Diagram

Description automatically generated with low confidence**Privacy Policy**

**Rationale**

To ensure Country Kidz is with regards to its privacy responsibilities under the Privacy Act 2020.

**Objective**

To protect the privacy of tamariki and whānau engaged with Country Kidz, and kaiako employed by our service, and in so doing adhere to the Privacy Act 2020.

**Policy**

The Privacy Act 2020 sets out protections for individual's right to privacy, including the privacy of tamariki attending Country Kidz, their whānau, and kaiako. As a licensed early childhood education centre receiving government subsidies, we are, however, required to collect some information in order to operate our service and meet government requirements for our sector. Tamariki, their whānau and all Country Kidz staff are entitled to know what information is being collected and its purpose; and who information about them is being shared with and why. This information is given to all staff members as part of the induction process.

The Privacy Act has 13 Information Privacy Principles (IPPs) which outline how personal information is collected, stored, accessed, corrected, used and/or disclosed and this includes what and how Country Kidz uses the information it legally has to collate with regards to enrolment.

In summary, the IPPs are:

1. Only collect the information you need
2. Where possible, get the information directly from the person
3. Be clear about what the information will be used for
4. Use fair and reasonable ways of collecting information
5. Keep information safe
6. Let people access information about themselves
7. Correct information if the person thinks it is wrong
8. Make sure information is accurate before you use it
9. Only keep information as long as you need it
10. Only use the information for the purpose you collected it
11. Only share personal information if you have a good reason
12. Only send personal information overseas, if the agency outside of New Zealand, if there are similar safeguards to those in the Privacy Act.
13. Only use individual identifiers if it is clearly allowed.

Country Kidz has appointed a privacy officer, which is the Centre Manager, who undertakes privacy training to ensure they are aware of their responsibilities regarding the Privacy Act 2020. The responsibilities of the privacy officer are to:

* Encourage the centre to comply with the information privacy principles
* Deal with requests for personal information
* Work with the Privacy Commissioner in relation to investigations
* Ensure that the centre complies with the Privacy Act

To prevent privacy breaches, Country Kidz undertakes a regular annual Privacy Impact Assessments and robust staff induction/training on privacy issues.All staff are required to report potential privacy breaches that they become aware of as soon as possible to our privacy officer. Where a potential privacy breachhas been discovered, the Country Kidz privacy officer will take immediate steps to contain and assess the situation on an urgent basis.

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| A **privacy breach**, in relation to personal information held by an agency,—   1. Means - 2. unauthorised or accidental access to, or disclosure, alteration, loss, or destruction of, the personal information; or 3. an action that prevents the agency from accessing the information on either a temporary or permanent basis; and 4. xincludes any of the things listed in paragraph (a)﻿(i) or an action under paragraph (a)﻿(ii), whether or not it - 5. was caused by a person inside or outside the agency; or 6. is attributable in whole or in part to any action by the agency; or 7. is ongoing. |

Country Kidz will undertake an initial investigation to determine what has happened and take steps to stop it from continuing and/or becoming worse. Certain privacy breaches also must be 'notified' both to the Privacy Commissioner and to the people affected. Country Kidz is in breach of the Privacy Act and liable for a fine if it does not adhere to these requirements. If the breach has or is likely to cause serious harm to affected individuals, Country Kidz will notify the breach to the Privacy Commissioner and the affected individual(s) as soon as practicable after becoming aware of the breach.

When determining whether the breach is likely to cause serious harm, the following factors will be considered:

* The actions have been taken to reduce the risk of harm following the breach
* Whether the personal information is sensitive in nature (information about children)
* The nature of the harm that may be caused to affected individuals
* The person or body that has obtained or may obtain personal information as a result of the breach (if known)
* Whether the personal information is protected by a security measure
* Any other relevant matters.

Notifying breaches can be complex and care will be taken. Failure to notify and failure to follow the Privacy Act requirements is an offence. Reference to the Privacy Commissioner's website and/or seeking legal advice is therefore a step that may be taken by the Privacy Officer from time-to-time.

Parents have a right to access and correct the information about them and their child that the Centre holds, with only some limited exceptions. All privacy information requests should be forwarded to and dealt with promptly by the Centre's **privacy officer**, in accordance with all the process and other requirements under the Privacy Act.

Parents and guardians need to be aware that under the Education Act and the Licensing Criteria for ECE services, any government official may request and access any information held by Country Kidz about any child or parent. Further information about dealing with information requests is available on the Privacy Commissioner's website should whānau or kaiako need to be directed for further information.

The Ministry of Education requires that all enrolment and attendance information collected about children and their families is retained by the centre for seven years. This includes health information about the child. Country Kidz stores this information so that it is retrievable but is otherwise stored securely and safely with controlled access. When information is no longer required, it is destroyed so that it cannot be retrieved.

Unless otherwise specified by Court Guardianship Order, Country Kidz recognises the role of both parents of the child where applicable in relation to information requests about the child, whether parents have separated or remain together. Only when Country Kidz is made aware that the Court orders a specific guardianship or custody order, by provision of a copy of that written order to the centre, will Country Kidz act on such an order and refer any requests for information to the legal guardian named by the Court. It should be noted that it is not Country Kidz role to become engaged in matters of dispute between parents.

*Aligns with:*

*Licensing criteria for centre-based ECE services 2021 (GMA)*

*Human Rights Act 1993 (amendment 2001)*

*Privacy Act 2020*

*Country Kidz Strategic Plan 2022-25*

*Statement of National Education and Learning Priorities*

*Our code, our standards – Code of professional responsibility and standards for the Teaching Profession*

**Review**

Review when there is a significant change to legislature or as part of the annual management plan.

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| **Authorised:** |  |
| **Date:** | March 2022 |
| **Next Review:** | Add to Annual Management Plan for February, 2023 not withstanding a change in legislation or criteria |