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## 1 PURPOSE

Privacy is important to the Queenstown Lakes District Council (QLDC). This Privacy Policy sets out how and why the QLDC collects and stores personal information, what we will use it for and with whom we can share it.

The Privacy Act 2020 ('Privacy Act') and its privacy principles guide this policy. We take our obligations under the Privacy Act seriously and this policy will clarify the rights of anyone engaging with QLDC under the Privacy Act.

QLDC is committed to the 13 principles of the Privacy Act: <https://www.privacy.org.nz/privacy-act-2020/privacy-principles/>

Where this Privacy Policy intersects with other aspects of the law, QLDC may have other legal requirements which it must exercise or abide by, and this Policy does not restrict or override those legal requirements. QLDC will as far as practicable seek to apply this Policy in way that minimises conflict with those other legal requirements. .

## 2 QLDC PRIVACY STATEMENT

The following statement is addressed to parties outside of QLDC:

### 2.1 WHAT PERSONAL INFORMATION DOES QLDC COLLECT?

- > Personal information is any identifiable information about you. Here are some examples of the types of personal information we collect about you:
- > Identity – name, title, date of birth, and gender
- > Contact details – physical address, email address, and telephone numbers
- > Financial details – bank account and payment card details (to and from you)
- > Profile information – requests made by you, feedback you've provided and survey responses
- > Technical information - <https://www.qldc.govt.nz/your-council/council-documents/policies/privacy-policy>
- > Usage information – your website, facility and services use

We may also collect other information provided by you through your communications with us.

### 2.2 WHEN DO WE COLLECT PERSONAL INFORMATION?

When you (or someone acting on your behalf), directly provides information to us, we may collect your information. Below are some examples of when this may happen. For example, when you:

- > Communicate or correspond with us in any way ( e.g. in person, by email, letter, phone, texts, social media, or any other means of electronic communication)
- > Use any of our facilities and services
- > Completing / submitting forms for our services (e.g. applications for consents, licences, approvals, permits or funding, or in relation to community consultation)
- > Follow or post comments in response to our social media.
- > Records of any information we share with you.

Other information we may sometimes collect:

- > Phone conversations to or from you– we only do this for quality control or staff training and if any call is monitored and recorded then we will tell you at the beginning of the call.
- > Your personal information from other organisations, entities or persons, for example;
  - Our Council Controlled Trading Organisation – Queenstown Airport Corporation (if you have authorised them to share your information with us)
  - the New Zealand Police, credit reporting agencies and other organisations, entities and persons (if you have expressly authorised to provide us with information)
  - our suppliers which include solicitors and conveyancers.

## 2.3 WHY DO WE COLLECT PERSONAL INFORMATION?

Your personal information is only collected by us when it is necessary for a specific purpose, and is connected with the services we provide. The purpose for using and collecting your personal information can vary according to the services you are using. We aim to collect personal information fairly and with consent, for example, in the performance of a contract, to adequately respond to a request for service made by you, or to comply with laws and regulations.

## 2.4 HOW DO WE USE PERSONAL INFORMATION?

Here are some examples of some of the purposes that your personal information may be used for:

- > Confirming your identity – to ensure we release information accurately and appropriately
- > To correspond with you or provide you with requested information
- > So our services and facilities can be adequately provided to you
- > To process consents, licenses, approvals, permits or any other authorisations that you have applied for
- > To comply with relevant laws and regulations
- > Providing you with information about our events, news, services/facilities that may be of interest to you
- > To process an application submitted by you and process payments made to or received by us
- > For customer care related activities
- > To respond to individual requests, enquiries or feedback
- > For general administrative or business purposes
- > For a specific purpose that we have advised of at the time of collecting.

## 2.5 WHAT INFORMATION DO WE COLLECT WHEN YOU VISIT OUR WEBSITE?

This information is outlined in our website privacy policy available here: <https://www.qldc.govt.nz/your-council/council-documents/policies/privacy-policy>

## 2.6 WHAT INFORMATION DO WE COLLECT FROM CCTV?

Within accordance with the QLDC CCTV POLIC, we use Closed Circuit Television (CCTV) in particular areas to monitor passenger and traffic movements, secure facilities such as libraries and recreation centres, and monitor public places to

help reduce crime and anti-social behaviour and to promote community safety. Signage advising of CCTV equipment will give notice of areas covered by such equipment. CCTV footage will only be viewed by authorised people in accordance with the purpose noted above or to regularly check the system is operational. CCTV footage may also be shared with other agencies, where permitted by the CCTV policy and / or the Privacy Act 2020, such as New Zealand Police. No attempt is made to identify individuals from CCTV footage except, in relation to a reported or suspected incident requiring investigation.

For full details, please refer to the CCTV policy on the QLDC website here: <https://www.qldc.govt.nz/services/cctv-public-use>.

## 2.7 WHAT INFORMATION DO WE COLLECT WHEN LIVESTREAMING COUNCIL MEETINGS?

Most public Council meetings are broadcast live online and then made available on our website and through our social media. We do this in the interests of making our decision making process transparent and accessible. You will know which meetings are being filmed as there will be a sign clearly stating this before you enter into the meeting room. Most of the filming will cover elected members and QLDC officials as they speak and debate at the meeting, however, the filming may also include shots of the public in the background and of anyone speaking at a public forum.

## 2.8 WHO DO WE SHARE YOUR PERSONAL INFORMATION WITH?

Your personal information may be shared with:

- > Any person engaged by the council to provide products or services to you on our behalf, where your personal information is necessary for the provision of those products or services
- > Council Controlled Organisations, in order to assist with the functions and services that they provide
- > A third party if we are required to do so under any laws or regulations, including to comply with our obligations under the Local Government Official Information and Meetings Act 1987, Building Act 2004 and Resource Management Act 1991
- > A third party in the course of legal proceedings or other investigations. This may include sharing CCTV footage with the New Zealand Police or other public sector agencies where criminal activity is reported or suspected. The New Zealand Police may also access live feeds from certain CCTV cameras from time to time, for law enforcement, investigation and emergency response purposes
- > Any person you authorise us to disclose your personal information to
- > Any person, if that information is held in a public register, e.g. publicly available information held on property files or the rating information database who requests that information in accordance with sections 28 and 28A of the Local Government (Rating) Act 2002
- > A third party contracted by the council to provide data hosting services and who may be based in other countries such as Australia or the USA. Appropriate safeguards are put in place to oblige those third parties to comply with this policy and the applicable New Zealand privacy laws.

## 2.9 WHAT INFORMATION IS PART OF A PUBLIC REGISTER?

We are required by law to make certain information that we hold available to the public. For example:

- > The Building Act 2004 requires us to maintain a property file about each property in the Queenstown Lakes district and make this available to the public. This file may include personal information, for example in building consent applications.

- > The Resource Management Act 1991 requires us to make copies of resource consent applications publicly available.
- > The Local Government (Rating) Act 2002 requires us to make available for inspection our “complete rating information database”, which includes personal information of property owners (unless requests are for bulk collection of the names and postal addresses of people in the database (LGRA s28A(6)(a)).
- > The local electoral roll must be available for inspection in certain circumstances, under the Local Electoral Act 2001.
- > All submissions made to us during a special consultative procedure or other consultative procedure (for example submissions on proposed bylaws and the long-term plan) are always made available to the public under the Local Government Act 2002.

## 2.10 HOW LONG DO WE HOLD YOUR PERSONAL INFORMATION?

The length of time we keep your personal information depends on what it is and whether we have an ongoing need to retain it (for example, to provide you with a service you’ve requested). We may retain all personal information that we collect (on both our active systems and our archive systems), for as long as administratively necessary, in accordance with the council’s information retention policies and disposal schedule. To determine the appropriate retention period of your information, we consider the nature, sensitivity, appropriate legal obligations, the potential risk of harm from unauthorised disclosure, the purposes for which we process your information and whether these purposes can be achieved through alternative means. We are required to keep records of our business under the Public Records Act 2005, which requires us to retain ‘protected records’ indefinitely. In some circumstances, your personal information may be included within a protected record.

## 2.11 HOW DO WE TAKE CARE OF YOUR PERSONAL INFORMATION?

We care about the security of your personal information. We are committed to keeping your personal information safe and take reasonable steps to ensure it is:

- > protected against loss, damage, misuse and unauthorised access
- > accurate, complete, up to date, relevant, and not misleading.

## 2.12 WHAT HAPPENS IF YOU DON’T WANT TO PROVIDE US WITH YOUR PERSONAL INFORMATION?

If you do not provide us with all of the personal information about you that we request, we may not be able to adequately assist you. For instance, we may not be able to respond to your correspondence, process any applications you have submitted, provide the services or facilities you have requested, process payments or otherwise deal with any requests or enquiries you have submitted.

In some circumstances, failure to provide information when requested may be unlawful, and/or result in legal consequences. These circumstances and the potential consequences will be explained to you when your personal information is collected.

## 2.13 HOW CAN YOU ACCESS AND CORRECT YOUR PERSONAL INFORMATION?

You have the right to:

- > know what information we hold about you,

- > request a copy of any information we hold about you, and
- > request that we correct your information (if you believe it is inaccurate).

Your rights of access to and correction of any personal information we hold about you are subject to the procedures set out in the Privacy Act.

**Accessing your information or obtaining a copy of your information:** You may request confirmation of whether or not we hold any personal information about you and you may request access to your personal information that we hold. If you request to access your information, we take steps to confirm your identity. This might involve asking you some security questions and checking your identity documents. Once we have verified your identity we will provide you with such confirmation and access unless one of the grounds for refusal to do so under the Privacy Act applies.

**Updating and correcting your information:** If you think the information we hold about you is inaccurate, you may request changes to your personal information. If we agree that your personal information is to be corrected, we will provide you with an amended record of your personal information if requested. If we do not agree that the information needs to be corrected, we'll make note of your request on the disputed information as a "statement of correction".

## 2.14 HOW CAN YOU ACCESS AND CORRECT YOUR PERSONAL INFORMATION?

You can contact us at any time to ask about our Privacy Policy and privacy practices, to let us know that you're concerned about anything or make a complaint about the way we've handled your personal information. If you have any queries about personal information Queenstown Lakes District Council has collected, please contact one of our delegated Privacy Officers via [privacy@qldc.govt.nz](mailto:privacy@qldc.govt.nz) or postal address: Private Bag 50072, Queenstown 9348.

The authority to act as Privacy Officer is delegated by the Chief Executive to Chief Information Officer, Director People & Capability, General Counsel, and Stakeholder & Democracy Services Manager.

If you're not satisfied with the way we've handled your complaint or enquiry, you have the right to make a complaint to the Office of the Privacy Commissioner. Complaints can be made online at <https://www.privacy.org.nz/> or sent by post to: Office of the Privacy Commissioner PO Box 10094 Wellington 6143

## 2.15 HOW YOU CAN NOTIFY QLDC OF A PRIVACY BREACH

If you suspect or become aware that Queenstown Lakes District Council has shared your personal information or the personal information of others in a manner that breaches the Privacy Act or this Policy, please contact QLDC immediately via 03 441 0499 or [privacy@qldc.govt.nz](mailto:privacy@qldc.govt.nz). The matter will be referred to one of QLDC's delegated privacy officers, who will investigate as a priority.

QLDC has approved plans to respond to a privacy incident (actual or suspected) and will follow these plans to a resolution. That includes keeping you informed about the investigation, a resolution, and what changes will be made to any processes or systems that have contributed to the breach.

If you're not satisfied with the way we've handled the actual or suspected breach, you have the right to make a complaint to the Office of the Privacy Commissioner. Complaints can be made online at <https://www.privacy.org.nz/> or sent by post to: Office of the Privacy Commissioner PO Box 10094 Wellington 6143

## 3 STAFF ACCESS AND USE OF INFORMATION

QLDC staff may only access, use, or share information that we hold for the express purposes of conducting the role for which they are employed by Council, or with the authorisation of the person which the information relates to, and in

keeping with the conditions of the QLDC Staff Handbook (including Code of Conduct):

## **Handling Council Information**

*Some of the information QLDC holds is confidential or sensitive. All employees must take proper care with the use, exchange, storage and release of any information (whether electronic or written) for which they are responsible, to ensure it remains secure at all times and is only used for its intended purpose.*

*Council systems of any kind should only be used for business purposes. Release of information, and access to and handling of personal information about any individual are governed by the Local Government Official Information Act and the Privacy Act.*

For clarification, the following may constitute serious misconduct under the Code of Conduct:

- > *Misuse of information obtained in the course of employment with Queenstown Lakes District Council*
- > *Unauthorised disclosure of information relating to Queenstown Lakes District Council as a business, whether to the media or otherwise.*

Investigation of breaches:

Please note that in the process of investigating a suspected or actual breach of privacy, the Chief Executive may authorise specific officers to undertake investigations that can access any and all information held by Queenstown Lakes District Council and records held by its contractors that relate to work undertaken on behalf of the Council.

## **3.1 RELEASE OF INFORMATION**

Please note that information must only be released to requests for information made under the Local Government Official Information and Meetings Act under the delegated authorities as outlined in the QLDC Delegations Register.

The authority to approve the release of information is delegated by the Chief Executive to General Counsel, General Manager Corporate Services, and Governance & Stakeholder Services Manager.

## **3.2 RELEASE OF INFORMATION - COMPLAINTS**

From time to time, QLDC receives requests for information made under the Local Government Official Information and Meetings Act regarding complaints that have been made by members of the public, for example a homeowner asking for details of complaints made regarding noise at their property. It is QLDC practice to provide details of complaints but not release details of the complainants, such as name and/or contact information.

This decision is on the basis that providing the private information of complainants “would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied” (LGOIMA S7(2)(c)(i)).

## **4 RECORDING, PHOTOGRAPHING OR VIDEOING QLDC STAFF**

QLDC accepts that members of the public or media may wish to take photographs or videos of an employee or employees in a public place, or make an audio recording of a conversation (as long as the recording was made by a party to that conversation) and neither constitutes a breach of the Privacy Act unless the collection of that record is considered “highly offensive” to a reasonable person.

If an individual, member of the public, or media wishes to make a video or audio recording of a conversation with a member of QLDC staff, it is generally considered fair to advise the member of staff that you wish to record them and QLDC requests that permission is sought or the staff member advised of the recording at the outset. QLDC reserves the right for



its staff to refuse to be recorded or to terminate a conversation if they become aware that they are being recorded and have not been advised from the beginning of the conversation.

If an individual, member of the public, or media wishes to take photographs or videos on Council premises, permission must be sought in advance. For publicly notified meetings permission must be sought from the meeting Chair as per QLDC Standing Orders (section 11 Public Access and Recording).

Please note that meetings, workshops and hearings for Council and its committees are all recorded and/or live streamed.

## 5 REFERENCES

Reference	Source
Privacy Act 2020	<a href="https://www.legislation.govt.nz/act/public/2020/0031/latest/whole.html#LMS23312">https://www.legislation.govt.nz/act/public/2020/0031/latest/whole.html#LMS23312</a>
Office of the Privacy Commissioner   Te Mana Mātāpono Matatapu	<a href="https://www.privacy.org.nz/">https://www.privacy.org.nz/</a>
Privacy and CCTV: A guide to the Privacy Act for businesses, agencies and organisations	<a href="https://www.privacy.org.nz/publications/guidance-resources/privacy-and-cctv-a-guide-to-the-privacy-act-for-businesses-agencies-and-organisations/">https://www.privacy.org.nz/publications/guidance-resources/privacy-and-cctv-a-guide-to-the-privacy-act-for-businesses-agencies-and-organisations/</a>
Privacy Commissioner definition of “highly offensive”	<a href="https://www.privacy.org.nz/tools/knowledge-base/view/232">https://www.privacy.org.nz/tools/knowledge-base/view/232</a>
QLDC CCTV Policy	<a href="https://www.qldc.govt.nz/services/cctv-public-use">https://www.qldc.govt.nz/services/cctv-public-use</a>
QLDC Privacy and official information requests   Noho matatapu me kā tonu pāroko āpihi	<a href="https://www.qldc.govt.nz/your-council/privacy-and-official-information-requests">https://www.qldc.govt.nz/your-council/privacy-and-official-information-requests</a>
Delegated Privacy Officers information available in the QLDC Delegations Register (see <i>Privacy Act 2020</i> section)	<a href="https://www.qldc.govt.nz/media/43bfshpz/delegations-register-march-2021.pdf">https://www.qldc.govt.nz/media/43bfshpz/delegations-register-march-2021.pdf</a>
QLDC Standing Orders	<a href="https://www.qldc.govt.nz/media/xncn4p01/qldc-standing-orders-december-2019.pdf">https://www.qldc.govt.nz/media/xncn4p01/qldc-standing-orders-december-2019.pdf</a>
QLDC Staff Handbook ( <i>internal link for staff only</i> ) ECM link	<a href="https://qldc.sharepoint.com/PoliciesProceduresForms/Staff%20Handbook%20and%20Code%20of%20Conduct%20-%20QLDC.pdf">https://qldc.sharepoint.com/PoliciesProceduresForms/Staff%20Handbook%20and%20Code%20of%20Conduct%20-%20QLDC.pdf</a>



## 6 ROLES AND RESPONSIBILITIES

POSITION	RESPONSIBILITIES
<b>Delegated Privacy Officers</b>	<p>Under Section 201 of the Privacy Act 2020, appointed Privacy Officers responsibilities include:</p> <ul style="list-style-type: none"> <li>&gt; Encouraging the agency to comply with the IPPs (information privacy principles);</li> <li>&gt; Dealing with requests made to QLDC under the Act;</li> <li>&gt; Working with the Commissioner in relation to investigations conducted under Part 5 (of the Privacy Act) in relation to QLDC; and</li> <li>&gt; Ensuring the QLDC complies with the provisions of the Privacy Act.</li> </ul>
<b>QLDC staff</b>	Comply with this Privacy Policy and the principles of the Privacy Act