

LIANZA PRIVACY GUIDELINES

These guidelines have been developed for use by the library and information profession in Aotearoa New Zealand to ensure compliance with the Privacy Act 2020 and to promote and protect the privacy of library users.

The **Privacy Act 2020** is overseen by the **New Zealand Privacy Commissioner**. The Act has 13 privacy principles that govern how businesses and organisations should collect, handle, and use personal information. The Act's **Information Privacy Principles** should inform your privacy policy.

COLLECTING PERSONAL INFORMATION

Any personal information on library users should be collected, held, and managed in a manner that ensures accountability and trust in both the organisation, and the library and information profession in New Zealand.

Purposes for collecting the information

While libraries may collect, hold and use personal information on library users, they must be clear regarding the purpose for which personal information is collected (**Principle 1** and **Principle 3**). Unless on reasonable grounds, personal information must always be collected directly from the individual concerned (**Principle 2**).

The manner of collecting this information must be lawful and seen as fair and reasonable in the circumstances. Particular care should be taken when collecting information from children (**Principle 4**).

How personal information is managed

Libraries must ensure personal information is protected from loss, misuse, unauthorized access, modification, and disclosure. All necessary steps should be taken to ensure that personal information is kept secure (**Principle 5**).

Libraries must allow individuals to request access to their own personal information (**Principle 6**), update or correct their personal information, and these should be responded to in a timely manner (**Principle 7**). Personal information should be checked for accuracy before being used or disclosed (**Principle 8**). Libraries should not keep personal information for longer than the purpose it is lawfully to be used for and should be disposed of responsibly (**Principle 9**).

Libraries can generally only use personal information for the purpose it was collected, and there are limits on using personal information for different purposes (**Principle 10**).

Disclosure of personal information

Libraries must not sell, distribute, or otherwise provide personal information to third parties, unless it is in direct pursuit of the libraries purpose for collecting the information, or the library has obtained the individual's permission or is required by law to do so (**Principle 11**).

Libraries may only disclose personal information to another organisation outside New Zealand if they check certain criteria for the receiving organisation (**Principle 12**).

PRIVACY BREACHES

(a new addition to the act)

Under the Privacy Act 2020 it is mandatory for organisations to notify the Privacy Commissioner if a privacy breach has caused serious harm (or is likely to do so). Businesses and organisations that fail to report a notifiable privacy breach can receive a fine of up to \$10,000 (Privacy Act, s 118).

What is a privacy breach?

A privacy breach occurs when there is unauthorised or accidental access to or disclosure of personal information. Some common examples include:

- an email being sent to the wrong person or with the wrong attachment
- loss of a file, USB or laptop
- an employee accessing personal information that is not needed as part of their role.

List of principles and links

The Privacy Act has 13 privacy principles that govern how businesses and organisations should collect, handle and use personal information. These [Information Privacy Principles](#) should inform your privacy policy.

- Principle 1 - Purpose for collection of personal information [IPP1](#)
- Principle 2 - Source of personal information - collect it from the individual [IPP2](#)
- Principle 3 - Collection of information from subject - what to tell the individual [IPP3](#)
- Principle 4 - Manner of collection [IPP4](#)
- Principle 5 - Storage and security of information [IPP5](#)
- Principle 6 - Access to personal information [IPP6](#)
- Principle 7 - Correction of personal information [IPP7](#)
- Principle 8 - Accuracy of personal information [IPP8](#)
- Principle 9 - Retention of personal information [IPP9](#)
- Principle 10 - Limits on use of personal information [IPP10](#)
- Principle 11 - Disclosure of personal information [IPP11](#)
- Principle 12 - Disclosure outside New Zealand [IPP12](#)
- Principle 13 - Unique identifiers [IPP13](#)