

Chemwash Rotorua Limited  
T/A  
Chemwash Rotorua

# Privacy Policy Manual



Together - working with you

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**DISCLAIMER:** Subject to any applicable law which cannot be excluded and to all provisions implied by statute which cannot be excluded, EC Credit Control (NZ) Ltd accepts no responsibility for any loss, damage, cost or expense (whether direct or indirect) incurred by you as a result of any error, omission or misrepresentation in any information in this manual.



Together - working with you

## 1. Introduction

With the passing of the Privacy Act 1993 the government introduced legislation to protect personal information about individuals. Privacy Act 1993 (“the Act”) incorporates the New Zealand’s Privacy Principles (NZPP’s) covered in Part 2 of the Act. These principles apply to private sector organisations who deal with information relating to individuals. This legislation is designed to protect personal information about individuals and sets in place a framework and guidelines about how to deal with this information.

As at 25 May 2018, the EU General Data Protection Regulation (“GDPR”) was introduced providing increased transparency for data protection for all businesses transferring data to the Europe Union “EU”. While the GDPR and the NZPP share some similarities, Chemwash Rotorua is providing robust privacy policies and procedures for its staff and clients. This includes ensuring that it conforms to all required NZPP’s including the provision of a clearly expressed and readily available Privacy Policy. This is completed by the provision of this Privacy Policy Manual.

An NZPP privacy policy is a key tool for meeting NZPP 1’s requirements.

To assist with this compliance, Chemwash Rotorua ensures that all of its staff members adhere to these policies and procedures. Any breaches of these policies and procedures must be reported to the relevant staff member’s manager or supervisor immediately so that any appropriate measures can be taken to mitigate any issues surrounding an identified breach.

Every staff member of Chemwash Rotorua who handles personal information is required to have an understanding of the New Zealand Privacy Principles (NZPP’s), the Act and the GDPR, where necessary. Where a more detailed knowledge of Chemwash Rotorua’s rights and responsibilities is required, the Privacy Officer will be able to provide assistance.

All staff is encouraged to discuss privacy issues with the nominated Privacy Officer.

### **Review**

Formal review of this privacy policy shall be undertaken on a 6 monthly basis with the details of this review recorded by the Privacy Officer.

## 2. New Zealand Privacy Principles (NZPP's)

The Privacy Act 1993 and the Credit Reporting Privacy Code 2004 places obligations and responsibilities on employers and employees to ensure that information collected from individuals is collected, retained and used in line with the NZPP's. Chemwash Rotorua shall abide by the following NZPP's at all times:

- 1/ Purpose of collection of personal information
- 2/ Source of personal information
- 3/ Collection of personal information from subject
- 4/ Manner of collection of personal information
- 5/ Storage and security of personal information
- 6/ Access to personal information
- 7/ Correction of personal information
- 8/ Accuracy of personal information
- 9/ Retention of personal information
- 10/ Limits on use of personal information
- 11/ Limits on disclosure of personal information
- 12/ Use of unique identifiers

### **NZPP No.**

- |             |  |
|-------------|--|
| NZPP 1 to 4 | governs the reason for collection of personal information, where personal information may be collected from, and how it is collected.                      |
| NZPP 5      | governs how personal information should be stored.   |
| NZPP 6      | governs that individuals have access to the personal information held about them.  |
| NZPP 7      | governs that if an individual requests changes to their personal information held about them then it should be done unless there are grounds not to do so. |
| NZPP 8 – 11 | govern how personal information is used or disclosed.  |
| NZPP 12     | governs that an individual's bank number, IRD number, drivers licence number, passport number etc cannot be used to identify an individual.                |

Further information regarding the NZPP's can be obtained from the office of the Privacy Commissioner at <http://www.privacy.org.nz/comply/comptop.html>. A full copy of the Privacy Principles is attached as Appendix B.

A copy of the NZPP's as produced by the Office of the Privacy Commissioner is attached as Appendix B. In the event of any potential data breach that is likely to result in serious harm to any individuals whose personal information is involved in the breach, Chemwash Rotorua's Privacy Policy Manual provides a data breach preparation and response to any potential breaches to ensure compliance under the Act.

### **3. General Data Protection Regulation (“GDPR”)**

Upon the implementation of the GDPR on 25 May 2018, Chemwash Rotorua has updated the way they use and collect personal data from residents in the EU. This involves, identifying Chemwash Rotorua's data protection officer (“Privacy Officer”), how clients can contact the Privacy Officer and identifying the process of transferring client's personal information. Further, the implementation of cookies notices on Chemwash Rotorua's website has been activated to ensure Chemwash Rotorua's clients have adequate protection in providing consent to Chemwash Rotorua withholding their personal data.

### **4. Types Of Personal Information That Is Collected, used, processed & Held**

Chemwash Rotorua collects personal information for a variety of reasons. This personal information will be collected in the normal course of business and will relate to Goods and/or Services that are provided by Chemwash Rotorua to clients. This information collected will be done so in the course of business where the client is a customer of Chemwash Rotorua or when the client acts as a guarantor for another person or company that is a client of Chemwash Rotorua. Chemwash Rotorua will not collect information that is not relevant or sensitive in nature unless it is required in the normal course of business.

The personal information that is collected may include, but will not be limited to the following;

- 1/ Full name
- 2/ Address
- 3/ Date of birth
- 4/ Credit references if applicable
- 5/ Publically available information which relate to the clients activities in New Zealand
- 6/ Any information recorded in the New Zealand Insolvency Trustee Service Register
- 7/ The client acknowledges that provided the correct Privacy Act disclosures have been made that Chemwash Rotorua may conduct a credit report on the client for the purposes of evaluating the credit worthiness of the client.
- 8/ Driver's license details
- 9/ Medical insurance details (if applicable)

- 10/ Electronic contact details including email, Facebook and Twitter details
- 11/ Next of kin and other contact information where applicable

Chemwash Rotorua ensures that all personal information is held in a secure manner. Where applicable and to the best of Chemwash Rotorua's knowledge all computers or servers have the required security protections in place to safeguard and protect any personal information that is held by Chemwash Rotorua.

We use cookies on our website. Cookies are small files which are stored on your computer. They are designed to hold a modest amount of data (including personal information) specific to a particular client and website, and can be accessed either by the web server or the client's computer. In so far as those cookies are not strictly necessary for the provision of Chemwash Rotorua's services, we will ask you to consent to our use of cookies when you first visit our website.

In the event that you utilise our website for the purpose of purchases/orders, Chemwash Rotorua agrees to display reference to cookies and /or similar tracking technologies, such as pixels and web beacons (if applicable), and requests consent for Chemwash Rotorua collecting your personal information which may include:

- (a) IP address, browser, email client type and other similar details;
- (b) Tracking website usage and traffic; and
- (c) Reports are available to Chemwash Rotorua when Chemwash Rotorua sends an email to the client, so Chemwash Rotorua may collect and review that information

If you consent to Chemwash Rotorua's use of cookies on our website and later wish to withdraw your consent, you may manage and control Chemwash Rotorua's privacy controls through your browser, including removing cookies by deleting them from your browser history when you leave the site.

Chemwash Rotorua also regularly conducts internal risk management reviews to ensure that its infrastructure (to the best of its knowledge) is secure and any identifiable risks have been mitigated as much as they can be in the normal course of business.

## 5. Procedures and responding to potential breaches of Privacy

In accordance with the Act Chemwash Rotorua is aware of its responsibilities to notify its clients in the event of a potential data breach that may cause serious harm to clients. Further, in the event the client is located in the EU, Chemwash Rotorua acknowledges that any potential data breaches will be safeguarded by the provisions of the GDPR.

Chemwash Rotorua will collect and process personal information in the normal course of business. This personal information may be collected and processed (but is not limited to) by any of the following methods;

- 1/ Credit applications forms
- 2/ Work authorisation forms, quote forms or any other business documentation
- 3/ Publically available databases that hold information
- 4/ Websites that detail information such as Sensis, Facebook, Google etc
- 5/ By verbally asking you for information as part of normal business practices

Where relevant to data processing as per the GDPR, and in particular where Chemwash Rotorua uses new technologies, and takes into account the nature, scope, context and purposes of processing and considers that the data processing is likely to result in a high risk to the rights and freedoms of natural persons, the Privacy Officer shall, prior to the processing of personal information, carry out an assessment of impact of the envisaged processing operations on the protection impact assessment. The data protection assessment will be required in instances whereby:

- (a) a systematic and extensive evaluation of personal aspects relating to natural persons which is based on automated processing, including profiling, and on which decisions are based that produce legal effects concerning the natural person or similarly significantly affect the natural person;
- (b) processing on a large scale of special categories of data referred to in Article 9(1) of the GDPR, or of personal data relating to criminal convictions and offences referred to in Article 10 of the GDPR; or
- (c) a systematic monitoring of a publicly accessible area on a large scale.

The assessment shall be carried out in accordance with Article 35 (7) of the GDPR and carry out reviews of such data protection impact assessments when there is any change of the risk associated with the processing of personal information.

As a client of Chemwash Rotorua and agreeing to Chemwash Rotorua's Terms and Conditions of Trade, which comprises of Chemwash Rotorua's privacy statement you hereby agree and consent to the provisions of this Privacy Policy Manual, including but not limited to the collection, processing, use and disclosure of your personal information. In the event that you do not wish to agree or consent to any of the above use, processing collection and disclosure, then Chemwash Rotorua warrants that any request by you to withdraw your consent or agreement shall be deemed as confirmation by you to cease any and/or all collection use, processing and disclosure of your personal information. You may make a Request to withdraw your consent at anytime by telephone and/or by e-mail to the following contact details;

**The Privacy Officer  
Chemwash Rotorua**  
C/O Erskine-Shaw Accountants Limited  
1197 Tutaneikai Street  
ROTORUA 3010  
officeadmin@chemwash.co.nz  
(07) 349 4836

Chemwash Rotorua will ensure that any Information that is to be obtained from you is done so using Chemwash Rotorua's prescribed forms which;

Authorise Chemwash Rotorua:

- 1/ To collect personal information; and
- 2/ Inform the individual what personal information is being collected; and
- 3/ Inform the individual why (the purpose) the personal information is being collected; and
- 4/ Inform the individual why & when personal information will be disclosed to 3<sup>rd</sup> parties.

It is the responsibility of Chemwash Rotorua to ensure that any personal information obtained is as accurate and up to date as possible and information is only collected by lawful means in accordance with the Act and relevantly, in accordance with the GDPR.



## 6. Purposes For Which Information Is Collected, Held, Used And Disclosed

### Disclosure to Third Parties

Chemwash Rotorua will not pass on your personal information to third parties without first obtaining your consent.

In accordance with the Act, and relevantly the GDPR, Personal Information can only be used by Chemwash Rotorua for the following purposes:

- 1/ Access a credit reporter's database for the following purposes:
  - a) To assess your application for a credit account; or
  - b) To assess your ongoing credit facility; or
  - c) To notify a credit reporter of a default by you; or
  - d) To update your details listed on a credit reporter's database; or
- 2/ Check trade references noted on the prescribed form for the following purposes:
  - a) To assess your application for a credit account; or
  - b) To assess your ongoing credit facility; or
  - c) To notify a default.
- 3/ Market Chemwash Rotorua's products and services.
- 4/ Any other day to day business purposes such as complying with IRD requirements, managing accounting returns or legal matters.

**Relationship with Credit Reporter** - In the event that notification of a default has been reported to a Credit Reporter and your credit file has been updated (including any changes to the balance outstanding or contact details), then the Credit Reporter shall be notified as soon as practical of any such changes.

Chemwash Rotorua will only gather information for its particular purpose (primary purpose). In accordance with the Act, and relevantly the GDPR Chemwash Rotorua will not disclose this information for any other purpose unless this has been agreed to by both parties.

## 7. How An Individual May Access Personal Information Held, And How They May Seek Correction Of Such Information

You shall have the right to request from Chemwash Rotorua a copy of all the information about you that is retained by Chemwash Rotorua. You also have the right to request (by telephone and/or by e-mail) that Chemwash Rotorua correct any information that is incorrect, outdated or inaccurate.

Any requests to receive your personal information or to correct personal information should be directed to the following contact details;

**The Privacy Officer  
Chemwash Rotorua**  
C/O Erskine-Shaw Accountants Limited  
1197 Tutanekai Street  
ROTORUA 3010  
officeadmin@chemwash.co.nz  
(07) 349 4836

Chemwash Rotorua will destroy personal information upon your request (by telephone and/or by e-mail) or when the personal information is no longer required. The exception to this is if the personal information is required in order to fulfil the purpose of Chemwash Rotorua or is required to be maintained and/or stored in accordance with the law

## 8. How An Individual May Complain About A Breach Of The NZPP, And How The Complaint Will Be Dealt With

You can make a complaint to Chemwash Rotorua's internal dispute resolution team ('IDR') regarding an interference with and/or misuse of your personal information by contacting Chemwash Rotorua via telephone or e-mail.

Any complaints should be directed to the following contact details in the first instance;

**The Privacy Officer  
Chemwash Rotorua**  
C/O Erskine-Shaw Accountants Limited  
1197 Tutanekai Street  
ROTORUA 3010  
officeadmin@chemwash.co.nz  
(07) 349 4836

In your communication you should detail to Chemwash Rotorua the nature of your complaint and how you would like Chemwash Rotorua to rectify your complaint.

We will respond to that complaint within 7 days of receipt and will take all reasonable steps to make a decision as to the complaint within 30 days of receipt of the complaint.

We will disclose information in relation to the complaint to any relevant credit provider and or CRB that holds the personal information the subject of the complaint.

In the event that you are not satisfied with the resolution provided, then you can make a complaint to the Privacy Commissioner at <http://www.privacy.org.nz/comply/comptop.html>.

## 9. Will Personal Information Be Disclosed To Overseas Recipients

Chemwash Rotorua does not disclose information about the client to third party overseas recipients unless the client has provided its consent. Chemwash Rotorua will notify you if circumstances change regarding overseas disclosure and will comply with the Act and the GDPR in all respects.

Unless otherwise agreed, Chemwash Rotorua agrees not to disclose any personal information about the client for the purpose of direct marketing. You have the right to request (by telephone and/or by e-mail) that Chemwash Rotorua does not disclose any personal information about you for the purpose of direct marketing.

## 10. Availability Of This Privacy Policy Manual

This Privacy Policy manual is available to all clients of Chemwash Rotorua. It will be made available (where applicable) on Chemwash Rotorua's website.

This manual will also be available upon request at Chemwash Rotorua's business premises and is available to be sent to you if required.

If you require a copy of this Privacy Policy please make a request utilising the following contact information in the first instance:

**The Privacy Officer**  
**Chemwash Rotorua**  
C/O Erskine-Shaw Accountants Limited  
1197 Tutanekai Street  
ROTORUA 3010  
officeadmin@chemwash.co.nz  
(07) 349 4836

## 11. Privacy Officer (Responsibilities)

Chemwash Rotorua has appointed an internal Privacy Officer to manage its privacy matters. The name of this officer is available by making contact with Chemwash Rotorua. The privacy officers duties include (but are not limited to) the following:

The Privacy Officer needs to be familiar with the NZPP's. Educational material is available from the office of the Privacy Commissioner which explains what Chemwash Rotorua needs to know in order to comply with the Privacy Act.

If a person complains to the Privacy Commissioner that Chemwash Rotorua has breached their privacy, the Privacy Commissioner may contact the Privacy Officer to discuss the complaint, and to see whether there is any means of settling the matter. The Privacy Officer shall provide whatever assistance is necessary. The Privacy Officer may be asked to provide background information or identify the staff members who can do so.

### **Complaints**

In the event that a complaint about privacy issues is received the Privacy Officer will:

- 1/ Take ownership of the complaint and ensure that it is dealt with in a timely manner.
- 2/ Acknowledge receipt of the complaint within 24 hours and advise the complainant of their rights.
- 3/ Fully investigate the complaint.
- 4/ Respond, with findings, to the complainant within 30 days of receipt.
- 5/ Keep a record of all complaints received for ongoing review of policies and procedures.

In the event that a complaint about privacy issues is received via a credit reporter the Privacy Officer will:

- 1/ Take ownership of the complaint and ensure that it is dealt with in a timely manner.
- 2/ Acknowledge receipt of the complaint to the credit reporter within 24 hours (see attached Appendix A).
- 3/ Fully investigate the complaint.
- 4/ Respond, with findings, to the credit reporter within 7 days of receipt.
- 5/ Keep a record of all complaints received for ongoing review of policies and procedures.

### **Other**

The Privacy Officer shall ensure that Chemwash Rotorua's documentation complies with the Privacy Act and Credit Reporting Privacy Code at all times.

## APPENDIX A - SUMMARY OF RIGHTS

(Rules 6 and 7 and clause 8)

### **A Summary of Your Rights Under the Credit Reporting Privacy Code 2004**

The Credit Reporting Privacy Code 2004 is issued under the Privacy Act 1993. It promotes fairness, accuracy, and privacy in the practice of credit reporting. Credit reporters gather and sell information about you such as a failure to pay your bills or if you have been made bankrupt. You can find the complete text of the Code at <http://www.privacy.org.nz> and the Privacy Act at [http://www.legislation.govt.nz/browse\\_vw.asp?content-set=pa\\_localprivate](http://www.legislation.govt.nz/browse_vw.asp?content-set=pa_localprivate). The Code, together with the Act, gives you specific rights, many of which are summarised below.

#### **Limited information can be reported about you.**

A credit reporter can only collect certain classes of information, set out in the Code, for its credit reporting database. A credit reporter will generally report information for no longer than 5 – 7 years: the actual retention periods are required to be displayed on each credit reporter's website.

#### **Only certain people can access your file for certain purposes.**

The Code limits the people who can gain access to your credit information. These will usually be credit providers who are considering your application for credit, but in some strictly defined situations the information may be available to prospective landlords, employers or insurers, to debt collectors, to those involved in court proceedings and to certain public sector agencies.

#### **Your consent is required in most situations.**

Most credit checks can only take place with your authorisation. This applies to access by credit providers, prospective landlords and prospective employers. Your authorisation may not be required for access by certain public sector agencies, those involved in court proceedings and debt collectors. The credit reporter is required to log each access that is made to your information and will normally disclose this information to you on request.

#### **You can find out what is held about you.**

You are entitled to request a copy of the credit information held about you by a credit reporter. You can ask for just the information contained in your credit report or for all the information held about you (which may include additional information, such as a more complete list of those who have accessed your report). If you want the information quickly (within 5 working days) you may be required to pay a reasonable charge, but otherwise no charge may be made. A credit reporter must take precautions to check the identity of anyone making a personal access request. This may involve asking you for certain identification details, although these cannot be added to the credit reporter's database without your authorisation.

### **You can dispute inaccurate information with the credit reporter.**

Credit reporters must take reasonable steps to ensure the accuracy of the information they hold and must act promptly to correct any errors they become aware of. If you tell a credit reporter that your report contains an inaccuracy, the credit reporter must take steps to correct it. This will usually involve checking the information you provide with the source, such as a creditor who submitted a default. While the checking process is under way, the credit reporter must flag your credit report to show that the item has been disputed. The credit reporter must, as soon as reasonably practicable, decide whether to make the correction you have requested or to confirm the accuracy of the information. If the credit reporter needs longer than 20 working days to make a decision it must notify you of the extension and the reasons for it. If the requested correction is not made you must be told the reason and you may ask to have a statement of the correction sought but not made, attached to the relevant information. This statement will be included with future reports. If a correction is made or a correction statement is added, the credit reporter must inform anyone who has recently received your credit report of the change. They must tell you what they have done and provide you with a copy of the amended report. A credit report describes your credit history, not simply your current debts. Information about a bankruptcy that has been discharged or a default that has subsequently been paid in full can continue to be reported, provided it is updated to reflect the later developments, as it remains an accurate statement of those historical events.

### **You have the right to make a complaint.**

Each credit reporter must maintain an internal complaints procedure and have a designated person to facilitate the fair, simple, speedy and efficient resolution of complaints. If you believe a credit reporter has breached the Code you should first approach them directly. If your complaint is not resolved you may complain to the Privacy Commissioner who has statutory powers to investigate the matter. Some cases that cannot be settled can be taken to the Human Rights Review Tribunal for final determination. Other civil law remedies may also be available including defamation and negligence.

### **Contact addresses.**

Chemwash Rotorua  
C/O Erskine-Shaw Accountants Limited  
1197 Tutaneikai Street  
ROTORUA 3010  
Ph (07) 349 4836

Office of the Privacy Commissioner  
PO Box 10094, The Terrace  
WELLINGTON 6143  
Fax (04) 474 7595

Warning: This is only a generalised summary. In the event of a discrepancy between this summary and a provision of the code or Act, the code or Act prevails.

## APPENDIX B - INFORMATION PRIVACY PRINCIPLES

### NOTE

In some cases agencies are authorised or required by other legislation to collect, use, retain, or make available, personal information, and in most cases where an agency collects, uses, retains or makes available personal information in accordance with such legislation this will not amount to a breach of the Privacy Act. (section 7 of the Privacy Act 1993).

### PRINCIPLE 1

#### Purpose of collection of personal information

Personal information shall not be collected by any agency unless-

- (a) The information is collected 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.

### PRINCIPLE 2

#### Source of personal information

- (1) Where an agency collects personal information, the agency shall collect the information directly from the individual concerned.
- (2) It is not necessary for an agency to comply with sub clause (1) of this principle if the agency believes, on reasonable grounds,-
  - (a) That the information is publicly available information; or
  - (b) That the individual concerned authorises collection of the information from someone else; or
  - (c) That non-compliance would not prejudice the interests of the individual concerned; or
  - (d) That non-compliance is necessary --
    - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
    - (ii) For the enforcement of a law imposing a pecuniary penalty; or
    - (iii) For the protection of the 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
  - (e) That compliance would prejudice the purposes of the collection; or
  - (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; or
  - (h) That the collection of the information is in accordance with an authority granted under section 54 of this Act.



### **PRINCIPLE 3**

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

- (1) Where an agency collects personal information directly from the individual concerned, the agency shall take such steps (if any) as 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 so authorised or required; and
    - (ii) Whether or not 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, personal information provided by these principles.
- (2) The steps referred to in sub clause (1) of this principle shall 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 sub clause (1) of this principle in relation to the collection of information from an individual if that agency has taken those steps in relation to the collection, from that individual, of the same information or information of the same kind, on a recent previous occasion.
- (4) It is not necessary for an agency to comply with sub clause (1) of this principle if the agency believes, on reasonable grounds -
  - (a) That non-compliance is authorised by the individual concerned; or
  - (b) That non-compliance would not prejudice the interests of the individual concerned; or
  - (c) That non-compliance is necessary -
    - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment -of offences; or
    - (ii) For the enforcement of a law imposing a pecuniary penalty; or
    - (iii) For the protection of the 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
  - (d) That compliance would prejudice the purposes of the collection; or
  - (e) That compliance is not reasonably practicable in the circumstances of the particular case; or
  - (f) 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.

## **PRINCIPLE 4**

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

Personal information shall not be collected by an agency-

- (a) By unlawful means; or
- (b) By means that, in the circumstances of the case, -
  - (i) Are unfair; or
  - (ii) Intrude to an unreasonable extent upon the personal affairs of the individual concerned.

## **PRINCIPLE 5**

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

An agency that holds personal information shall ensure -

- (a) That the information is protected, by such security safeguards as it is reasonable in the circumstances to take, against -
  - (i) Loss; and
  - (ii) Access, use, modification or disclosure, except with the authority of the agency that holds the information; 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.

## **PRINCIPLE 6**

### **Access to personal information**

- (1) Where an agency holds personal information in such a way that it can be readily be retrieved, the individual concerned shall be entitled -
  - (a) To obtain from the agency confirmation of whether or not the agency holds such personal information; and
  - (b) To have access to that information.
- (2) Where, in accordance with sub clause (1)(b) of this principle, an individual is given access to personal information, the individual shall be advised that, under principle 7, the individual may request the correction of that information.
- (3) The application of this principle is subject to the provisions of Parts IV and V of this Act.

## **PRINCIPLE 7**

### **Correction of personal information**

- (1) Where an agency holds personal information, the individual concerned shall be entitled
  - (a) To request correction of the information; and
  - (b) To request that there be attached to the information a statement of the correction sought but not made.
- (2) An agency that holds personal information shall, if so requested by the individual concerned or on its own initiative, take such steps (if any) to correct that information as are, in the circumstances, reasonable 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) Where an agency that holds personal information is not willing to correct that information in accordance with a request by the individual concerned, the agency shall, if so requested by the individual concerned, take

such steps (if any) as are reasonable in the circumstances 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.

- (4) Where the agency has taken steps under sub clause (2) or sub clause (3) of this principle, the agency shall, if reasonably practicable, inform each person or body or agency to whom the personal information has been disclosed of these steps.
- (5) Where an agency receives a request made pursuant to sub clause (1) of this principle, the agency shall inform the individual concerned of the action taken as a result of the request.

#### **PRINCIPLE 8**

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

An agency that holds information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date, complete, relevant, and not misleading.

#### **PRINCIPLE 9**

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

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

#### **PRINCIPLE 10**

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

An agency that holds personal information that was obtained in connection with one purpose shall not use the information for any other purpose unless the agency believes, on reasonable grounds:-

- (a) That the source of the information is a publicly available publication; or
- (b) That the use of the information for that other purpose is authorised by the individual concerned; or
- (c) That non-compliance is necessary -
  - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
  - (ii) For the enforcement of a law imposing a pecuniary penalty; or
  - (iii) For the protection of the 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
- (d) That the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to-
  - (i) Public health or public safety; or
  - (ii) The life or health of the individual concerned or another individual; or
- (e) That the purpose for which the information is used directly related to the purpose in connection with which the information was obtained; or
- (f) That the information-
  - (i) Is used in a form in which the individual concerned is not identified; or
  - (ii) Is 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;
- (g) That the use of the information is in accordance with an authority granted under section 54 of this Act.

## **PRINCIPLE 11**

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

An agency that holds personal information shall not disclose the information to a person or body or agency 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 source of the information is a publicly available publication; or
- (c) That the disclosure is to the individual concerned; or
- (d) That the disclosure is authorised by the individual concerned; or
- (e) That non-compliance is necessary –
  - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, investigation, prosecution, and punishment of offences; or
  - (ii) For the enforcement of the law imposing a pecuniary penalty; or
  - (iii) For the protection of the 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 and imminent 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 facilitate the sale or other disposition of a business as a going concern; 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
- (i) That the disclosure of the information is in accordance with an authority granted under section 54 of this Act.

## **PRINCIPLE 12**

### **Unique identifiers**

- (1) An agency shall not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable the agency to carry out any one or more of its functions efficiently.
- (2) An agency shall not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another agency, unless those two agencies are associated persons within the meaning of section 8 of the Income Tax Act 1976.
- (3) An agency that assigns unique identifiers to individuals shall take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.
- (4) An agency shall 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 for a purpose that is directly related to one of the of those purposes.