

Privacy Policy

| Policy details | |
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| Policy owner | Chief Executive |
| Policy administrator | Privacy Officer |
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| Related policies and legislation | Privacy Act 2020 Data Protection and Use Policy Official Information Act 1981 Standards of Integrity and Conduct Disclosure of Conflicts of Interest Acceptable ITC Use Policies Accessing Personal Claim Information Policy Record Management Standard General Data Protection Regulation (GDPR) |

Introduction

The Privacy Act 2020 promotes and protects individual privacy. It governs how we collect, use, give access to, store, and disclose personal information.

The Earthquake Commission (EQC) Act 1993 sets out the purposes for which EQC can collect information, including:

- in EQC’s administration of the EQC Act 1993;
- performing of its functions; and
- facilitating natural disaster preparedness, response and recovery (including settlement of insurance claims by insurance companies).

The Data Protection and Use Policy (DPUP) was developed by the Social Wellbeing Agency, through a process of engagement and collaboration with the wider social sector. It is about building good

relationships between those who provide their data or information, and those who collect it and use it.

The DPUP sets expectations about respectful, transparent and trustworthy collection and use of data and information about people, whanau and communities in the social sector (whether it can identify people or not).

The DPUP will help EQC:

- use data and information in the most respectful, transparent and trustworthy way;
- use it to grow our knowledge about how to best support New Zealanders wellbeing;
- build trust with EQC service users in how Toka Tū Ake EQC cares for their information

This policy details the standards Toka Tū Ake EQC expects for the management of personal information.

Our Values

Ka mahia tātou I te mea tika | We do the right thing

This policy provides guidance on doing the right thing with personal information.

Ka pai kē atu ngātahi tātou | We are better together

This policy recognises the need to properly share information with others in order to manage people's interests and to get the best value out of the information we hold.

Ka ako tonu tātou | We are always learning

This policy reflects changes to expectations around privacy and includes a timeframe for periodically reviewing its usefulness and appropriateness.

Ka ako tonu tātou | We make a difference for people

EQC uses personal information to help people recover from natural disasters, to develop our understanding of the effects of natural disasters and to manage staff.

Applies to

This policy applies to Toka Tū Ake EQC Board and Staff. For the purposes of this policy, staff is defined as permanent, fixed term and casual EQC employees as well as secondees, contractors, consultants, temporary agency staff, service providers, suppliers and agents.

Definitions and Terms

Personal Information is “information about an identifiable individual”, it includes any information in physical or electronic form and includes any personal information held by Toka Tū Ake EQC about any individual, including staff members (whether past, current, or prospective if their information is retained in employment records).

An **Individual** is a natural person other than a deceased person.

A **Privacy Incident** is a privacy breach or a near miss.

A **Privacy breach** is where there has been unauthorised or accidental access to personal information, or disclosure, alteration, loss, or destruction of personal information. It can also include a situation where a business or organisation is stopped from accessing information – either on a temporary or permanent basis.

A **Near miss** is a situation where there was potential for a privacy breach to occur however one did not occur.

Evaluative material is information that has been specifically obtained to:

- Determine whether someone should be employed, promoted, removed from employment, or
- Determine whether to give or cancel an award, scholarship, honour, contract or benefit, or
- To decide whether to insure someone or renew an insurance policy.

Our Approach

This Privacy Policy sets out the standards Toka Tū Ake EQC expects for the collection, use, access to, storage, and disposal of personal information we hold..

The Privacy Policy incorporates the Principles and Guidelines set out in the Data Protection Use Policy.

Responsibilities

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| <p>All Toka Tū Ake EQC workers</p> | <ul style="list-style-type: none"> • Responsible for maintaining best privacy practice in line with the Privacy Act, EQC Act and this policy • Reporting all privacy incidents to the Risk and Compliance team • Provide assistance (where requested) to the Risk and Compliance team or Privacy Officer in relation to preventing, reporting and / or responding to a privacy incident • Completing mandatory privacy online learning modules • Completing Privacy Impact Assessments and Privacy Threshold Analyses (where appropriate) |
| <p>All people leaders</p> | <ul style="list-style-type: none"> • assessing privacy risk within their team • evaluating the effectiveness of controls intended to ensure privacy risks are managed • ensuring staff are aware of this policy (and associated guidelines and procedures) and are allocated time to complete privacy training • ensuring privacy incidents escalated to them are reported to the Risk and Compliance team • ensuring staff are aware of the requirement to complete Privacy Impact Assessments and Privacy Threshold Analyses • Tier 3 people leaders only, sign off on Privacy Impact Assessments and Privacy Threshold Analyses |
| <p>Privacy Officer</p> | <ul style="list-style-type: none"> • ensuring that EQC complies with the Privacy Act 2020 and this policy • maintaining and updating this policy • responding to privacy complaints • ensuring processes are in place to respond to information privacy requests • working with the Privacy Commissioner during any investigation of a privacy complaint or breach |

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|---------------------------------|--|
| | <ul style="list-style-type: none"> • advising on and approve Privacy Impact Assessments and Privacy Threshold Analyses • monitoring compliance with this policy and any relevant legislation • making decisions on notifying privacy breaches which have caused, or may cause, serious harm, to the Office of the Privacy Commissioner and affected individuals |
| <p>Risk and Compliance team</p> | <ul style="list-style-type: none"> • maintaining a register of privacy incidents reported • providing reporting to the Executive Leadership Team (ELT) and the Audit and Risk Committee on privacy incidents • maintaining and updating mandatory online training modules • providing advice and guidance to all staff on privacy matters • advise on and review Privacy Impact Assessments and Privacy Threshold Analyses • any other responsibilities delegated by the Privacy Officer |
| <p>Chief Executive</p> | <ul style="list-style-type: none"> • own this policy • models best privacy practices and ensure privacy is core to all aspects of organisational culture • promote a privacy centric culture and set the right tone at the top • communicate the importance of privacy within Toka Tū Ake EQC • make decisions on notifying privacy breaches which don't meet the threshold of serious harm to the Office of the Privacy Commissioner and affected individuals |

Privacy Principles

Collection

Toka Tū Ake EQC **collects personal information for the purpose of administering the EQC Act, performing its functions, and facilitating natural disaster preparedness, response or recovery (including the settlement of claims by insurance companies).**

When we collect information for one of these purposes it is taken to have been collected for all of these purposes and, if it is *property-related information* (*property-related information* means information about property, including information about natural disaster damage to the property and any claims made under the EQC Act 1993 in relation to the property), for the purpose of making this information available in the interests of the public.

Toka Tū Ake EQC collects and uses staff personal information for the purposes of employing, managing and monitoring staff performance and adherence to employment agreements and contracts.

Toka Tū Ake EQC will only collect personal information which identifies an individual when it is necessary for the purpose that information is being collected.

Personal information will be collected directly from the individual concerned

There are certain instances where Toka Tū Ake EQC may collect information from other sources, for example where:

- information is obtained from publicly available registers or sources.
- the individual concerned authorises collection of the information from someone else.
- it is not reasonably practicable in the circumstances to collect the personal information directly from the individual concerned.
- it is necessary to avoid prejudice to the prevention, detection, investigation, prosecution and punishment of crimes and/other prohibited activities.
- collection from the individual would prejudice the purposes of the collection.
- it is authorised by the Privacy Commissioner.

When Toka Tū Ake EQC collects personal information, the individual should consent to the information being collected and should know the purpose for its collection.

Where possible the individual should be advised of the intended recipients of the information and, if applicable, any consequences of not providing the information requested.

The individual should also be informed of their rights to access and request correction of that information. Where relevant, individuals should also be informed if the collection is authorised or required by law, and any consequences if the information is not provided.

Toka Tū Ake EQC will not collect information unlawfully.

Information will not be collected:

- By unlawful means;
- By means that in the circumstances (particularly when information is being collected from children or young people):
 - Are “unfair”; or
 - Intrude to an unreasonable extent upon the personal affairs of the individual concerned.

For example:

- when conducting reference checks as part of the recruitment and selection process, the person must be informed that these checks will be done and their consent obtained.

Storage and security

Toka Tū Ake EQC stores personal information securely to prevent loss, unauthorised access, use, modification or disclosure or other misuse.

This applies to any personal information in any format and to any device containing or enabling access to personal information we hold, e.g. laptops, iPads, smart phones, electronic and paper files.

If it is necessary for the personal information to be given to any third party providing a service, Toka Tū Ake EQC, will do everything reasonably within its power to ensure that information will be stored securely in order to prevent unauthorised use or unauthorised disclosure of the information. This

may be ensured though including a clause in the contract between Toka Tū Ake EQC and the third party in relation to information security.

Access

Toka Tū Ake EQC will provide individuals access to their personal information.

Any individual can request access to their personal information held by Toka Tū Ake EQC. We will provide access, subject to any exceptions provided by legislation, within the legislated timeframe. To facilitate this staff will follow internal process for providing access to personal information, which may include verifying the identity of the requestor.

Correction

An individual may request correction of personal information that is incorrect.

Where the information is found to be incorrect or misleading, Toka Tū Ake EQC must take reasonable steps to correct the information (having regard to the purposes for which the information can be lawfully used) to ensure that it is accurate, up to date, complete and not misleading. Toka Tū Ake EQC must inform the individual of these steps and make a record of the individual's request to have their personal information corrected. Response to the correction request must be held by the team responsible for providing access to the personal information.

Where Toka Tū Ake EQC is not willing to correct the information, we must take reasonable steps to attach to the information, in such a manner that it will always be read with the information, any statement provided by that individual of the correction sought, and the customer informed accordingly.

Accuracy

Toka Tū Ake EQC will take reasonable steps to ensure that personal information is accurate before using it (having regard to the purpose for which the information is proposed to be used).

Staff will ensure that the personal information is accurate, up to date, complete, relevant, and not misleading.

Time limits

Tokā Tū Ake EQC will not keep personal information for longer than is required for the purposes for which the information may lawfully be used.

Tokā Tū Ake EQC is required to maintain certain information for specified periods of time before disposing it in accordance with the approved retention and disposal schedule authorised by the Chief Archivist. For example, all claims for natural disaster events must be held for at least 10 years before being transferred to Archives NZ. Further information on these requirements can be found in the [Records Management Standard](#).

Use

Tokā Tū Ake EQC will use personal information only for the purpose it was collected or as permitted by law.

Tokā Tū Ake EQC will obtain the consent of the individual to use their personal information for a purpose other than the purpose for which the information was collected, unless the proposed purpose is directly related to the purpose for which the information was collected.

Where personal information is collected for the purpose of assessing and settling a claim for natural disaster damage under the EQC Act 1993, this information can be used by any agents employed by Tokā Tū Ake EQC in the course of assessing and settling that claim.

Disclosure

Personal information will not be disclosed to any third party unless one of the following exceptions applies:

- disclosure is one of the purposes for which the information was collected;
- disclosure is to, or authorised by, the individual concerned;
- disclosure is necessary to prevent or lessen a serious and imminent threat to public health and safety or the life and health of an individual;
- disclosure is necessary for the maintenance of the law.

Intentional disclosure of an individual's personal information to a third party without reasonable grounds for believing that an exception applies may be treated as serious misconduct.

Where Toka Tū Ake EQC enables a third party to access any personal information it holds, unless it is necessary for the purpose the third party is provided access for and where it is reasonably practicable to do so, access should be provided to information in a form that does not enable the identification of an individual.

Disclosure outside of New Zealand

Personal information disclosed to overseas agencies is provided the same protections as it would be in New Zealand.

Information may be disclosed to overseas agencies if:

- the agency is carrying on business in New Zealand and is subject to the Privacy Act 2020; or
- the agency is subject to privacy laws that, overall, provide comparable safeguards to those in the Privacy Act 2020; or
- the agency is a participant in a prescribed binding scheme; or
- the agency is subject to privacy laws of a prescribed country; or
- Toka Tū Ake EQC ensures that the agency is required under contractual agreement to protect the information in a way that, overall, provides comparable safeguards to those in the Privacy Act 2020.

Unique Identifiers

Toka Tū Ake EQC uses unique identifiers for the purpose they were collected and takes reasonable steps to minimise the risk of misuse.

Toka Tū Ake EQC does not assign individuals unique identifiers as part of its business activities. We will not require disclosure of a unique identifier assigned by another agency, unless it is in connection with the purpose the unique identifier was assigned, for example collection of IRD numbers for tax purposes.

When unique identifiers are collected Toka Tū Ake EQC will take steps to ensure these identifiers are protected from misuse and stored securely.

Data Protection Use Policy (DPUP)

The DPUP describes values and behaviours that, when applied across Toka Tū Ake EQC, build trust and help to ensure that data practices are focused on the wellbeing of customers and the wider community. These values and behaviours are represented as five Principles that have people and their wellbeing at the centre.

The Five Principles

He tāngata – Focus on improving people’s lives – individuals, children and young people, whānau, iwi and communities.

Manaakitanga - Respect and uphold the mana and dignity of the people, whānau, communities or groups who share their data or information

Mana whahahaere - Empower people by giving them choice and enabling their access to, and use of, their data and information

Kaitiakitanga - Act as a steward (a Kaitiaki) in a way that is understood and trusted by New Zealanders

Mahitahitanga - Work as equals to create and share valuable knowledge

The DPUP provides good practice guidelines on how to uphold these Principles in four key areas. The Guidelines help EQC to understand and apply the Privacy Act in relation to these activities.

The Four Guidelines

Purpose Matters – Be clear about the purpose of collecting or using people’s information. Collect only what is needed.

Transparency and Choice – Be transparent and help people understand why their information is needed and what happens with it.

Access to Information – Be proactive about supporting people to understand what information is held about them. Their rights to access it and ask for corrections to be made. Look for ways to make it easy and safe for customers .

Sharing Value – Work together, collaborate to make sure the best information is used in the most respectful and helpful way. Share insights across the public sector to help grow knowledge and support wellbeing.

Use of new technologies

When implementing new technologies such as Artificial Intelligence, automated decision making, and biometrics, Toka Tū Ake EQC will follow the Office of the Privacy Commissioner’s best practice guidance (including completing a Privacy Impact Assessment and consulting with impacted communities and groups).

Privacy Officer

Toka Tū Ake EQC will appoint an employee with the appropriate knowledge and skills to hold the position of Privacy Officer.

The Privacy Officer can provide support and respond to complaints about privacy related matters.

The Privacy Officer can be contacted via:

Privacy Officer

Toka Tū Ake EQC

PO Box 790

Wellington 6140

privacy@eqc.govt.nz

Agents and Third Parties

Where Toka Tū Ake EQC engages a third party to act on its behalf, and this requires the collection, storage, use, or disclosure of personal information, we will take all reasonable steps to ensure its agent will collect, store, use and disclose of personal information in accordance with the Privacy Act 2020 and this policy.

Where Toka Tū Ake EQC enables a third party to access any personal information we hold, Toka Tū Ake EQC will take all reasonable steps to ensure the third party will use, store, and disclose of personal information in accordance with the Privacy Act 2020 and this policy.

Release of Claims Information for Research Purposes

Toka Tū Ake EQC recognises that damage data collected for claims settlement purposes may be of considerable importance for New Zealand in advancing our hazard mitigation and resilience assessments and in loss projections for future events.

Where Toka Tū Ake EQC makes a decision to use information that was obtained in connection with one purpose for statistical or research purposes, it must ensure that the information:

is used only for those statistical or research purposes; and

will not be published in a form that could reasonably be expected to identify the individual.

Privacy Impact Assessment

A Privacy Impact Assessment (PIA) is a process that is used to identify, assess, manage, and monitor privacy issues whenever a programme, project, initiative, system, process, or business change is being undertaken. At Toka Tū Ake EQC this process should commence during preparation work for all programme, project, initiative, system, process, or business changes.

A Privacy Threshold Analysis (PTA) is the first step in the Privacy Assessment Process and is used to assess and document the level of change or impact a programme, project, initiative, system, process, or business change will have on personal information,

Overlap with the Official Information Act

Personal information held by Toka Tū Ake EQC may also be “official information” under the Official Information Act 1982 (the OIA).

Identifying which Act covers a request will be important for determining what withholding grounds are relevant. Generally the OIA prevails over the Privacy Act 2020 when third parties ask for personal information held by Toka Tū Ake EQC. The OIA, in turn, may permit the withholding of the information on the grounds of privacy, or on other grounds.

The OIA is premised on the disclosure of information unless one of the grounds for withholding exists. However, the Privacy Act 2020 is premised on the non-disclosure of personal information unless an exception applies.

Complaints

An individual may make a complaint to the Toka Tū Ake EQC Privacy Officer if they consider that there has been an interference with their privacy because EQC has improperly collected, held, used or disclosed their personal information

The Privacy Officer will investigate any complaint and coordinate a response. Complaints will be resolved internally, via the Privacy Officer, wherever possible, and in line with the Privacy Complaints Procedure.

An individual may make a complaint to the Privacy Commissioner where our actions have, or appear to have, interfered with the privacy of an individual and we have been unable to resolve their dispute.

The Toka Tū Ake EQC Privacy Officer will liaise with the Office of the Privacy Commissioner and all staff must cooperate with an investigation by the Privacy Commissioner into a complaint.

Privacy Incidents

Toka Tū Ake EQC promotes a 'no blame' culture where the identification and reporting of potential incidents, and their active management, are encouraged.

The EQC Privacy Incident Guidelines must be followed where a privacy breach or 'near miss' is identified by staff.

All staff must report privacy incidents to the Risk and Compliance team immediately once they are identified.

All staff must cooperate with the Risk and Compliance team and/or Privacy Officer in relation to actions or recommendations which arise from a reported privacy incident.

General Exceptions

This policy cannot be exhaustive and must allow for exceptions; any such exceptions must be referred to the Privacy Officer and authorised by the Chief Executive.

National Emergencies

The Civil Defence National Emergencies (Information Sharing) Code 2020 provides agencies with broader discretion to collect, use and disclose personal information in the rare event of a major disaster that has triggered a state of national emergency.

The code will facilitate the disclosure of personal information to public sector agencies to assist in the government response to a national emergency.

In the event of an information sharing code being in place during a national emergency, the Privacy Officer will circulate guidelines around the collection and sharing of personal information.