

**Audit, Finance & Risk Committee**

15 June 2023

**Report for Agenda Item | Rīpoata moto e Rāraki take [7]**

**Department: Assurance, Finance & Risk**

**Title | Taitara : Privacy Update**

**Purpose of the Report | Te Take mō te Pūroko**

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The purpose of this report, is to provide the committee with an end of year update, on matters relating to the Privacy Act 2020 and Council's Privacy Policy and practice.

**Recommendation | Kā Tūtohuka**

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That Audit, Finance & Risk Committee:

1. **Note** the contents of this report.

Prepared by:



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12 June 2023



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12 June 2023

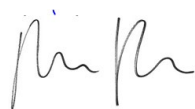


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12 June 2023



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12 June 2023

Reviewed and authorised by:



Name: Meaghan Miller  
Title: Corporate Services General Manager  
15 June 2023

## Context | Horopaki

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1. Under the Privacy Act 2020 (the Act), Queenstown Lakes District Council (QLDC) must follow a set of rules when handling personal information. The Act governs how organisations can collect, store, use and share personal information. The Act also defines a privacy breach that either, has caused or is likely to cause serious harm and the processes for managing those situations.
2. The Council has four delegated positions, that act as privacy officers under the Act: Legal Counsel, Chief Information Officer, Director People & Capability and Governance & Stakeholder Services Manager. These delegated officers are tasked with increasing awareness of organisational requirements and responsibilities under the Act and responding to reported actual or potential breaches.
3. The Council is committed to an ongoing programme of organisational development relating to privacy and how potential privacy issues are managed.
4. This report is recommended practice from the Office of the Privacy Commissioner Te Mana Mātāpono Matatapu and is to provide an end of year update to the Audit, Finance & Risk Committee regarding actions taken to improve organisational capability and compliance, responses to requests made under the Act, and a summary of potential / actual breaches and notifiable events.

## Analysis and Advice | Tatāritaka me kā Tohutohu

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### **Organisational Capability and Compliance**

5. Since March 2021, four privacy officers have met monthly. The privacy officer roles, as delegated by the Chief Executive, are: Legal Counsel, Chief Information Officer, Governance & Stakeholder Services Manager and Director of People & Capability. The purpose of the meetings is to review, progress and provide a forum for discussion regarding privacy-related matters.
6. Since May 2021, the Records Management team has promoted Privacy Week to all employees as part of Information Management Month. In May 2023, the team continued to advocate for employees to complete the online learning modules (the Privacy ABC) as well as attending a Taituarā webinar *LGOIMA and the Privacy Act*, facilitated by Simpson Grierson. These activities are for employees to familiarise themselves with the 13 Information Privacy Principles (IPPs) of the Privacy Act 2020 and to provide advice on how to respond to a potential or actual breach. QLDC induction for new employees moving forward, includes awareness and understanding of the Privacy Act 2020 and overview of 13 IPPs. As from May 2023, an account with the Privacy Commission Learning Management System (LMS) reporting has been set-up. Therefore, reports will be generated directly from the LMS reporting details of employees that have completed the modules from QLDC.
7. QLDC is working on implementing an improved process for recording and actioning requests

under the Privacy Act 2020, as well as recording investigations into potential breaches, through the organisation's TechnologyOne Request Management System. The appropriate access to Privacy Officers and necessary administrative co-ordination supporting the system, will maintain secure and confidential records within QLDC's record management system. This will enable more efficient coordination of and reporting on requests and investigations. At the time of writing the report, the system was pending final approval.

### **Requests Made under the Privacy Act**

#### **8. Examples of privacy considerations:**

- The Water Services Entities Act 2022 and Privacy Law, that was passed in December 2022, means that if the Department of Internal Affairs (DIA) makes a reasonable request for personal information that relates to employment matters. Thus, under [clause 17 of schedule 1 of the Water Services Entities Act 2022](#), then relevant local government organisation, will be required to comply with it (see clauses 17(2) and (4)). IPP 11 (relating to disclosure of personal information) does not apply. The reason for this is because, under section 24 of the Privacy Act 2020, the obligation to provide information, under the Water Services Entities Act, overrides IPP 11. Therefore, QLDC may need to provide contact details, such as emails, telephone numbers, postal addresses and information regarding remuneration to National Transition Unit (NTU).
- A private request, for information regarding an employee's correspondence, was then provided in full.
- Personal contact information has been sought, on a number of occasions, for instance by WorkSafe and Fire & Emergency New Zealand (FENZ), for property owners to undertake action. This is to avoid significant risks or hazards. The information has been provided for each request, based on allowances within legislation, to enable regulation and exercise functions, duties or powers, under or in relation to any enactment.
- Several instances in the libraries have occurred, where LGBTQIA+ books have been relocated, from designated shelving areas. As a result, access to review CCTV footage when incidents occur, has been organised.

### **Breaches investigated under the Act**

#### **9. Several potential breaches have been identified, since the last Council report. These six were referred to the Office of the Privacy Commissioner Te Mana Mātāpono Matatapu, as potential breaches.**

- Personal contact information was published on the QLDC website, relating to a Council report and hearing packs, regarding a special consultative procedure. The personal contact information was embedded in the general comments rather than fields for

contact information that are removed during the preparation of reports. In total, eight submitters were affected. This was resolved immediately, removing the document and then redacting the information before re-publishing. The affected parties were advised, coupled with an apology and the breach notified. No further action was required.

- Property rating information was sent to a property broker in error, by a new employee. The recipient acknowledged the error, recognising they should have not received the information and then confirmed that the information was deleted. The outcome resulted in the new employee, attending additional training and the affected parties advised of the error that occurred, accordingly no further action was required.
- A disagreement between the two shareholders of Greenedesk (software product supporting the QLDC run swim school), resulted in both parties holding the same private customer information. Member Retention Systems (MRS) was formed by one of the shareholders offering a similar swim school solution. Permission to use our customer information was not given. As QLDC's software contract was with Greenedesk, a formal letter was sent to MRS with explicit instructions to delete all customer data. MRS subsequently informed Council that it had complied with this request. For completeness, the breach was notified, and the Privacy Commissioner was comfortable with the steps taken to minimise risk.
- A concern raised by a customer, involving the online dog registration system. The concern was regarding the ability for people to potentially view a dog that they did not own. However, the record is registered to the address of the dog owner and not people's names. After consultation, the customer was advised that "a dog being registered to an address is not private information under the Privacy Act 2020. Instead, it is concerned with information relating to an 'identifiable individual'. A dog is required to be registered to an individual property. Therefore, the information available is relevant, as part of the registration process and does not reveal information regarding any individual person. Any risk relating to this information is low, as it is not a searchable database by category, such as dog breed. A unique identifier is required to search for a specific animal. No further action was required.
- Personal information was published online, through the QLDC eDocs system, as part of a standard public notification process. The documents containing the personal information, were not part of the formal application and notification process (North Wānaka Wastewater). Therefore, should not have been included. This was an error by QLDC's legal partners, when processing the matter. The documents were then removed with appropriate redactions. The matter was brought to QLDC's attention, by an affected member of the public. So, further communication was not required in that aspect. The matter was notified to the privacy commission and an apology issued.
- A member of the public raised concerns regarding the online waiver system, for parking infringements and this received media interest. The concern was that dual factor authentication, was not required, to access images for the infringements captured by

CCTV. Consultation was undertaken with the Office of the Privacy Commissioner, who did not raise any concerns. Although, the matter was further escalated through the media and then was resolved by planned upgrades to CIAnywhere. This was already scheduled, as a larger programme of work, regarding system improvements. No further action taken.

### Consultation Process | Hātepe Matapaki

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#### Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

10. This is a matter of low significance, as determined by reference to the Council's Significance and Engagement Policy. The issues discussed, relate to specific individuals and all matters, have been satisfactorily investigated and appropriately addressed.

### Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

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11. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00057 'ineffective privacy controls and protection of data held by Council', within the QLDC Risk Register. This risk has been assessed, as having a low inherent risk rating.

### Financial Implications | Kā Riteka ā-Pūtea

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12. There are no financial implications associated with this matter.

### Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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13. The following Council policies, strategies and bylaws were considered:

- QLDC Privacy Policy (Rev1 2021)

### Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

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14. The matters within this report, related to the Council's need to comply with the Privacy Act 2020.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

15. The recommendation to note:

- Section 10 of the Local Government Act 2002, states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental and cultural well-being of communities, in the present and for the future. This report reflects the Council's obligations, under and commitment to the Privacy Act 2020 and cultivating trust and data security.
  - This is consistent with QLDC's plans and policies.
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