



DIETITIANS BOARD

Te Mana Mātanga Mātai Kai

Privacy

Policy Statement

The purpose of this policy is to inform individuals who provide personal information to the Dietitians Board about the ways in which this information is handled and protected.

Definitions

Section 2 of the Privacy Act 1993 (the Act) defines ‘personal information’ as information about an identifiable individual. Section 6 of the Act establishes the Information Privacy Principles (IPPs) which set out privacy rights and obligations, such as how a body such as the Dietitians Board must collect, use, hold, disclose, access, correct, manage and dispose of personal information.

Please note also that, in the case of ‘health information’, the Health Information Privacy Code 1994 (HIP Code) establishes health information privacy rules (HIP Rules) to replace these principles.

Obtaining personal information

This policy applies to all personal information that the Board obtains through its website (www.dietitiansboard.org.nz) or by way of the Board fulfilling its functions under section 118 of the Health Practitioners Competence Assurance Act 2003 (HPCAA). The Board’s website may be browsed without a user providing personal information; however, an individual may choose to provide personal information through the website in cases such as making an online application/declaration or updating MyCCP through a personal online log-in.

The information collected by the Board may include: names, addresses, telephone numbers, qualifications, employment and applicable health history, and whether an individual has any criminal convictions. This information will be held by the Board whilst an individual remains a candidate for registration or becomes registered. Should an individual cease to be registered, their information will be stored electronically in a secure database and any hard copy file will be held in a secure storage facility.

Information will usually be collected by the Board directly from the person concerned, unless the following circumstances apply: (a) the information is publically available or the person consents to the collection of information from someone else; (b) it is necessary to collect information from someone else to avoid prejudice to the maintenance of the law (including the prevention, detection, investigation, prosecution and punishment of offences) or for the conduct of proceedings before any court or tribunal; (c) collecting information from the individual concerned would prejudice the purposes of collection; (d) it is not reasonably practicable to collect information from the person concerned; (e) collection from someone else is required or permitted by law.

Use and disclosure of personal information

Where personal information requested by the Board is provided for registration or renewal, or by other means pursuant to the Board’s functions under the HPCAA (e.g. through making an application submission, online forms or email requests), the Board may hold that personal information in accordance with the Privacy Act 1993.

The Board will use personal information that an individual provides to it through the website, email, or by post only for the purposes for which it was supplied or, in exceptional situations, for other reasons permitted under the Privacy Act 1993.

The Board will not disclose an e-mail address without consent. An individual may request to opt in or opt out of services at any stage. Please note, however, that declining to provide an up-to-date email address to the Board for the purposes of communications may result in an individual failing to receive important information about the work of the Board and/or practitioner obligations under the HPCA Act.

The Board will usually seek consent to share personal information with others if it is necessary for the purpose for which it was given (for instance, to investigate competency or health concerns).

Occasionally legislative requirements may direct the Board to disclose personal information (for instance to investigate a criminal offence), or there may be safety reasons for doing so.

Storage of personal information

The Board is obliged to store securely the personal information it collects and creates. Personal information no longer required to be held will be destroyed securely by the Board.

Requests for personal information

Under the Privacy Act 1993, an individual has the right to request access to their personal information (IPPs 6 & 7). There are limited grounds upon which the Board may refuse to disclose personal information. These include situations where: (a) the provision of information would prejudice the maintenance of the law (including the prevention, investigation and detection of offences); (b) breach legal professional privilege; (c) where the information is evaluative and was provided in confidence; and (d) where disclosure would lead to the unwarranted disclosure of the affairs of another person or endanger the safety of any individual.

If an individual believes their personal information is inaccurate then they may request that the Board correct the information. If a decision is made not to correct the information then the individual's request must be attached to all available copies of the information.

When the Board receives a request for access to, or correction of, personal information it is referred to the designated Privacy Officer. The Board aims to respond to such requests as soon as possible.

Action where there is a potential privacy breach

Where a potential breach is identified the Board will act quickly and openly.

As soon as a breach is detected, the Privacy Officer will work with Board to address any privacy concerns by following the Privacy Commissioner's guidelines for dealing with privacy breaches. These guidelines are available at www.privacy.org.nz.

Rights of access to information

To view any personal information held by the Board, or if you have any concerns about the personal information that the Board may hold about you, then please submit a written request/notice to the Registrar, citing the Privacy Act 1993:

The Registrar, Dietitians Board, PO Box 9644, Wellington 6141 New Zealand
Email: administration@dietitiansboard.org.nz

Further information

See also the Board policy *Privacy Officer* which appoints the Registrar as Board Privacy Office in accordance with section 23 of the Privacy Act 1993.

Information Privacy Principles

A summary of the IPPs contained in s 6 of the Privacy Act 1993 is reproduced below

PURPOSE OF COLLECTION Principle 1 is a collection principle. An agency should not collect personal information unless it is for a lawful purpose connected with a function or activity of that agency, and it is necessary to collect that information for that purpose.

SOURCE OF PERSONAL INFORMATION Principle 2 says that personal information must be collected directly from the individual concerned. An agency may collect information from other sources if an exception applies.

COLLECTION OF INFORMATION Principle 3 outlines that during collection of personal information, an agency must take reasonable steps to ensure the individual is aware of the fact the information is being collected, for what purpose, whether the information is compulsory or optional, where the information is held, who will use it and that individuals have a right to request access to and correction of their personal information.

MANNER OF COLLECTION Principle 4 outlines that personal information must not be collected by unlawful means or means that are unfair or unreasonably intrude on the personal affairs of the individual.

STORAGE AND SECURITY Principle 5 governs the way personal information is stored. It is designed to protect personal information from unauthorised use or disclosure.

ACCESS Principle 6 outlines an individual's access rights to personal information held by an agency.

CORRECTION OF INFORMATION Principle 7 outlines an individual's correction rights if personal information is inaccurate, incomplete or out of date.

CHECKING ACCURACY OF INFORMATION BEFORE USE Principle 8 specifies that an agency must take all reasonable steps to ensure information is accurate, complete, relevant and not misleading prior to using that information.

RETENTION OF INFORMATION Principle 9 specifies that an agency cannot keep information for longer than is required for the purposes for which the information may lawfully be used.

LIMITS ON USE Principle 10 specifies that subject to specified exceptions an agency cannot use information that has been collected for one purpose, for another purpose that was not originally specified.

LIMITS ON DISCLOSURE Principle 11 outlines the limits on disclosure of personal information to third parties. An agency may disclose personal information if one of the exceptions applies such as the agency reasonably believes that the disclosure is authorised by the individual or is in connection with the purpose for which it was obtained.

UNIQUE IDENTIFIERS Principle 12 provides that an agency must not assign a 'unique identifier' (e.g. IRD or passport number) to an individual unless the assignment of that identifier is necessary to enable the agency to carry out its functions efficiently.