

Privacy and Data Protection Procedure

Purpose and Scope

At New Zealand Kindergartens (NZK) we are privy to the private and sensitive information of our team, whānau, volunteers, students, and other business or community organisations we work with. We need to be aware of the opportunity for a data breach by accident or by way of IT hacking. This procedure sets out how we will collect, use, disclose and protect the personal information of others. It also sets out what to do should you suspect that a data breach has taken place.

This procedure applies to the Board, General Managers/Chief Executives (GMs/CEs), staff members (whether permanent, fixed, casual or relieving), contractors, whānau, volunteers, students, and other businesses or community organisations that we work with across the NZK network. The procedure applies at our workplace, at work events (such as offsite training) and outside our workplace (when it is related to our work).

Legislation

NZK complies with the *Privacy Act 2020* and the *Harmful Digital Communications Act 2015* when dealing with personal information. Under the *Privacy Act 2020*, if a business has a privacy breach that either has caused or is likely to cause anyone serious harm, they must notify the Privacy Commissioner and any affected people as soon as they are practically able.

Key Definitions

Personal information is any information about an identifiable individual (a natural person). It may include (without limit) name, address details and personal preferences.

Privacy breaches occur when an organisation or individual either intentionally or accidentally provides unauthorised or accidental access to someone's personal information or discloses, alters, loses, or destroys someone's personal information. A privacy breach also occurs when someone is unable to access their personal information due to, for example, their account being hacked.

Collecting Personal Information

We may collect personal information about you when you provide that information to us directly, including via our website, through our enrollment process, and through any other contact with us through our services. We may also collect information about you from third parties, where you have authorised this, or the information is publicly available. Personal information will not be collected by unlawful, unfair, or unreasonably intrusive means.

Using Personal Information

Depending on your relationship with NZK, we may use your personal information to:

- verify your identity,
- provide services to you,
- engage your services, or employ you,
- market our service to you, including contacting you electronically,
- improve the services that we provide to you,

- invoice you, and to collect money that you owe us, including authorising and processing credit card transactions,
- respond to communications from you, including a complaint,
- conduct research and statistical analysis (on an anonymised basis),
- protect and enforce our legal right and interests, including defending any claim,
- for any other purpose authorised by you or the Act.

Disclosing Personal Information

We may disclose your personal information to:

- another association within the NZK network and other business or community organisations, if it is one of the purposes for which information was collected in the first place,
- any business that supports our services, including any person that hosts or maintains any underlying IT system or data centre that we use to provide the website or other services,
- a credit reference agency for the purpose of credit checking you,
- other third parties (for anonymised statistical information),
- a person who can require us to supply your personal information (e.g., a regulatory authority),
- any other person authorised by the Act or another law (e.g., a law enforcement agency), and
- any other person authorised by you.

A business that supports our services and products may be located outside New Zealand. This may mean your personal information is held and processed outside New Zealand.

Protecting your personal information

We will take reasonable steps to keep your personal information safe from loss, unauthorised activity, modification, or other misuse.

Accessing and Correcting your Personal Information

Subject to certain grounds for refusal set out in the Act, you have the right to access your readily retrievable personal information and to request a correction to your personal information. We will of course, require evidence to confirm that you are the individual to whom the personal information relates.

In respect of a request for correction, if we think the correction is reasonable and we are reasonably able to change the personal information, we will make the correction. If we do not make the correction, we will take reasonable steps to note on the personal information that you requested the correction.

If you want to access or correct your personal information you should contact the GM/CE of the relevant Kindergarten via email, phone or in person.

Internet Use

We take reasonable steps to maintain secure internet connections. However, if you provide us with personal information over the internet, the provision of that information is at your own risk.

If you post your personal information on any application related to NZK, you acknowledge and agree that the information you post is publicly available.



If you follow a link on our website to another site, the owner of that site will have its own privacy procedure relating to your personal information. We suggest you review that site's privacy policy before you provide personal information.

We use cookies (an alphanumeric identifier that we transfer to your computer's hard drive so that we can recognise your browser) to monitor your use of the website. You may disable cookies by changing the settings on your browser, although this may mean that you cannot use all of the features of the website.

Prevention of Data Breaches

We require robust protocols to protect our data and ourselves, and to mitigate the opportunity for a potential breach. The following guidelines set out our expectations and appropriate storage of client data:

- Keep your computer password protected and locked when you step away from it
- Update your passwords regularly (monthly)
- Keep any electronic equipment or paperwork containing data in a secure location
- Ensure paperwork is placed into document destruction bins when no longer needed
- Do not discuss any work matters on social media platforms such as LinkedIn, Instagram, or Facebook Messenger
- Delete inappropriate or spam emails immediately without opening them and ensure security updates are actioned as prompted
- Do not install third party software on any computer or other device without the GM/CE's permission
- Understand that all user accounts are monitored and may be audited at random

Managing Data Breaches

In the event of a data breach the following steps should be taken:

- Notify your Head Teacher or the GM/CE immediately
- If you suspect that our laptop or user account has been compromised disconnect from the company network and/or wi-fi/4G immediately and notify your Head Teacher or the GM/CE
- Call the GM/CE or IT Support Provider regarding the issue to allow them to perform the necessary security checks
- The GM/CE will need to notify the affected parties of the breach and commence an investigation into the breach.
- If it is a serious privacy breach, the GM/CE is obliged to notify the Privacy Commissioner.

Word of Warning

This procedure does not form part of an employee's contract of employment. However, it is important that you understand that a breach of this procedure may result in disciplinary action including but not limited to, termination of your employment. If you want to make a complaint or raise a concern regarding a breach of this procedure, please speak with your GM/CE. You can refer to our Grievance Procedure for guidance on how grievances are handled at NZK.

Procedure Reviews

This procedure may be amended from time to time at the discretion of NZK. Please ensure you regularly review all company procedures, so the content is front of mind in all you do.



Related Procedures, Agreements and Frameworks

Grievance Procedure

[The Statement of National Education and Learning Priorities \(NELP\)](#)

Kindergarten Teachers Collective Agreement (KTCA)

