

## **New Zealand Privacy Act Issues**

**4.00 Recorded Personal Information and Privacy** (for detailed information relating to Privacy Regulations see the Privacy Commissioners web-site <http://www.privacy.org.nz/> )

If we want to keep in touch with the members within our parish or presbytery we do this by creating membership rolls and phone lists . Administration of a parish community also obliges the officers within our groups to collect data on individuals. Some of this data is required by our church regulations and other data by civil law.

This information and data may cover:

- ❖ Directory & newsletter delivery lists\*
- ❖ Membership rolls and transfer records
- ❖ Baptism records
- ❖ Marriage licences & registers, dissolution certificates (see below Public Register Privacy)
- ❖ pledge lists,
- ❖ records of donations,
- ❖ pastoral visitation notes,
- ❖ employee records,
- ❖ superannuation information, and
- ❖ tax related records.

\* Directory information such as a name, address and telephone number does not normally qualify as sensitive data. Such data could be perceived as personal information if someone decided to distribute the data to a third party in the form of a mailing list or for pecuniary gain.

Twelve years on the Privacy Act is not generating the over reaction it initially did. However, as we collect and store information about our ministers and parishioners *we need to be diligent at all times to our ethical responsibilities to protect the privacy of the shared information we gather.* The loss of trust and the ill feelings generated by an insensitive presumption of unchecked control over information can be damaging to the health of the congregation.

**4.10 Two factors that should guide the collection, use, or distribution of personal information are:**

- ❖ the relative sensitivity of the information and
- ❖ the individual's expectation about how the parish will use it.

Several questions can be asked to determine the confidentiality of personal data. The first question to ask is:

- ❖ what would the individual's reasonable expectation be regarding the way in which the information will be used?
- ❖ consider whether the information has changed hands:  
*did the individual assume the information would be shared beyond the recipient?*
- ❖ the nature and purpose for which the information was originally conveyed should be the controlling factor:  
*is the information being used or circulated in a way that ignores the sensitivities or intentions of the individual?*

**4.20 The Privacy Act (1993)** is '*directly concerned with information privacy about identifiable individuals*' and applies in particular to the public disclosure of information collected by any organisation or individual. The Act imposes regulations on all who gather and hold personal information. In particular the Act bears directly on the use, distribution and storage of information by those who gather it. The parish and Presbytery must recognize both the legal implications and the ethics of maintaining secure access to records that could potentially cause harm or personal embarrassment if carelessly disclosed.

#### **4.30 Privacy Act Principles**

There are twelve privacy principles which impose requirements on the gathering of information covering:

- ❖ How, why and from whom personal information can be collected
- ❖ Rights of access to and correction of personal information
- ❖ Accuracy, completeness and relevance of personal information
- ❖ Disclosure of personal information
- ❖ Safe storage of information

'The principles also give individuals the right to access personal information and to request correction of it. They do not override other laws which govern the collection, use or disclosure of personal information'.

**4.31** \* 'The Act also contains four public register privacy principles which limit:

- the manner in which information can be made available from public registers;
- re-sorting or combining public register information for commercial gain;
- electronic transmission of public registers;
- charging for access to public register information.

The Act sets out a complaints mechanism and contains rules regulating information matching.'

#### **4.40 Protection of Confidentiality**

A guiding principle of a records management policy is to note:

- ❖ that the records created by an organisation within the structures of the congregation are the property of the parish corporate.

Consideration needs to be given by parish and presbytery office-bearers to the access, retention and disposition of the records while housed at Parish and Presbytery level. Access may be delegated to a specific person such as the Clerk of Presbytery or a parish archivist, but clear understandings should be put in place, in job descriptions or policy statements, covering the conditions and authority for releasing information. Even the most general guidelines will indicate the congregation or presbytery's intent and cause an individual to pause when considering access or destruction of a record.

The parish or presbytery requires a records management programme that will aid it from exposure to public embarrassment and liability.

#### **4.41 Some important considerations are:**

- ❖ establish a management approach to the creation, use, and maintenance of computer records;
- ❖ examine the relevance and need for the specific fields of data being collected;
- ❖ establish and follow a regular schedule of records retention and disposition;
- ❖ locate and make secure the more sensitive information sources at the principle place of congregational business (**not in private homes**);
- ❖ obtain the consent of individuals to release information of a personal nature when the data is being used for any other purpose than the original intent; and
- ❖ maintain accurate records.

<p>Keep in mind that employees have a right to examine records maintained on them; it may be assumed that members of the congregation have much the same privilege.</p>
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