

# Privacy Policy

## ***Purposes***

The purposes for which NZAC collects personal information are as follows:

- Promote effective counselling services consistent with obligations under the Treaty of Waitangi
- Assist clients to obtain services adequate to their needs
- Develop common policies on counselling issues and make comment on these issues to the public, to the government, and to other appropriate authorities
- Ensure the establishment, maintenance and enhancement of professional standards
- Promote satisfactory conditions of employment for counsellors
- Protect the interests and public standing of counselling personnel
- Provide a forum for members to discuss matters of common concern
- Promote quality training, supervision and professional development
- Publish journals, studies, and other publications
- Affiliate with national and international organisations of counselling
- Express, through our activities and resource allocations, a strong commitment to reduce the social disadvantages resulting from differences of race, gender, age, class, religion, sexual orientation, and any contravention of human rights

In summary, NZAC uses personal information for the following:

- Managing a registration system for members
- Providing members with education services, seminars and conferences, supervision, other support, and referral to services such as indemnity insurance
- Managing a complaints process
- Working with the Ministry of Health to promote proper funding for counselling training, accreditation, and counselling services
- Working with ACC to promote proper funding for counselling training, accreditation and counselling services
- Achieving its other purposes

## ***Source of information***

NZAC will collect your personal information from you unless authorised by you or by law. This includes collecting information about you should a complaint be made about your conduct. NZAC will notify you as soon as practicably if it receives information about you from a third party.

### **Access to your information**

The following people have access to your personal information:

- Staff of the National Office: Level 11, Grand Annexe, 84 Boulcott Street, Wellington 6011
- If relevant to their role, members of the National Executive of NZAC
- CPD Audit Team Convenor will have access to members profiles to support the member's CPD process
- CPD Audit Team will have access to the CPD area of Membership during the annual auditing process

The following people may have access to your personal information as set out in the complaints process:

- the Ethics Secretary;
- members of the Ethics Committee;
- Regional Co-ordinator;
- Regional Ethics Committee;
- members of the National Executive of NZAC (if a complaint goes to a hearing and is upheld)
- Health & Disability Commissioner or any other relevant regulator

NZAC may provide information access to third parties where any of NZAC's functions or services are being outsourced (for example conference organisation or IT support). In that situation, the third party will be required to comply with this privacy policy and confidentiality.

NZAC also provides demographic and statistical information about NZAC members to the Ministry of Health for the promotion of proper funding for counselling training, accreditation, and counselling services. **If you do not wish to have your personal information shared with the Ministry of Health, please contact NZAC.**

### **Security of your Information**

NZAC holds in confidence all information concerning you in a secure environment and complaints information is kept in a separate and secure electronic environment to your membership information. NZAC does not disclose your personal information to any other person except as set out in this policy; with your consent; to the extent necessary or desirable to enable NZAC to fulfil its purposes; or to the extent required by law.

NZAC takes all reasonable steps to ensure security of your information from risks such as loss or unauthorised access, destruction, use, modification or disclosure.

NZAC will let you know as soon as possible after it becomes aware of any notifiable data breach unless notification or a delay in notification is not required by law.

### **Access and correction**

You have a right to request access and to request correction of your personal information (see process attached).

### **Accuracy**

NZAC will take all reasonable steps to check accuracy of your personal information before it uses the information however NZAC needs your help. If there are updates to your personal information, please let NZAC know as soon as possible or make those corrections yourself through your member portal.

## **Retention**

NZAC retains your personal information throughout the course of your membership and 10 years beyond the termination of your membership.

In relation to complaints, this information is assessed and retained for as long as reasonably required for future reference in disciplinary and membership matters. The nature of any complaint and its outcome will be relevant to the retention assessment.

## **Other Information and Use**

NZAC's website does use analytics to gather information about your visit to the website, but this does not include anything which identifies you. For example:

- The name of the domain in which you accessed the internet
- The date and time you accessed the website
- The internet address of the website from which you linked directly to the website
- The pages you accessed while visiting the website

## **Cookies**

Cookies are small text files that are placed in your browser by the websites you visit. They are widely used to help users navigate websites efficiently, to perform certain functions on the sites, and/or to provide site owners with information about how their sites are used. NZAC uses cookies on its site for those purposes but does not collect any personal information from you in the use of cookies.

No data transmission over the internet or information stored on servers accessible through the internet can be guaranteed to be fully secure. These activities are taken at your own risk.

## **Links to Other Websites**

NZAC is not responsible for the privacy practices or content of any other website that is linked to this website. It is your responsibility to investigate the privacy policies of those other sites.

## **Changes to this Privacy Policy**

This privacy policy may change from time to time particularly as new rules, regulations and industry codes are introduced.

## Process For Individual Requests to NZAC for Access to their Health or Personal Information

- This is our process for managing a person’s request to us for access to their health or personal information.
- In managing requests, we are guided by the Health Information Code 2004, the Privacy Act 1993, and the Health Act 1956.

### Definitions

“Access Request”	A person’s request for access to their own health or personal information
“Agent”	Person (including an individual, company, society, trust, or partnership), who has been appointed by a requester as their agent in writing, and is making the access request on behalf of the requester
“Requester”	Person making request for access to their own health or personal information
“Representative”	<ul style="list-style-type: none"> <li>a. If requester is dead, requester’s personal representative;</li> <li>b. If requester under the age of 16 years, requester’s parent or guardian (which may include Oranga Tamariki); or</li> <li>c. If requester is unable to give consent or authority or exercise their rights, a person appearing to be lawfully acting on the requester’s behalf or in the requester’s interests</li> </ul>
“Us”, “We”, “Our”	New Zealand Association of Counsellors (NZAC)

### Receiving a Request

1. Access requests to us should be made by email ..... or by mail to  
*NZAC (attention: Privacy Officer) Level 11, Grand Annexe 84 Boulcott Street Wellington 6011*
2. We will help anyone to make a request if they are unable to access or use email or postal mail. In this situation, the requester should ring us on 04 471 0307.
3. On receipt of an access request, we will note the date.
4. We will check the identity of the requester or the agent/representative as soon as possible to ensure it is the individual or their agent/representative who is requesting access to the health or personal information:
  - a. The requester will need to provide at least one form of identification from the following:
    - i. Birth certificate (and if required information relating to any name changes e.g. Marriage certificate);
    - ii. Passport; or
    - iii. Driver’s licence

- b. The requester will need to provide one form of address identification from the following:
  - i. Utility account; or
  - ii. Bank statement.
- c. The agent or the representative of the requester will need to provide:
  - i. Proof of the requester's identity and address (see 4(a) & (b) above);
  - ii. Proof of the agent or representative's identity and address (see 4(a) & (b) above);
  - iii. Proof of the agency or representation (such as a Deed of Attorney and non-revocation certificate, document appointing or certifying the requester as agent or representative).
5. We will keep a copy of any identification documents that are supplied to us for the sole purpose of confirming we took all reasonable steps to check identity. The identification documents will be held as paper copies in a secure environment) in our corporate offices in Wellington and are only accessible by staff of the national office for the purpose set out above.
6. On receipt of an access request and confirmation of identity, the access request will be forwarded to the NZAC Privacy Officer.

#### **Responsibilities of the Privacy Officer**

7. The Privacy Officer will be responsible for the following:
  - a. Acknowledging receipt of the access request to the requester as soon as practicable and no later than 5 working days after the date of the access request.
  - b. Giving reasonable assistance to the requester to make the access request or help directing the access request to the appropriate agency
  - c. Considering any request for urgency and reasons for urgency
  - d. If it is known that the health or personal information sought by the requester is held by another agency, transferring the access request to that other agency, within 10 working days after the date of the access request.
  - e. Liaising with national office staff and any IT staff/support to undertake a search for the requester.
  - f. Collating the health or personal information of the requester.
  - g. Reviewing and assessing the collated health or personal information of the requester and with reference to the checklists in Appendix A, in order to decide:
    - Is the information health or personal information?
    - Are there any grounds for withholding the health or personal information?
    - Are there any grounds for refusing access in the manner sought by requester?
    - Are there to be any charges?
  - d. Deciding and notifying the requester as soon as practicably but within 20 working days after the date of the access request:
    - i. should notice of extension be given (see notice of extension – appendix A)?
    - ii. whether the request is to be granted and, if it is to be granted, in what manner and, for what charge (if any).

- iii. If request is not to be granted, either in part or in whole, identify reasons for refusal and advise the requester of the right to complain to the office of the Privacy Commissioner.
- e. Subject to any withholding grounds identified in 7(g) & (h) above, arranging for the requester, access to the health or personal information in the way the requester wishes to access the health or personal information.

### Rule 6 Checklist for Managing Access Requests

No.	Action	Check
1.	Receive request: record date	
2.	Check identify of Requester: individual or agent/representative of individual	
3.	Give reasonable assistance for requester to make the request or help direct the request to the appropriate agency	
4.	Within 10 working days after day on which the request is received, transfer the request to another agency if know information is held by the other agency.	
5.	Consider urgency and reasons for urgency if requested	
6.	As soon as practicable but within 20 working days of request:	
	Assess information: <ul style="list-style-type: none"> <li>• is it personal information?</li> <li>• any grounds for withholding?</li> <li>• any grounds for refusing access in manner sought by requester?</li> <li>• any charges?</li> <li>• should notice of extension be given?</li> </ul>	
	Decide and notify requester whether the request is to be granted and, if it is to be granted, in what manner and, for what charge (if any).  If request is not to be granted, either in part or in whole, identify reasons for refusal	
	Arrange access to information for requester in way requester wishes to access information unless exception applies	

**Approved by National Executive:** February 2020

**Review:** February 2020

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