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<b>Version:</b>	26.2	<b>Date Effective:</b>	1 January 2026
<b>Responsibility:</b>	Manager Corporate Assurance and Risk Manager	<b>Date Reviewed:</b>	1 May 2026
<b>Approver:</b>	Chief Executive	<b>Next Review Date:</b>	1 May 2029

## 1. Purpose

- 1.1 The purpose of this policy is to ensure UCOL complies fully with its obligations under the Privacy Act 2020 (“the Act”), including any applicable codes of practice issued by the Privacy Commissioner under the Act. It is intended to provide high level guidance when using the privacy procedures.
- 1.2 The purpose of the Act is to promote and protect individual privacy by:
  - a) providing a framework for protecting an individual’s right to privacy of personal information, including the right of an individual to access their personal information, while recognising that other rights and interests may at times also need to be taken in to account; and
  - b) giving effect to internationally recognised privacy obligations and standards in relation to the privacy of personal information.
- 1.3 This policy should be read in conjunction with the Privacy Procedure and the data breach response plan.

## 2. Organisational Scope

- 2.1 This is a policy of UCOL. This policy applies to:
  - a) all employees of UCOL, including contracted staff, consultants and secondees providing services for UCOL, and those on fixed-term contracts (collectively referred to as kaimahi in this policy); and
  - b) where appropriate, Ohu Kaitiaki, which extends to all those operating at a governance level, including Council members and members of Council’s advisory committees.

### Contact Details

The contact details for the Privacy Officer will be notified on UCOL’s website and staff intranet.

For present purposes, UCOL’s Privacy Officer is the Manager Corporate Assurance and Risk.

### 3. Responsibilities

Role:	Responsibilities:
Chief Executive	<ul style="list-style-type: none"> <li>Ensures UCOL appoints a Privacy Officer.</li> </ul>
Executive Leadership Team	<ul style="list-style-type: none"> <li>Ensures procedures that support the operation of this policy are reviewed periodically, remain fit for purpose and are compliant with legislation.</li> </ul>
Privacy Officer	<ul style="list-style-type: none"> <li>Ensures that personal information held by UCOL is held in accordance with the Act.</li> <li>Encourages Kaimahi to comply with the Information Privacy Principles set out in the Act.</li> <li>Ensures all within UCOL comply with this policy and the Act.</li> <li>Deals with requests for personal information made to UCOL under the Act.</li> <li>Acts as the point of contact for UCOL with the Privacy Commissioner, including responding to compliance notices and cooperating with investigations or complaint proceedings.</li> <li>Upon being notified of a privacy breach, complies with the Data Breach Response Plan to determine whether or not the breach is a Notifiable Privacy Breach and, if so, notifies the Privacy Commissioner and any affected parties.</li> <li>Ensures details of the Privacy Officer remains up to date on UCOL's website and staff intranet.</li> </ul>
Kaimahi	<ul style="list-style-type: none"> <li>Comply with this policy.</li> <li>Promptly reports any privacy breaches to the Privacy Officer in accordance with this policy.</li> <li>Assists with requests made to UCOL under the Act, where required.</li> <li>Complies with requests made by the Privacy Officer.</li> <li>Promptly forwards any compliance notices or other correspondence received from the Privacy Commissioner to the Privacy Officer.</li> <li>If responsible for engaging contractors or consultants, ensures contractors and consultants understand their obligations under the Act and undertake to comply with this policy.</li> </ul>

### 4. Policy Statements

- 4.1 All Kaimahi and Ohu Kaitiaki must ensure that, when using or dealing with personal information relating to any individual, they comply fully with the Act, including the Information Privacy Principles within the Act (and as also referred to within the Appendix to this policy) and any applicable codes of practice issued by the Privacy Commissioner under the Act. Where Personal Information is being received or collected from outside of New Zealand, it should also be considered whether other privacy/data protection regimes apply.
- 4.2 UCOL generally collects personal information directly from individuals. In some circumstances, information may be collected from another person or organisation where this is permitted under the Privacy Act 2020. In such cases, UCOL will comply with

Information Privacy Principles 2 and 3A, including taking reasonable steps to notify individuals about the indirect collection of their personal information unless an exception applies.

- 4.3 Kaimahi who are responsible for contractors or consultants working for, or on behalf of UCOL, must ensure that the contractors or consultants understand and comply with their obligations under the Act and the requirements of this policy.
- 4.4 The Privacy Officer is the primary person responsible for engaging with the Privacy Commissioner in relation to privacy matters. This includes responding to compliance notices, cooperating with investigations or complaint proceedings and submitting a notice of any Notifiable Privacy Breach.
- 4.5 The Chief Executive will ensure that at all times UCOL has a duly appointed Privacy Officer. The Privacy Officer will be the first point of contact for privacy issues occurring within the organisation.
- 4.6 The Privacy Procedures contain procedural information, and the Data Breach Response Plan contains processes to be followed in the event of a data breach.

## 5. References

<p><b>Internal</b></p> <ul style="list-style-type: none"> <li>• Information Management Policy and Procedure</li> <li>• Data Breach Response Plan</li> <li>• Privacy Procedure</li> </ul>
<p><b>External</b></p> <ul style="list-style-type: none"> <li>• Privacy Act 2020</li> <li>• Official Information Act 1982</li> <li>• Office of the Privacy Commissioner website</li> </ul>

## 6. Definitions

Term	Definition
Information Privacy Principles (IPP)	The information privacy principles prescribed in section 22 of the Act, as also set out in the Appendix to this policy.
Kaimahi	All employees of UCOL, including contracted staff, consultants and secondees providing services for UCOL, and those on fixed-term contracts.
Notifiable Privacy Breach	<p>In accordance with section 112 of the Act, a notifiable privacy breach means a privacy breach that it is reasonable to believe has caused serious harm to an affected individual or individuals or is likely to do so (taking into account the factors set out in section 113 of the Act).</p> <p>The factors set out in section 113 of the Act are:</p>

	<ul style="list-style-type: none"> <li>a) any action taken by the agency to reduce the risk of harm following the breach</li> <li>b) whether the personal information is sensitive in nature</li> <li>c) the nature of the harm that may be caused to affected individuals</li> <li>d) 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 and</li> <li>e) any other relevant matters.</li> </ul>
Ohu Kaitiaki	All those operating at a governance level, including Council members and members of Council's advisory committees.
Personal Information	<p>In accordance with the Act, personal information means information about an identifiable individual and includes information relating to a death that is maintained by the Registrar-General under the Births, Deaths, Marriages, and Relationships Registration Act 1995 or any former Act.</p> <p>For the avoidance of doubt, personal information includes (without limitation) the following types of information: name, age, contact details, images, course of study, IRD number and banking details.</p>
Privacy Officer	One or more individuals appointed in accordance with section 201 of the Act.

## 7. Contact for further information

7.1 If you have queries regarding the content of this document or require further clarification, please contact the manager responsible for this document.

### Document Version History

Version	Effective Date	Created/Reviewed By	Reason for review
26.1	1 January 2026	Manager Corporate Assurance and Risk	New policy introduced as part of UCOL's establishment as a legal entity.
26.2	1 May 2026	Manager Corporate Assurance and Risk	Inclusion of new IPP3A, indirect collection of personal information, effective 1 May 2026.

## Appendix

### *Information Privacy Principles (IPP)*

#### **Information Privacy Principle 1**

##### ***Purpose of collection of personal information***

1. Personal information must not be collected unless:
  - a. the collection is for a lawful purpose connected with a function or activity of the agency; and
  - b. the collection of the information is necessary for that purpose.
2. If the lawful purpose for which personal information about an individual is collected does not require the collection of an individual's identifying information, the agency may not require the individual's identifying information.

#### **Information Privacy Principle 2**

##### ***Source of personal information***

1. If an agency collects personal information, personal information must be collected from the individual concerned.
2. It is not necessary for an agency to comply with subclause (1) if the agency believes, on reasonable grounds:
  - a. that non-compliance would not prejudice the interests of the individual concerned; or
  - b. that compliance would prejudice the purposes of the collection; or
  - c. that the individual concerned authorises collection of the information from someone else; or
  - d. that the information is publicly available information; or
  - e. that non-compliance is necessary:
    - i. to avoid prejudice to the maintenance of the law by any public sector agency, including prejudice to the prevention, detection, investigation, prosecution, and punishment of offences; or
    - ii. for the enforcement of a law that imposes a pecuniary penalty; or
    - iii. for the protection of public revenue; or
    - iv. for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
    - v. to prevent or lessen a serious threat to the life or health of the individual concerned or any other individual;
  - f. that compliance is not reasonably practicable in the circumstances of the particular case; or
  - g. that the information:
    - i. will not be used in a form in which the individual concerned is identified; or
    - ii. will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

### Information Privacy Principle 3

#### **Collection of information from subject**

1. If an agency collects personal information from the individual concerned, the agency must take any steps that are, in the circumstances, reasonable to ensure that the individual concerned is aware of:
  - a. the fact that the information is being collected; and
  - b. the purpose for which the information is being collected; and
  - c. the intended recipients of the information; and
  - d. the name and address of:
    - i. the agency that is collecting the information; and
    - ii. the agency that will hold the information; and
  - e. if the collection of the information is authorised or required by or under law:
    - i. the particular law by or under which the collection of the information is authorised or required; and
    - ii. whether the supply of the information by that individual is voluntary or mandatory; and
  - f. the consequences (if any) for that individual if all or any part of the requested information is not provided; and
  - g. the rights of access to, and correction of, information provided by the IPPs (being the Information Privacy Principles).
2. The steps referred to in subclause (1) must be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected.
3. An agency is not required to take the steps referred to in subclause (1) in relation to the collection of information from an individual if the agency has taken those steps on a recent previous occasion in relation to the collection, from that individual, of the same information or information of the same kind.
4. It is not necessary for an agency to comply with subclause (1) if the agency believes, on reasonable grounds:
  - a. that non-compliance would not prejudice the interests of the individual concerned, or
  - b. that non-compliance is necessary:
    - i. to avoid prejudice to the maintenance of the law by any public sector agency, including prejudice to the prevention, detection, investigation, prosecution, and punishment of offences; or
    - ii. for the enforcement of a law that imposes a pecuniary penalty; or
    - iii. for the protection of public revenue; or
    - iv. for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
  - c. that compliance would prejudice the purposes of the collection; or
  - d. that compliance is not reasonably practicable in the circumstances of the particular case; or
  - e. that the information:
    - i. will not be used in a form in which the individual concerned is identified; or
    - ii. will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

### Information Privacy Principle 3A

#### ***Collection of information from another source***

1. If an agency collects someone's personal information indirectly, that agency is required to notify them, unless one of the listed exceptions applies. This principle is about helping people understand the reasons you are collecting their information.
2. Collecting personal information indirectly means that the agency collects the personal information from someone other than the person themselves.
3. The obligation to inform the individual sits with the agency that collects the information indirectly.
4. Before an agency collects personal information indirectly, it will still need to assess whether it will have a proper basis to do so under IPP2. Agencies should be collecting personal information from an individual directly, unless an exception under IPP2(2) applies.
5. When an organisation collects personal information indirectly, it must take reasonable steps to make sure that the person knows:
  - a) That the information has been collected.
  - b) The purpose of the collection.
  - c) The intended recipients of the information.
  - d) The name and address of the agency that is collecting information and the agency that holds the information.
  - e) If the collection is authorised or required by law, which particular law that is.
  - f) Their right to access and correct their information.
6. There are a number of exceptions to this principle, such as if the individual has already been made aware of the indirect collection, or that the information won't be used in a way that identifies people.

### Information Privacy Principle 4

#### ***Manner of collection of personal information***

1. An agency may collect personal information only:
  - a. by a lawful means; and
  - b. by a means that, in the circumstances of the case (particularly in circumstances where personal information is being collected from children or young persons):
    - i. is fair; and
    - ii. does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

### Information Privacy Principle 5

#### ***Storage and security of personal information***

1. An agency that holds personal information must ensure:

- a. that the information is protected, by such security safeguards as are reasonable in the circumstances to take, against:
  - i. loss; and
  - ii. access, use, modification, or disclosure that is not authorised by the agency; and
  - iii. other misuse; and
- b. that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or unauthorised disclosure of the information.

## **Information Privacy Principle 6**

### ***Access to personal information***

1. An individual is entitled to receive from an agency upon request:
  - a. confirmation of whether the agency holds any personal information about them; and
  - b. access to their personal information.
2. If an individual concerned is given access to personal information, the individual must be advised that, under IPP 7, the individual may request the correction of that information.
3. This IPP is subject to the provisions of Part 4 of the Act which sets out the manner in which requests can be made and the limited circumstances in which a request may be refused (refer Privacy Procedure).

## **Information Privacy Principle 7**

### ***Correction of personal information***

1. An individual whose personal information is held by an agency is entitled to request the agency to correct the information.
2. An agency that holds personal information must, on request or on its own initiative, take such steps (if any) that are reasonable in the circumstances to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading.
3. When requesting the correction of personal information, or at any later time, an individual is entitled to:
  - a. provide the agency with a statement of the correction sought to the information (a statement of correction); and
  - b. request the agency to attach the statement of correction to the information if the agency does not make the correction sought.
4. If an agency that holds personal information is not willing to correct the information as requested and has been provided with a statement of correction, the agency must take such steps (if any) that are reasonable in the circumstances to ensure that the statement of correction is attached to the information in a manner that ensures that it will always be read with the information.

5. If an agency corrects personal information or attaches a statement of correction to personal information, that agency must, so far as is reasonably practicable, inform every other person to whom the agency has disclosed the information.
6. Subclauses (1) to (4) are subject to the provisions of Part 4 of the Act.

### **Information Privacy Principle 8**

#### ***Accuracy, etc, of personal information to be checked before use or disclosure***

1. An agency that holds personal information must not use or disclose that information without taking any steps that are, in the circumstances, reasonable to ensure that the information is accurate, up to date, complete, relevant, and not misleading.

### **Information Privacy Principle 9**

#### ***Agency not to keep personal information for longer than necessary***

1. An agency that holds personal information must not keep that information for longer than is required for the purposes for which the information may lawfully be used.

### **Information Privacy Principle 10**

#### ***Limits on use of personal information***

1. An agency that holds personal information that was obtained in connection with one purpose may not use the information for any other purpose unless the agency believes, on reasonable grounds:
  - a. that the purpose for which the information is to be used is directly related to the purpose in connection with which the information was obtained; or
  - b. that the information:
    - i. is to be used in a form in which the individual concerned is not identified; or
    - ii. is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
  - c. that the use of the information for that other purpose is authorised by the individual concerned; or
  - d. that the source of the information is a publicly available publication and that, in the circumstances of the case, it would not be unfair or unreasonable to use the information; or
  - e. that the use of the information for that other purpose is necessary:
    - i. to avoid prejudice to the maintenance of the law by any public sector agency, including prejudice to the prevention, detection, investigation, prosecution, and punishment of offences; or
    - ii. for the enforcement of a law that imposes a pecuniary penalty; or
    - iii. for the protection of public revenue; or
    - iv. for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
  - f. that the use of the information for that other purpose is necessary to prevent or lessen a serious threat to:
    - i. public health or public safety; or

- ii. the life or health of the individual concerned or another individual.
2. In addition to the uses authorised by subclause (1), an intelligence and security agency that holds personal information that was obtained in connection with one purpose may use the information for any other purpose (a secondary purpose) if the agency believes on reasonable grounds that the use of the information for the secondary purpose is necessary to enable the agency to perform any of its functions.

### **Information Privacy Principle 11**

#### ***Limits on disclosure of personal information***

1. An agency that holds personal information must not disclose the information to any other agency or to any person unless the agency believes, on reasonable grounds:
- a. that the disclosure of the information is one of the purposes in connection with which the information was obtained or is directly related to the purposes in connection with which the information was obtained; or
  - b. that the disclosure is to the individual concerned; or
  - c. that the disclosure is authorised by the individual concerned; or
  - d. that the source of the information is a publicly available publication and that, in the circumstances of the case, it would not be unfair or unreasonable to disclose the information; or
  - e. that the disclosure of the information is necessary:
    - i. to avoid prejudice to the maintenance of the law by any public sector agency, including prejudice to the prevention, detection, investigation, prosecution, and punishment of offences; or
    - ii. for the enforcement of a law that imposes a pecuniary penalty; or
    - iii. for the protection of public revenue; or iv. for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
  - f. that the disclosure of the information is necessary to prevent or lessen a serious threat to:
    - i. public health or public safety; or
    - ii. the life or health of the individual concerned or another individual; or
  - g. that the disclosure of the information is necessary to enable an intelligence and security agency to perform any of its functions; or
  - h. that the information:
    - i. is to be used in a form in which the individual concerned is not identified; or
    - ii. is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
    - iii. that the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern.
2. This IPP is subject to IPP 12.

## Information Privacy Principle 12

### ***Disclosure of personal information outside New Zealand***

1. An agency (A) may disclose personal information to a foreign person or entity (B) in reliance on IPP 11(1)(a), (c), (e), (f), (h), or (i) only if:
  - a. the individual concerned authorises the disclosure to B after being expressly informed by A that B may not be required to protect the information in a way that, overall, provides comparable safeguards to those in this Act; or
  - b. B is carrying on business in New Zealand and, in relation to the information, A believes on reasonable grounds that B is subject to this Act; or
  - c. A believes on reasonable grounds that B is subject to privacy laws that, overall, provide comparable safeguards to those in this Act; or
  - d. A believes on reasonable grounds that B is a participant in a prescribed binding scheme; or
  - e. A believes on reasonable grounds that B is subject to privacy laws of a prescribed country; or
  - f. A otherwise believes on reasonable grounds that B is required to protect the information in a way that, overall, provides comparable safeguards to those in this Act (for example, pursuant to an agreement entered into between A and B).
2. However, subclause (1) does not apply if the personal information is to be disclosed to B in reliance on IPP 11(1)(e) or (f) and it is not reasonably practicable in the circumstances for A to comply with the requirements of subclause (1).
3. In this IPP:  
**prescribed binding scheme** means a binding scheme specified in regulations made under section 213 of the Act,  
**prescribed country** means a country specified in regulations made under section 214 of the Act.

## Information Privacy Principle 13

### ***Unique identifiers***

1. An agency (A) may assign a unique identifier to an individual for use in its operations only if that identifier is necessary to enable A to carry out 1 or more of its functions efficiently.
2. A may not assign to an individual a unique identifier that, to A's knowledge, is the same unique identifier as has been assigned to that individual by another agency (B), unless:
  - a. A and B are associated persons within the meaning of subpart YB of the Income Tax Act 2007; or
  - b. the unique identifier is to be used by A for statistical or research purposes and no other purpose.
3. To avoid doubt, A does not assign a unique identifier to an individual under subclause (1) by simply recording a unique identifier assigned to the individual by B for the sole purpose of communicating with B about the individual.

4. A must take any steps that are, in the circumstances, reasonable to ensure that:
  - a. a unique identifier is assigned only to an individual whose identity is clearly established;  
and
  - b. the risk of misuse of a unique identifier by any person is minimised (for example, by showing truncated account numbers on receipts or in correspondence).
  
5. An agency may not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or is for a purpose that is directly related to one of those purposes.