

# Privacy Policy

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<b>Group responsible:</b>	<b>Chief executive</b>
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## Introduction

Privacy is important to Southland District Council (Council) and we are keen to be as transparent as possible about how and why Council 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. Council takes its obligations under the Privacy Act seriously, and this policy will clarify the rights of anyone engaging with Council under the Privacy Act.

Council is committed to the 13 principles of the Privacy Act. These are outlined at:

<https://www.privacy.org.nz/privacy-act-2020/privacyprinciples/>

## Scope

This policy outlines Council's privacy practices for both members of the public and staff.

Staff, contractors, volunteers and elected members must adhere to this policy.

## Associated documents

- Relevant legislation
- Council's Code of Conduct
- Council's Health and Safety Policy
- Council's Surveillance Installation Procedure
- Council's Staff Handbook
- The Privacy Commissioner/Te Mana Matapono Matatapu - Privacy and CCTV, a guide to the Privacy Act for businesses, agencies and organisations (<https://privacy.org.nz/publications/guidance-resources/privacy-and-cctv-a-guide-to-the-privacy-act-for-businesses-agencies-and-organisations/>).

## Part 1 – Council’s general position on privacy

### Why Council collects personal information

We will only collect personal information when it is necessary for a specific purpose and is connected with a service Council provides. The purpose for using and collecting personal information can vary according to the service being used. Council aims to collect personal information fairly and with consent, for example, to adequately respond to a request for service, or to comply with laws and regulations.

### The information Council collects

Personal information is any identifiable information about an individual. Some examples of the types of personal information we may collect are:

- identification details such as your name and date of birth
- contact details such as your physical address, email address, and telephone numbers
- profile information including requests made by you, feedback you’ve provided and survey responses
- technical information such as internet protocol (IP) address, cookies and statistical information
- usage information such as your use of our website, facilities, services and devices
- any image and audio recordings.

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

### How Council collects personal information

When you, or someone acting on your behalf, provides information to Council, we may collect the information. For example, when you:

- communicate with us in person, by letter, phone or electronically including through our social media sites
- complete or submit forms or applications for consents, licences, approvals, permits, funding, or in relation to community consultation
- use or register for any of our services or facilities including using our website
- follow or post comments in response to our social media or other online communications
- apply for employment with Council
- appear in any images from Closed Circuit Television (CCTV) or other recording (as described in Part 2 of this policy)

Council may collect personal information about you from other organisations, entities or persons to fulfil a necessary activity. These might include:

- related organisations, including council-controlled organisations such as Great South
- suppliers, which include organisations such as:
  - Land Information New Zealand
  - Quotable Value Limited
  - other government departments
  - solicitors/conveyancers
  - the New Zealand Police

- credit reporting agencies and other organisations, entities and persons where you have expressly authorised us to request and obtain your information from them or you have authorised them to provide your information to us.

When Council collects information, we will take reasonable steps to make sure you know:

- why information is being collected
- who will receive it
- whether giving it is compulsory or voluntary
- any consequences if you do not provide the information.

## **How Council uses personal information**

Examples of how Council may use personal information include:

- to confirm your identity – to ensure we release information accurately and appropriately
- to correspond with you, such as respond to individual requests, enquiries or feedback
- to provide you with services and facilities
- to process consents, licenses, approvals, permits or any other authorisations that have been applied for
- to update any information that we currently hold about you (or in connection with you), in our existing records, database or systems
- to comply with relevant laws and regulations
- for enforcement and monitoring purposes
- to provide you with information about our events, news, services/facilities
- to process applications and payments made to or received by Council
- for customer care related activities
- for general administrative or business purposes such as improving our products or services
- for a specific purpose that Council has advised you of at the time of collecting any information
- for any other purpose that you authorise.

## **Who Council shares personal information with**

We may disclose personal information about you to:

- any person engaged by Council to provide products or services, where providing your personal information is necessary for the provision of those products or services
- our related organisations such as Council controlled organisations and contractors in order to assist with the functions and services they provide
- third parties, if legally required to do so, or in the course of legal proceedings or other investigations. This may include sharing surveillance footage and other recordings with the Police or other public sector agencies where criminal activity is reported or suspected. The Police may also access live feeds from certain surveillance systems for law enforcement, investigation, and emergency response purposes
- third parties, when consent to disclose personal information has been given
- any person, if information is held in a public register (such as publicly available information held on property files or the rating information database – see section below for further details)
- a third party contracted by the Council to provide data hosting services.

## **Information Council holds that is part of a public register**

We are required by law to make certain information available to the public, and this information is considered part of a public register. For example:

- the Building Act 2004 requires Council to maintain a property file about each property in the 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 Council to make copies of resource consent applications publicly available
- the Local Government (Rating) Act 2002 requires Council to make publicly available its ‘complete rating information database’, which includes personal information of property owners
- 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 procedures. For example, submissions on proposed bylaws and the long-term plan are always made available to the public under the Local Government Act 2002.

## **How long Council retains personal information**

The length of time we keep your personal information depends on what it is and whether Council has an ongoing need to retain it, for example, to provide you with a service you have requested.

We may retain all personal information collected on both our active systems and archive systems, for as long as administratively necessary, in accordance with Council’s information retention policies and disposal schedule. To determine the appropriate retention period of information, we consider the nature, purpose, sensitivity, appropriate legal obligations and the potential risk of harm from unauthorised disclosure of the information.

Council is required to keep records of our business under the Public Records Act 2005, which requires retention of protected records indefinitely. In some circumstances, personal information may be included within a protected record.

## **How Council takes care of personal information**

Council cares about the security of the personal information we hold. We are committed to keeping your personal information safe and will ensure there are standards, processes and procedures for the protection of information and appropriate systems used to store, process and transmit that information. This will help ensure information is:

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

## **When people do not want to provide Council with personal information**

If you do not want to provide the information that we request, we may not be able to deliver adequate assistance or services. For instance, Council may not be able to respond to correspondence, process applications, provide requested services or facilities, process payments or otherwise deal with requests or enquiries.

In some circumstances, you are legally obligated to provide information and Council is fulfilling a statutory requirement in requesting it. In these situations, Council will explain any potential consequences when we seek the information.

## Accessing and correcting personal information

You have the right to:

- know if Council holds information about you and what it is
- request a copy of the personal information Council holds
- request that we correct information if it is inaccurate.

Your right to access and correct personal information we hold about you is subject to the procedures set out in the Privacy Act.

**Accessing information or obtaining a copy of personal information:** If a request is made, we may take steps to confirm your identity. This might involve asking security questions and checking identity documents. If an identity has been verified, we will provide access unless one of the grounds for refusal to do so under the Privacy Act applies.

**Updating and correcting information:** If you believe the information Council holds about you is inaccurate, you may request changes to your personal information. If we agree that the personal information is to be corrected, we will provide you with an amended record of your personal information (if requested) and inform (so far as is reasonably practicable) any party to whom the incorrect information has been disclosed.

## Enquiries and complaints

You can contact Council at any time to:

- ask about this policy
- ask about our privacy practices
- request information
- to raise concerns
- to make a complaint about the way we have handled personal information.

Please contact Council on 0800 732 732 or by using one of the avenues outlined on our website, and your query will be referred to one of our privacy officers.

Council's privacy officers are the group manager Community and Democracy and the group manager People and Capability.

If you're not satisfied with the way we have handled a 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.

## Permission needed to record, photograph or video Council staff

Council accepts that people may wish to record audio or take photos or videos of staff in a public place. Prior to any recording being made, staff should be advised of the recording and permission should be

sought. You may only make recordings if you are a party to the conversation. Council reserves the right for our staff to refuse to be recorded or to terminate a conversation if they become aware that they are being recorded but have not been advised.

If you want to record audio or take photos 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 Council's Standing Orders (section 12.4).

## Part 2 – Surveillance and other recordings

### Surveillance

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#### Purpose of Council's surveillance systems

Council may collect video footage through various means including camera surveillance systems and motion sensitive cameras, capturing both sound and footage. These may be used in particular areas to:

- help ensure Council staff and public safety
- improve security and help deter criminal activity and anti-social behaviour in public places (including Council premises and recreational facilities)
- monitor trespass on Council property
- allow quick response to incidents or other emergency situations such as panic alarm activation (in Council offices and libraries)
- provide a record of events which can also be used if an incident occurs that requires further investigation or needs to be referred to the Police for potential prosecution
- monitor compliance and enable enforcement of Council bylaws
- detect and capture evidence of Council process issues and potential areas for improvement (in Council's offices and libraries)

#### Current surveillance systems

Council currently has surveillance systems operating:

- in public areas in Council offices and libraries
- in public areas in some townships in the District
- around certain Council infrastructure assets.

#### Installing new surveillance

We will only install new surveillance systems after the steps in Council's Surveillance Installation Procedure have been fulfilled. This procedure requires:

- notifying Council staff about the desire to install any new surveillance system or camera
- identifying the need/purpose for surveillance
- seeking feedback on having a surveillance system from the affected community
- identifying appropriate camera types and positions so privacy impacts will be minimised
- identifying signage and notification requirements
- outlining how the data will be used, stored and protected.

## **Signage and notification**

Public signs identifying surveillance areas will be clearly displayed around the perimeter of surveillance systems and also near cameras, to notify the public that surveillance is or may be operating. Where surveillance systems are inside buildings, there will be signs on the entrances to the buildings. The installation and maintenance of signs is the responsibility of Council.

Signs will identify that Council is operating the surveillance system and briefly state why, and refer members of the public to Council's website (where they can locate this policy and find out more about Council's approach to privacy and surveillance).

Public notices will be placed in local newspapers and on our website when a new surveillance system is to start operating. Notices will also be made at regular intervals to remind the public of the surveillance systems and to inform the public of any changes.

## **Camera coverage**

Council staff will select surveillance systems and position them to fulfil the stated purpose/s of the system.

Council will not have surveillance in private areas within public spaces and facilities (e.g. changing rooms or bathrooms). Camera coverage will also not be directed at private property except where unavoidable as part of a wide angle or long shot.

Generally, unless there is sufficient justification for doing so (e.g. reasonable suspicion that an offence is taking place etc) cameras will not track or zoom in on any member of the public, or be directed to look through windows into buildings.

## **When the surveillance system will operate**

Surveillance cameras may be operational 24 hours a day seven days a week. Some cameras will only capture images when they are activated by movement.

## **Monitoring the surveillance system**

Generally, surveillance footage will not be monitored/viewed unless there is a reason for doing so – such as to provide evidence of offending or to investigate a health and safety event. Exception to this are when:

- footage from offices and libraries are reviewed to help identify process improvements
- footage is used for Police training
- footage provides research information to the Police on the nature of street offences, foot or vehicle traffic systems, or evaluation of the operation of particular camera systems
- footage is viewed as part of system checks.

Footage will only be used for the purpose it was collected for.

## **Access to and security of images**

Surveillance systems and footage will be installed/held in secure locations, to ensure there is no unauthorised access. Footage from Council's offices and libraries will be transmitted in a secure way and stored in Council's restricted access server room.

Only authorised staff can directly access Council’s surveillance camera services and recordings and each occasion data is accessed, a log entry will be made recording access details. Authorised staff are the group manager Democracy and Community, the group manager People and Capability, and the manager Business Solutions. Authorised staff may on occasion grant access for the purpose of updating the system, adding/removing cameras, archiving/deleting footage and remediating issues.

Council may share footage with:

- legal advisors
- contractors who install/service the surveillance equipment
- the Police, court or tribunal proceeding, or a public sector agency where it is necessary to uphold the law
- individuals who have formally requested information via a Local Government Official Information and Meetings Act 1987 (LGOIMA) or Privacy Act request.

Council reserves the right to access all footage created by Council-owned cameras. Surveillance information may be stored and accessed by the Police.

Footage will not be removed from Council premises on removeable storage devices except in very limited circumstances (such as providing footage to the Police) and this must be authorised by one of Council’s Privacy Officers.

### **How incidents captured by CCTV will be reported or acted on**

If Council becomes aware there may be footage of an offence or a staff event (such as a health and safety incident), the approach taken will vary depending on the nature of the incident.

### **Storing, keeping and deleting surveillance footage**

Council and the Police may store footage from our surveillance systems. Footage will be kept in accordance with the ‘How long Council retains personal information’ section above.

Most data will be automatically overwritten as part of the recording process, unless Council is aware it is required for evidential purposes or if the footage must be retained as an archive in accordance with the Public Records Act 2005. As a general rule, surveillance footage will be kept for a maximum of six months.

### **Staff breaches**

Information on staff inappropriately using or releasing information is contained in Part 3 of this policy which highlights that the inappropriate use or disclosure of information is considered serious misconduct for employees.

### **Audit**

Council will endeavour to follow best practice in relation to auditing and monitoring our surveillance activities. This includes:

- evaluating whether our surveillance systems are achieving their stated purpose and whether they should be continued
- evaluating if there is a need to upgrade any of our surveillance systems

- checking equipment and procedures to ensure everything is operating effectively
- ensuring our staff are complying with this policy and identifying areas where training may be necessary.

## **Other recordings**

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### **Drones**

Council uses drones to support project work. If Council flies over private property for the purpose of survey works, we do so only with the relevant land owner's consent. We will not use any footage of privately-owned properties without consent.

If we make drone footage publicly available, privacy enhancing technology will be used to distort the images of individuals that appear in the footage.

Our use of drones is conducted in accordance with Civil Aviation Authority's rules and guidance, and data is processed in accordance with this policy.

### **Livestreaming Council meetings**

Most public Council meetings are broadcast live online and made available on our website and through social media. Signage will clearly state that the meeting is being filmed before you enter the meeting room. Where possible, cameras will be directed at elected members and Council staff as they speak and debate at the meeting, however, filming may also include shots of the public in the background and anyone speaking at public forum.

## **Part 3 – Staff access and use of information**

### **Staff use of information**

Council staff may only access, use, or share information that Council holds for the express purposes of their designated role at Council, or with the authorisation of the person to which the information relates.

Some of the information Council 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 LGOIMA and the Privacy Act.

### **Release of information**

Information will only be released to requests for information made under LGOIMA under the delegated authorities as outlined in Council's Delegations Manual.

## Compliance with Code of Conduct

Staff should comply with the Code outlined in the Staff Handbook. For clarification, the following are classed as serious misconduct under Council's code:

- unauthorised use of Council procedures and/or information outside the scope of employment
- unauthorised disclosure of classified or confidential Council information.

## Release of information – where it relates to a complaint that has been made

From time to time, Council receives requests for information made under LGOIMA 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 Council's 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 s.7(2)(c)(i)).

## Roles and responsibilities

POSITION	RESPONSIBILITIES
<b>DESIGNATED PRIVACY OFFICERS</b>	Under Section 201 of the Privacy Act appointed Privacy Officers responsibilities include: <ul style="list-style-type: none"> <li>• encouraging Council to comply with the information privacy principles</li> <li>• dealing with requests made to Council under the Privacy Act</li> <li>• working with the Commissioner in relation to investigations conducted under Part 5 (of the Privacy Act) in relation to Council</li> <li>• ensuring the Council complies with the provisions of the Privacy Act.</li> </ul>
<b>STAFF, ELECTED MEMBERS, VOLUNTEERS AND CONTRACTORS</b>	Comply with this policy, the Surveillance Installation Procedure and the principles of the Privacy Act.

## Review

This policy will be reviewed within three years of adoption. Any amendments shall be made with the approval of Council.

## Implementation

This policy will become effective on 10 August 2022.