

Audit, Finance & Risk Committee
14 June 2022

Report for Agenda Item | Rīpoata moto e Rāraki take [6]

Department: Corporate Services

Title | Taitara Privacy update

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

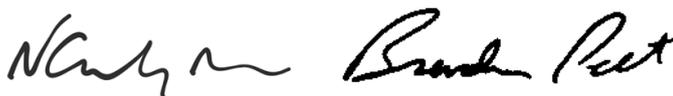
The purpose of this report is to provide the committee with an end of year update on matters relating to the Privacy Act 2020 and Council’s Privacy Policy and practice.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Audit, Finance & Risk Committee:

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

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24/05/2022

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25/05/2022

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27/05/2022

CONTEXT | HOROPAKI

- 1 Under the Privacy Act 2020, Queenstown Lakes District Council 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 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. It also covers a period just over 12 months to provide a more comprehensive update.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

Organisational Capability and Compliance

- 5 In March 2021, four officers were delegated by the Chief Executive as privacy officers (replacing just one officer) which were Legal Counsel, Chief Information Officer, Director People & Capability, and Governance & Stakeholder Services Manager. Monthly privacy officer meetings initiated to review progress and provide a forum for discussion privacy-related matters.
- 6 In May 2021, the Records Management Team promoted Privacy Week to all staff as part of Information Management Month. This was repeated in May 2022, promoting staff to complete online learning modules (the Privacy ABC), familiarise themselves with the 13 principles of the Privacy Act 2020, and providing advice on how to respond to a potential or actual breach.
- 7 In May 2021, the Council also revised its Privacy Policy in alignment with the 2020 Act. This included an updated information for the QLDC website and how information captured there is handled, and online information for the public as to how to raise a request under the Act or Policy (note, all initial enquiries are coordinated by the Council's official information team).
- 8 In June, a number of frontline teams such as customer services and official information completed the online learning modules. The intent is that this becomes a standard part of onboarding for all Council officers.

- 9 In July 2021, the electronic record management system was updated to provide a new, secure, limited access structure for centrally recording potential and actual breaches.
- 10 In February 2022, tailored privacy statements were developed for libraries and sport & recreation functions that have different information gathering needs from general Council business.

Requests Made under the Privacy Act

- 11 A total of two requests was made since the Council began formally recording them. These were:
 - a. A request was made relating to Three Waters Reform and the roles and responsibilities associated with delivering Three Waters activities. Our ability to respond within our privacy obligations was heavily tested, including collaboration with other local authorities. We found that it was possible to provide the information requested in broad terms without identifying individuals or disclosing private information. Staff were notified of our intention to respond to the request before doing so.
 - b. A private request for information regarding another individual was considered under the Privacy Act, and both the Office of the Privacy Commissioner Te Mana Mātāpono Matatapu and the Office of the Ombudsman Kaitiaki Mana Tangata consulted. In this instance the information requested relating to vehicle infringements was not considered personal information and the details released.

Breaches investigated under the Act

- 12 A total of eight potential breaches was reported / identified since the Council began formally recording them. Of these, three were referred to the Office of the Privacy Commissioner Te Mana Mātāpono Matatapu as potential breaches. Two were not considered breaches and the Council's actions acknowledged as satisfactory, one was considered a breach with the appropriate action taken.
 - a. The item acknowledged as a breach involved the address details of a resident being published online from a historic record of consultation submissions. This was indexed by Google and displayed in search results. The matter was escalated to Google and the results removed.
 - b. One potential breach related to the words "Infringement Notice" appearing in a window envelope and viewable by someone other than the addressee. The letter template has been amended.
 - c. One potential breach related to a former officer accessing data relating to a regulatory matter but not relevant to their position. The matter was reported after the officer has left the Council and could not be substantiated. A programme of organisation-wide guidance and training followed.

- d. Other matters investigated included incorrect addressing of letters and emails, circulation of a CCTV image as part of investigating a health & safety matter, recording of staff interactions by members of the public, use of body cameras, and requests for property rates information.

13 Options are not provided as part of this report as it is for noting only.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

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

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

15 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 | NGĀ RITENGA Ā-PŪTEA

16 There are no financial implications associated with this matter.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

17 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

18 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-KĀIKA

19 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 and cultivating trust and data security.
- Is consistent with the Council's plans and policies.