

Trainee Privacy Policy

This policy should be read in conjunction with the document:
Definitions for Use with Trainee Policies and Guidelines



INSTITUTE of
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The privacy policy applies to IPLS and its employees handling personal information of trainees of IPLS. While every employee of IPLS is required to adopt these practices, it is the responsibility of the National Director to ensure compliance with the policy.

Forms collecting personal information from a trainee currently identify relevant purposes, the IPLS commitment to complying with the Privacy Act 1993 (the Act) and Information Privacy Principles (IPP), and the individual's right to access and correct his or her personal information.

Purpose for collection of personal information

Information is collected from trainees on the Enrolment Application form and is used for the following purposes:

Information collected	Purpose of collection
Name Date of birth Gender	Identification of trainee
Contact details Employer information	Communicating with trainee
Citizenship Academic and vocational information	Ensuring eligibility of trainee to participate in the IPLS course
Name Date of birth Gender Citizenship Ethnicity Iwi Inland Revenue Department number National student number Employer information	Reporting to government bodies or other agencies for the purposes of funding or to meet contractual/legislative obligations
Gender Ethnicity Iwi Disability	Providing equal opportunity access to teaching programmes
Contact details Credit card information (if applicable) Employer information	Payment and collection of fees
Name Date of birth	Maintaining records of trainee progress
Next of kin	Welfare and safety of trainee in emergency

Information collected from trainees may also be used by IPLS for the following directly related purposes:

- ensuring each trainee participates in seminar(s)
- strategic budgeting and forecasting
- administering and planning human resources
- discipline/enforcement of regulations
- managing disputes
- surveying trainee satisfaction with IPLS and its course (trainee is not identified in survey form)
- providing general assistance to each trainee

Disclosure of personal information to third parties

The following guidelines should be used by IPLS employees when considering disclosure of a trainee's personal information to a third party:

General

IPLS does not disclose a trainee's personal information to third parties except where:

- there is another legal requirement to release the information (eg statutory, contractual)
- it is for a purpose or directly related purpose of IPLS
- the situation is covered elsewhere in this policy, or
- the situation is covered by one of the exceptions set out in IPP 11 of the Act including when:
 - the information is publicly available
 - disclosure is to the individual concerned or is authorised by the individual concerned
 - non-compliance is necessary to avoid prejudice to the maintenance of the law
 - non-compliance is necessary to prevent or lessen a serious and imminent threat to public or individual health and/or safety (note that disclosure should be to someone who can do something about it, eg the police), and
 - the information is in a form by which the individual cannot be identified.

Result of assessments

Where a trainee receives their results for an assessment:

- the result notification must not be visible,
- the result notification must only be given to the trainee concerned, and
- groups of trainees must not be advised of overall results.

Telephone requests for personal information

Employees do not give a trainee's personal information out over the phone unless the employee is reasonably satisfied that the receiver is:

- the trainee to whom the personal information relates

- a person to whom personal information may be disclosed, where the employee has taken reasonable steps to ensure identification of the receiver, such as:
 - calling the individual back at a known telephone number
 - asking for a trainee identification number, or
 - otherwise being able to identify the receiver through personal knowledge or recognising the receiver's voice.

Visitors and contract workers

From time to time, IPLS invites visitors or contract workers to assist with the course or its administration. Any invitation issued contains a requirement that the visitor or contract worker will keep confidential any personal information they may receive during their visit.

Enquiries from parents/employers

Parents/employers are not entitled to receive personal information about trainees. IPLS may only disclose personal information about a trainee to parents/employers upon application from the trainee.

Enquiries from Police

If the Police seek assistance of IPLS to contact a trainee:

- In case of an emergency, accident, or sudden death, then reasonable assistance is given to ensure the trainee has the opportunity to speak with the Police in private.
- In non-emergency cases (eg return of a stolen wallet), IPLS contacts the trainee and advises him or her to contact the Police.
- In other cases (investigation of an offence), the Police are referred to the National Director.

Contact lists

IPLS does not organise trainee class contact lists for the class, however, trainees may organise these if they wish to. Participation is not compulsory.

Complaint outcomes

IPLS reserves the right to deal with the consequences of any complaint in confidence. The complainant is told from the outset that she or he may not know the final outcome/action taken in respect of the person about whom the complaint is made.

Access to and correction of personal information by the individual

A trainee has a right to ask IPLS whether personal information is held about that trainee, and to have access to that personal information if it exists subject to the exceptions contained in Part IV of the Act. This right extends to an agent appointed by the trainee but the appointment must be in writing, signed by the trainee. In urgent situations, IPLS may confirm orally with the individual that the person is authorised to access the information.

Where access to personal information is allowed

- IPLS responds to requests for personal information as soon as practicable but no later than 20 working days after the request is received. If more time is required, IPLS contacts the requester and advises of the reasons for any delay.
- If the person making the request is not satisfied with the time taken to provide the material, they have the right to complain to the Office of the Privacy Commissioner.
- Any urgent request for personal information must be accompanied with the reasons for IPLS to take urgency.
- IPLS may impose a reasonable charge on the trainee for providing access to the trainee's personal information (having regard to the cost of labour and materials involved).
- Information is given in the way requested by the trainee unless to do so would impair efficient administration. This can include providing an opportunity to inspect a file, providing the trainee with a copy of any document, furnishing oral information about a file's contents or giving a summary of the contents. Further:
 - access to any file is under supervision to ensure there is no material added or deleted from it, and
 - with large files, the requester is given an opportunity to look through the file to identify the material they are seeking (subject to the removal of any material which may be legally withheld) and to speak with a relevant employee of IPLS if material on the file needs explanation.
- IPLS must use its best endeavours to ensure correct personal information about a trainee is held, and where incorrect information is identified, reasonable steps must be taken to have the file corrected immediately. Any change should be noted carefully to ensure an adequate audit trail of changes exists.

Where access to personal information is declined

- Where access to a trainee's personal information is declined, IPLS must provide a reason for declining to provide access to the personal information, including an explanation of the requester's ability to complain to the Office of the Privacy Commissioner.
- Access may be declined for the reasons set out in Part IV of the Act, which include:
 - endangerment of the safety of any individual
 - maintenance and enforcement of the law
 - protection of trade secrets
 - the release will result in the unwarranted disclosure of the affairs of another individual, and
 - disclosure is of evaluative material thereby breaching an express or implied promise to keep it confidential. In relation to IPLS, evaluative material means evaluative or opinion material compiled solely for the purpose of determining:
 - the suitability, eligibility, or qualifications of the individual to whom the material relates
 - for the awarding of contracts, awards, scholarships, honours, or other benefits, or
 - whether any contract, award, scholarship, honour, or benefit should be continued, modified, or cancelled

- disclosure is likely to prejudice the mental health of the individual
 - disclosure would breach legal professional privilege
 - the request is frivolous or vexatious or information is trivial.
- If the requester seeks to correct information and IPLS does not accept such a correction, then the requester is given the opportunity to have a statement of correction held with the information. The information and correction is held in such a way so that anyone accessing the file will understand there is a contrary view to the personal information on file.

Storage and security of personal information

IPLS has reasonable and practicable procedures and measures in place to ensure the protection of a trainee's personal information from loss, unauthorised access, use, modification, and/or disclosure, as follows:

Record keeping

- All reasonable steps are taken to ensure personal information is accurate, up to date, complete, relevant and not misleading.
- All personal information is kept in a secure location, accessible only by authorised employees for IPLS purposes. This may include locked filing cabinets, cupboards and offices that are locked while not in use. No personal information is left on desks overnight or at times when other people may have access to the office (eg cleaners, visitors or trainee appointments).
- Personal information relating to trainees is kept for a period of six years after the trainee was last enrolled in an IPLS course. Personal information given to IPLS by a trainee is retained at the National Office and information given to the centre that the trainee attended is kept at that centre.

Disposal of personal information

- Personal information is disposed of by way of shredding or placement in a locked bin that has the contents disposed of in a confidential and secure manner.
- Employees who are responsible for disposing of computer hardware, delete all files from disks before the disposal, and seek expert help to permanently delete files if necessary.

Work taken home

- It is recognised that there are critical times when employees will need to remove personal information from IPLS (eg marking). If work is taken home employees take the following precautions:
 - personal information travels securely – it is in a briefcase or fully enclosed envelope, file or folder
 - if travelling by motor vehicle, such information is not left unattended in or near the motor vehicle, and
 - during the time it is away from IPLS, it is not accessible by other people or disclosed to other people.

Sending personal information by mail or email

- Any personal information of a trainee sent by mail is in a sealed envelope, which is addressed to the receiver and marked 'confidential'. If personal information must be sent by facsimile transmission (fax), then the receiver is telephoned prior to sending the fax, to ensure they are waiting to receive it.
- Personal information is not sent by email unless, in all the circumstances, it is reasonable to send personal information by email.

Sharing of personal information between employees

- Personal information is only accessed by employees who need the information to do their job. Accordingly, personal information is not to be shared between centres of IPLS unless it is for a legitimate purpose of IPLS.
- It is recognised that centre employees work closely together and therefore share personal information about trainees for support, assistance and/or guidance.

Disabilities/medical conditions

No personal information relating to disabilities/medical conditions is shared with other trainees without the informed consent of the individual unless it is necessary to prevent or lessen a serious and imminent threat to an individual, or is for public safety. In that case, the matter is referred to the National Director.

Accuracy and use of personal information

- It is the responsibility of a trainee to notify IPLS of any changes to personal details that have been provided.
- Personal information provided by a trainee to IPLS is only accessed and used by those employees of IPLS who require access to the particular part of the trainee's personal information to ensure the trainee's enrolment and progress through the IPLS course.
- Personal information given for an express purpose/purposes is not used for any other purpose without authorisation from the trainee to whom the information relates. IPLS may use personal information for another purpose if any of the exceptions contained in IPP 10 apply, including:
 - information is publicly available information
 - individual concerned authorises use of information for another purpose
 - non-compliance is necessary to avoid prejudice to maintenance of law
 - non-compliance is necessary to prevent or lessen a serious and imminent threat to public or individual health and/or safety, and/or
 - the purpose for which personal information was obtained is directly related to proposed purpose for use.

This policy was reviewed: 24 June 2010

Next review date: June 2011