The Royal New Zealand College of General Practitioners
Te Whare Tohu Rata o Aotearoa

1.0	**TITLE:**	**PRIVACY POLICY**
1.1	Policy reference:	CO-O-05-PIM
1.2	Category:	Organisational
1.3	Approval date:	December 2020
1.4	Revision due date:	December 2023
1.5	Unit responsible:	Corporate Services

2.0 Policy declaration

2.1 Purpose

The purpose of this policy is to inform individuals that engage with the College on how the College manages the personal information that it holds.

3.0 Background

3.1 In Scope

This policy is intended to assist College members, registrars, employees, contractors, suppliers, and any other individuals who engage with the College.

3.2 Out of scope

Nothing in this policy will affect any of your rights under the Privacy Act 2020 (The Act).

3.3 Definitions

- **You -** refers to any person within scope who engage with the College.
- **Collection of personal information -** means the active gathering of information, as opposed to passively receiving information.
- **Personal Information -** means any information that relates to a living identifiable individual that tells us something about that specific individual. For example, names, contact details, education, or health records. Computer records, notes, emails, recordings, photos – whether in hard copy or electric form – can all contain personal information. Information can also become personal information when combined or linked with other information. For example, the exam results for a small group of students without names might become attributable to particular students if other information about them is added (eg their age, ethnicity or gender).
- **Health Information -** Information about the health of an identifiable individual, including his or her medical history; information about any disabilities that individual has, or has had; information about any health services or disability services that are being provided, or have been provided, to that individual; information provided by that individual in connection with the donation, by that individual, of any body part or any bodily substance of that individual or derived from the testing or examination of any body part, or any bodily substance of that individual; or information about that individual which is collected before

or in the course of, and incidental to, the provision of any health service or disability service to that individual.

- **Document and Record -** Both words mean written, printed, audio or electronic data that provides information and/or that serves as an official record. This includes all those documents or records which facilitate the business carried out by the College and which are thereafter retained to provide evidence of its transactions or activities. Records may be created, received, and retained electronically or in hard copy.
- **The Act –** refers to the Privacy Act 2020
- **The Code –** refers to the Health Information Privacy Code 2020 (HIPC)

4.0 College Commitment

The College is committed to its obligations to protect your personal information under the Privacy Act 2020, the Health Information Privacy Code 2020, the Treaty of Waitangi and the United Nation's Declaration on the rights of Indigenous Peoples.

The College is committed to compliance with the Act and following the privacy principles in the collection of information which is connected to an activity or function of the College.

The College takes breaches of privacy very seriously. Should a breach occur, the College will follow guidance of the Privacy Commissioner with respect to containing the breach, evaluating the breach (includes determining if the breach has caused or is likely to cause serious harm), notifying individuals concerned where appropriate, notifying the Office of the Privacy Commissioner if required and preventing the breach from reoccurring.

5.0 The Privacy Principles

Principle 1

You can only collect personal information if it is for a lawful purpose and the information is necessary for that purpose. You should not require identifying information if it is not necessary for your purpose.

Principle 2

You should generally collect personal information directly from the person it is about. Because that will not always be possible, you can collect it from other people in certain situations. For instance, if:

- the person concerned gives you permission
- collecting it in another way would not prejudice the person's interest
- collecting the information from the person directly would undermine the purpose of collection
- you are getting it from a publicly available source

Principle 3

When you collect personal information, you must take reasonable steps to make sure that the person knows;

- why it is being collected
- who will receive it
- whether giving it is compulsory or voluntary
- what will happen if they don't give you the information

Sometimes there may be good reasons for not letting a person know you are collecting their information – for example, if it would undermine the purpose of the collection, or if it just not possible to tell them.

Principle 4

You may only collect personal information in ways that are lawful, fair, and not unreasonably intrusive. Take particular care when collecting personal information from children and young people.

Principle 5

You must make sure that there are reasonable security safeguards in place to prevent loss, misuse, or disclosure of personal information. This includes limits on employee browsing of other people's information.

Principle 6

People have a right to ask you for access to their personal information. In most cases you have to promptly give them their information. Sometimes you may have good reasons to refuse access. For example, if releasing information could;

- endanger someone's safety
- create a significant likelihood of serious harassment
- prevent the detection or investigation of a crime
- breach someone else's privacy

Principle 7

A person has a right to ask an organisation or business to correct their information if they think it is wrong. Even if you don't agree that it needs correcting, you must take reasonable steps to attach a statement of correction to the information to show the person's view.

Principle 8

Before using or disclosing personal information, you must take reasonable steps to check it is accurate, complete, relevant, up to date and not misleading.

Principle 9
You must not keep personal information for longer than is necessary.

Principle 10
You can generally only use personal information for the purpose you collected it. You may use it in ways that are directly related to the original purpose, or you may use it another way if the person gives you permission, or in other limited circumstances.

Principle 11
You may only disclose personal information in limited circumstances. For example, if:

- disclosure is one of the purposes for which you got the information
- the person concerned authorised the disclosure
- the information will be used in an anonymous way
- disclosure is necessary to avoid endangering someone's health or safety
- disclosure is necessary to avoid a prejudice to the maintenance of the law

Principle 12
You can only send personal information to someone overseas if the information will be adequately protected. For example:

- the receiving person is subject to the New Zealand Privacy Act because they do business in New Zealand
- the information is going to a place with comparable privacy safeguards to New Zealand
- the receiving person has agreed to adequately protect the information – through model contact clauses, etc

If there are not adequate protections in place, you can only send personal information overseas if the individual concerned gives you express permission, unless the purpose is to uphold or enforce the law or to avoid endangering someone's health or safety.

Principle 13
A unique identifier is a number or code that identifies a person in your dealings with them, such as an IRD number or driver's licence number. You can only assign your own unique identifier to individuals where it is necessary for operational functions. Generally, you may not assign the same identifier as used by another organisation. If you assign a unique identifier to people, you must make sure that the risk of misuse (such as identity theft) is minimised.

Please note: The College assigns an iMIS ID to each member and it also records members' MCNZ IDs to facilitate information exchange with them (eg: CPD records). However, the College and MCNZ are not associated persons under the Income Tax Act.

6.0 Queries

Any queries about this policy, or any other related matter can be directed to the College Privacy Officer at privacy@rnzcgp.org.nz

7.0 Complaints

The College's Head of Learning (or delegate) is responsible for dealing with complaints concerning health information, alleging a breach of the Code. Please also refer to the Procedure for Patients Making Complaints under the Health Information Privacy Code 2020.

The College's Privacy Officer (or delegate) is responsible for dealing with complaints concerning personal information, alleging a breach of the Act.

If you have a complaint in relation to College held health information, or personal information, these must be submitted in writing to privacy@rnzcgp.org.nz, alternatively;

Head of Learning (or) Privacy Officer
The Royal New Zealand College of General Practitioners
PO Box 10440
Wellington 6143
New Zealand

7.1 Review and Appeals

If your complaint has not been resolved to your satisfaction after it has been reviewed by the authorised College officer, you may appeal the Head of Learning or Privacy Officer's decision to the College's Chief Executive.

8.0 Related policies, documents, and legislation

Patient Complaints Form
Procedure for Patients Making Complaints (under the Health Information Privacy Code 2020)
Privacy Act 2020
Health Information Privacy Code 2020
Record Management Policy
Procedural Fairness Policy

9.0 Administrative procedures

9.1 Availability of published policy

This policy will be available via the College intranet and website.

9.2 Review of this policy

This policy may be amended at any time by the College, in its absolute discretion.