

FREQUENTLY ASKED QUESTIONS ON PRIVACY

Can I use our customer database to promote another service in our organisation?

It depends on your organisation and what your library's functions and activities are. When you collect the information does it state what the information is being used for? Principle 1 states that organisations must only collect personal information if it is for a lawful purpose connected with their functions or activities, and the information is necessary for that purpose.

If the Police ask for a customer's reading history, do I have to provide that information?

It depends on the circumstances of the request. You are legally required to provide customer information to Police if they have a production order or a search warrant. In certain other circumstances, you may choose to give customer information to Police. If Police need the information to prevent or lessen a serious threat to health or safety or to prevent, detect, investigate, prosecute or punish offences, they can ask for customer information. [Read more on the Privacy Commissioner's website.](#)

In either case, Police will need to briefly explain to you why they need the information and why the information will prevent or lessen the serious threat, or their investigation would be prejudiced without it. You will also need to consider your terms of service with your customers and whether those terms preclude you from voluntarily releasing their information in response to a Police request because they require you to keep the information confidential.

If you are not satisfied the disclosure is necessary, or if you consider you are obliged not to disclose the customer records, or if you choose not to voluntarily disclose the customer information, then you can decline the request and the Police may consider getting a production order or search warrant to compel you to provide the information.

Can other government agencies request information about our customers, clients, or staff?

If you receive a request for personal information from a government agency (like ACC, IRD or MSD), they may be relying on a specific law that says that they can request that information. If that is the case, it is up to them to let you know exactly what law they are relying on, including letting you know whether it is mandatory for you to provide the information and what, if any, consequences there may be if you refuse to provide the information. [Read more on the Privacy Commissioner's website.](#)

If a customer requests their personal information, do we have to provide that to them?

Yes. If you are an organisation, business, or other agency, you must comply with the Privacy Act 2020 and provide an individual with access to their personal information within a reasonable time. You can only withhold someone's personal information from them if you can rely on one of the withholding grounds set out in sections 49-53 of the Privacy Act or if there is another law which overrides the Privacy Act.

For how long can an organisation keep a customer's personal information?

For no longer than the organisation needs the information in relation to the purpose it was collected for.

Can I provide information to a parent about the books their child is reading?

In most cases, agencies can provide parents or guardians with information about their child. Providing information to parents and guardians - where this is one of (or is directly related to) the purposes for which an agency holds and uses information about children - is allowed under the Privacy Act.

Do I have to report a privacy breach?

You should report the breach to your organisation's privacy officer. Your privacy officer will have to report a serious privacy breach by your agency to the Privacy Commissioner.

How do I notify a privacy breach?

You can report privacy breaches to the Office of the Privacy Commissioner by using the online [NotifyUs](#) reporting tool. NotifyUs will also help you assess the seriousness of the privacy breach and whether you must tell the office.

WHAT RESOURCES ARE THERE TO HELP TEACH MY STAFF ABOUT PRIVACY?

- The Privacy Commissioner's website www.privacy.org.nz includes [free online learning tools](#).
- [Priv-o-matic privacy statement generator](#)

CHECKLIST FOR LIBRARIES

- Do staff and customers have access to the organisation's privacy statement?
- Who is our organisation's privacy officer?
- Are staff clear on rules for accessing private information?
- What training is provided to staff around accessing private information