

## Official information and privacy policy

*Version 3 of this policy effective from 14 July 2020*

### Contents

Purpose .....	2
Legislation and relevant policies .....	2
Definitions .....	2
Significant requests for information .....	2
Guiding principles .....	3
Correct legislation applying to information requests .....	3
Requests for official or personal information .....	3
Responding to information requests .....	4
Withholding information .....	5
Charging for information .....	6
Personal information .....	6
Staff using personal information .....	6
Privacy breach .....	7
Privacy Officer .....	7
Register of plumbers, gasfitters and drainlayers .....	8
Registration numbers .....	8

## Purpose

1. This policy sets out how the Board deals with its obligations under the Official Information and Privacy Acts.

## Legislation and relevant policies

2. The following legislation is relevant to this policy:
  - a. the Plumbers, Gasfitters, and Drainlayers Act 2006
  - b. the Official Information Act 1982
  - c. the Privacy Act 1993
  - d. the Ombudsman Act 1975.
3. The following websites provide guidance that is relevant to this policy:
  - a. [www.ombudsmen.govt.nz](http://www.ombudsmen.govt.nz) (ombudsmen's jurisdiction under the Official Information Act)
  - b. [www.privacy.org.nz](http://www.privacy.org.nz) (privacy commissioner's jurisdiction under the Privacy Act).
4. This policy must be read in conjunction with the following policies:
  - a. decision-making
  - b. public register
  - c. records and disposal.

## Definitions

5. In this policy:
  - a. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
  - b. **Board** means the Plumbers, Gasfitters and Drainlayers Board
  - c. **official information** has the same meaning as section 2(1) of the Official Information Act, and, in summary, is any information held by the Board, irrespective of the form the information is in (eg, hard copy, electronic, memory, draft, final version), subject to the exclusions contained in the Official Information Act<sup>1</sup>
  - d. **person** means a natural person
  - e. **personal information** means information about an identifiable person
  - f. **staff** includes employees and contractors of the Board
  - g. **significant request for information** is a request for information that:
    - i. does not form part of a staff member's normal duties, or
    - ii. has any risk associated with it (eg, it involves health information or information about misconduct or impropriety).

## Significant requests for information

6. Only the Chief Executive can make a decision on a significant request for information.

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<sup>1</sup> This does not apply to correspondence between an ombudsman and the Board under the Ombudsmen Act 1975, or the Privacy Commissioner and the Board under the PA.

## **Guiding principles**

7. The Board handles and manages all official information it holds in accordance with the requirements of the Official Information Act.
8. Under the principle of availability, the Board releases official information requested unless there is good reason for withholding it. This promotes:
  - a. effective participation
  - b. accountability
  - c. transparency
  - d. proper access
  - e. protection of official information consistent with the public interest and the protection of recognised interests such as personal privacy and confidentiality.
9. Subject to the requirements of the Act, the Board handles and manages all personal information it holds in accordance with the requirements of the Privacy Act.
10. In dealing with personal information, the Board:
  - a. acknowledges the importance of personal privacy and seeks to protect the privacy of any person about whom it holds personal information
  - b. treats all personal information it holds lawfully and respectfully
  - c. appropriately recognises privacy and security considerations in all its work processes
  - d. acts responsibly, quickly, appropriately, and transparently where there is a privacy breach
  - e. supports and encourages a culture of caution, awareness and accountability in all dealings with personal information.
11. The Board monitors its handling of personal information.
12. The Board provides ongoing official information and privacy training to the staff. This training includes identifying what requests a staff member can respond to as part of their normal duties and what requests must be dealt with by the Chief Executive.

## **Correct legislation applying to information requests**

13. A request to the Board:
  - a. by a person for information held about themselves is dealt with in accordance with the Privacy Act
  - b. by a body corporate for information held about itself is dealt with in accordance with part 4 of the Official Information Act
  - c. in all other circumstances is dealt with in accordance with the Official Information Act.

## **Requests for official or personal information**

14. A person or a body corporate may request information held by the Board under the Official Information Act.
15. A person about whom the Board holds personal information may request access to that information under the Privacy Act.
16. The Board accepts oral and written requests for information it holds and requests do not have to expressly refer to the Official Information Act or Privacy Act.
17. The Board asks for clarification of any request for information that is not clear or precise.
18. The Board requires reasons where any person making a request for information wishes their request to be treated as urgent.
19. When making a decision on how to prioritise an urgent request, the Board takes account of:
  - a. the reasons given for the urgency
  - b. the volume of information involved
  - c. the nature of the information requested and how it is held
  - d. how the information will be released
  - e. whether the Board must consult with any other party or parties before making a decision on the request
  - f. whether according priority to an urgent request would unreasonably interfere with the normal operations of the Board.
20. The Board provides reasonable assistance to any person making a request for information, including such things as:
  - a. assisting a requester to clarify a request
  - b. transferring requests
  - c. directing the requester to the correct agency where the Board does not hold the information requested
  - d. offering options before declining a request where appropriate.
21. The Board transfers any request, or part of a request, it receives for official or personal information that it does not hold but which it believes is held by another agency.
22. Where the Board transfers part of a request, it will respond to any part of the request that relates to information it holds in the usual way.

### **Responding to information requests**

23. The Board complies with all timeframes in the Official Information Act or Privacy Act for dealing with requests for information.
24. The Board may extend the time for dealing with a request for information where:
  - a. large amounts of information are involved

- b. the Board must search through a large quantity of information to respond to the request
  - c. the Board must consult with other parties before responding to the request.
25. Where the Board does extend time for responding to a request, it notifies the requestor in writing of that extension.
26. Where possible, the Board makes information available in the manner preferred by the party making the request.
27. Where the Board is concerned about the effect of releasing information but is not going to withhold it, it may:
- a. release the information with a disclaimer
  - b. release the information subject to an explanation
  - c. impose a condition that the information is not published unless the explanation is included.
28. The Board ensures, as far as is reasonable, that the process used to release information cannot result in the unintended disclosure of information not intended to be disclosed.

### **Withholding information**

29. The Board only withholds information on grounds permitted under the Official Information Act and Privacy Act.
30. A proper process is followed when considering whether it is necessary to withhold information requested under the Official Information Act and Privacy Act.
31. When determining the public interest in relation to a request under the Official Information Act or Privacy Act the Board has regard to the following types of considerations:
- a. enabling more effective participation in the Board's business
  - b. promoting the accountability of the Board
  - c. promoting understanding of the Board's role
  - d. enhancing respect for the law
  - e. promoting good governance in New Zealand.
32. Legal advice is sought before any information is withheld.
33. Where a decision to withhold information is made, the reasons for withholding are recorded.
32. The Board withholds as little information as is necessary to satisfy the reason for withholding.
33. Where the Board withholds information or refuses a request for information, it advises the party making the request of:
- a. the ground or grounds on which the request is refused

- b. the reasons for the refusal
  - c. their right to make a complaint to the Ombudsman or the Privacy Commissioner.
34. The Board cooperates fully with any investigation the Ombudsman or Privacy Commissioner undertakes, and duly considers any recommendations made as a result of such an investigation.

#### **Charging for information**

35. Where the Board charges for providing information, it does so at the following rates, in accordance with the Ministry of Justice *Charging Guidelines for Official Information Act 1982 Requests*:
- a. \$38.00 per half hour or part thereof, for the aggregate amount of staff time exceeding one hour spent in responding to the request
  - b. 20 cents per page of photocopying (A4) after the first 20 pages (no charge for the first 20 pages), and
  - c. any other actual costs incurred in responding to the request.
36. The Chief Executive may waive or partially waive any charges for providing official information.

#### **Personal information**

37. The Board only collects, stores, uses and discloses personal information in accordance with the Information Privacy Principles in the Privacy Act.
38. The Board allows any person to access personal information it holds about them where that information is readily available.
39. The Board corrects errors in personal information it holds about a person at their request, or attaches a statement to the personal information from that person of any correction sought but not made.

#### **Staff using personal information**

40. Board staff only access personal information that is required by them to perform their roles.
41. Personal information is handled sensitively and appropriately by the staff when in use, and is stored securely when not in use.
42. Personal information is only transferred or removed from the Board's offices when absolutely necessary and only the minimum amount of information needed is transferred or removed.
43. Appropriate security precautions must be taken in handling personal information that is transferred or removed from, or used outside the Board's offices.

44. Any remote access to personal information must be performed:
  - a. lawfully
  - b. appropriately
  - c. in a safe and secure manner, taking into account the location from which the information is being accessed.
45. Where personal information is accessed remotely on a device, the staff member ensures there are appropriate security settings on that device.

### **Privacy breach**

46. A privacy breach is any access to, collection, use, or disclosure of personal information that does not comply with the PA.
47. As soon as the Board becomes aware of a privacy breach or potential privacy breach, it:
  - a. acts immediately to contain the breach
  - b. ensures the Privacy Officer is advised of the breach
  - c. conducts a preliminary investigation of the breach
  - d. considers the risks arising from the breach
  - e. considers or undertakes notification of appropriate parties, including the Privacy Commissioner and any person who is the subject of the breach.
48. The Board reviews all privacy breaches (including near misses), and makes appropriate changes to its policies, practices, or procedures to minimise the risk of future breaches.
49. The Board has regard to the guidance of the Privacy Commissioner in dealing with all privacy breaches as set out in the Privacy Commissioner's *Data Safety Toolkit* or any updated guidelines.

### **Privacy Officer**

50. The Chief Executive appoints a member of staff as the Board's Privacy Officer.
51. The Privacy Officer must have the skills, experience, and seniority necessary to properly perform the role. The Privacy Officer is usually the General Counsel or a senior lawyer in the organisation.
52. The Privacy Officer is responsible for:
  - a. providing the Board and staff with sound advice and assistance in dealing with all privacy and information security matters
  - b. monitoring the Board's public register, including ensuring that the online register complies with the Privacy Act
  - c. drafting and/or reviewing any policies relating to, or impacting on, privacy matters and information security
  - d. managing and/or conducting any privacy or information security audits, reviews or projects

- e. ensuring any complaint that may relate to, or involve breaches of privacy is dealt with efficiently, effectively, and in accordance with any statutory timeframes
  - f. ensuring all requests for access to, or correction of personal information are dealt with in accordance with the law and in a reasonable timeframe
  - g. reporting on privacy or information security matters as required
  - h. providing ongoing training on privacy and information handling within the organisation.
53. The Privacy Officer ensures appropriate legal advice is obtained where a privacy breach has occurred or is alleged.
54. The Privacy Officer reports any privacy breaches or potential privacy breaches to the Chief Executive.<sup>2</sup>

### **Register of plumbers, gasfitters and drainlayers**

55. Under the Act the Board is required to keep a register of registered tradespeople that is available to the public.
56. The Board does not make personal information about tradespeople available on the register unless expressly required to do so under the PGDA.

### **Registration numbers**

57. All registered plumbers, gasfitters, and drainlayers are assigned a registration number.
58. A registration number is a unique identifier and is assigned by the Board to enable it to carry out its functions.
59. Registration numbers are assigned for internal Board purposes only.

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<sup>2</sup> This in addition to the reporting of any such breaches required as part of the Board's legislative compliance scheme.