and/or relevant Senior Manager if there has been a breach of this privacy policy including any unauthorised access to, or disclosure of, personal information.

A privacy breach is a serious incident with significant implications. Senior Management is responsible for managing any breach of privacy. Should Senior Management be informed of a privacy breach, the relevant Senior Manager must:

- Record the details of the incident into the relevant form (Privacy Breach Incident Form) and inform the Privacy Officer.
- Inform the client of the nature and extent of the data breach (to the extent that it pertains to their data) and of their right to make a complaint to the Privacy Commissioner.

File Management and Audits

Senior Management are responsible for the following audit and file management matters:

- Managers conduct regular file audits to ensure that client personal information is up to date i.e., phone numbers.
- Maintain a comprehensive electronic management system for the recording of all client information.
- Maintain a register of all declared conflicts of interest/ relationships between staff and client.
- Ensure archived files are held for 7 years with controlled physical destruction of the record after this date or returned to the client.

Privacy Officer

Senior Management is responsible for appointing a Privacy Officer and ensuring that they receive appropriate training.

The Privacy Officer is responsible for dealing with privacy matters of the organisation and their responsibilities include the following matters:

- To be familiar with the privacy principles in the Privacy Act 2020.
- To work to make sure the organisation complies with the Privacy Act 2020.
- Deal with any complaints from clients about possible privacy breaches.
- Deal with requests for access to, or correction of personal information.
- Act as the organisation's liaison, if required, with the Privacy Commission.

Specific responsibilities of the Privacy Officer include the following:

- Approve and log any requests for client information, confirming the identity of the client or, for a third-party request, the legislative authority of the agency.
- Arrange for the requested information (but no additional information) to be received by the client or the third party within 20 working days of the request.

- Report a privacy breach that has caused serious harm to the victim to the Office of the Privacy Commission. Threshold for a notifiable breach can be assessed by considering, the sensitivity of the information lost, actions taken to reduce the risk of harm, the nature of the harm that could arise, and any other relevant matters.
- Where there appears to be legal grounds to withhold the requested information, refer the request to Senior Management.
- Approve and arrange for the retrieval of any client's files from archives.
- If personal information has been requested by a third party (i.e., third party agency or social service provider) under the Family Violence Act, review whether the request for information meets the purposes set out in the legislation and, with consent of the client if safe and practicable to obtain, consider sharing relevant and accurate information, recording that this has occurred.
- Review whether a request for information from Oranga Tamariki or Police relates to the safety or well-being of a person under 18 years, check the accuracy and relevance of the information requested, and supply this information unless legal privilege applies, recording that this has occurred.
- If necessary, seek legal advice on whether the request is a mandatory requirement and whether the child/young person must be consulted (unless it is not safe to do so).