

## Governance Policy

What guides us:

Living Te Tiriti o Waitangi  
Ensuring ākonga are at the centre of everything we do  
Delivering high-quality, future-focused teaching and learning

Poipoi – Kauawhi – Tāuteute – Pūnaha Auaha – Ārahi  
Nurture - Include - Engage - Innovate - Lead

## PRIVACY

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Date of approval	: 25/3/2025
Date first created/This version no.	: 2023/2
Next review date (3 year cycle)	: June 2026
Sponsor	: Chief Advisor Strategy
Owner	: Privacy Officer
Who does this policy apply to	: Kaimahi

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### Outcome statement

1. This Privacy Policy sets out the principles which are used by Te Kura to collect, store, use and disclose personal information about ākonga, whānau, kaimahi and other individuals. It applies to the work of all Te Kura kaimahi.

### Te Tiriti o Waitangi

2. Te Kura is a major education provider, and both our leadership and organisational approach is focused on living Te Tiriti o Waitangi. This policy aligns with [Te Tiriti o Waitangi Policy](#) which recognises and upholds the obligations and commitments of Te Tiriti o Waitangi.
3. This policy recognises the constitutional status of Māori as the first inhabitants of Aotearoa/New Zealand which gives rise to the expectation of equal treatment, mutual benefit and tino rangatiratanga. Te Kura acknowledges our obligation under Te Tiriti o Waitangi to actively protect Māori knowledge, interests, values and other tāonga, including personal information. See the [Information Management and Security Governance Policy](#) for more information.

### Cultural inclusivity

4. Cultural safety and responsiveness are paramount to Te Kura for kaimahi, ākonga and whānau. This policy acknowledges the right of other cultures and cultural contexts to their cultural information, knowledge, interests, values and tāonga, and to have input in decisions, as appropriate, regarding these.

### Scope

5. This policy applies to all Te Kura Kaimahi involved in the creation, use, maintenance, and sharing of personal information.
6. Everyone covered by this policy, regardless of their role, must consistently adhere to all Te Kura policies and comply with New Zealand laws.

## Delegated authorities

- Any decisions must be made in accordance with the [Financial and Human Resources Delegations Governance Policy](#).

## Accountabilities and responsibilities

- The Board is accountable for the responsible management, security, and ethical use of personal information in its care. This includes maintaining the confidentiality, integrity, and availability of information, aligning with best practices, and recognising the unique cultural needs and aspirations of Iwi Māori.
- The Chief Executive manages the daily operations of Te Kura<sup>1</sup>, which includes the development and implementation of an information management and privacy framework.

## Definitions

- In this Policy, unless the context requires otherwise:

Term	Definition
Culture	Includes, but is not limited to, age or generation, gender, sexual orientation, occupation and socio-economic status, cultural and epistemological frame of reference, ethnic origin, or migrant experience, religious or spiritual belief, and disability.
Cultural safety and responsiveness	Effective delivery as applied to a person, family, or group from another culture, and as determined by that person, family, or group. The role delivering the service will understand and recognise the cultural origins, assumptions, and limitations of certain forms of delivery within some cultural contexts. They will also have undertaken a process of reflection on their own cultural identity and will recognise the impact that their personal culture has on delivery.
Kaimahi	Staff, including permanent, fixed-term, temporary, and seconded employees, as well as volunteers and contractors engaged by Te Kura, regardless of whether they work full-time, part-time, or casually.

Frequently used terms, including Te Reo Māori, can be found [here](#).

## Policy Statements

### Key privacy principles as they apply to Te Kura

- Individuals have the right to know:
  - What personal information we will collect and hold about them.
  - Why we need the information and what it will be used for.
  - How we store the information and keep it safe.
  - How to access and update the information we hold.
- In general, a person can only access personal information about themselves. Personal information should not be disclosed to third parties unless we have permission or because there

<sup>1</sup> Section 130 Education and Training Act 2020

is some other legal reason why we must do so. Permission may be granted as part of accepting our [Terms and Conditions](#) at enrolment or on a case-by-case basis.

13. Individuals should be able to access the personal information we hold about them and ask for it to be corrected. This includes internal emails we have sent about them and notes we have made about them on our systems. Individuals are entitled to understand what information we are using to form views about them, what those views are and the basis for any decision-making that may impact them.
14. There is no minimum age at which a person attains rights under the Privacy Act, so by default children have exactly the same rights as adults. However, an individual's maturity and their ability to make informed decisions about privacy does need to be considered. Parents and guardians will often make decisions about privacy on behalf of younger ākongā.
15. We have obligations under the Education and Training Act 2020 to tell parents and guardians, including non-custodial guardians, about the educational progress and achievement of their children. These obligations take precedence over the Privacy Act although as a child gains greater maturity and understanding more weight should be put on their views about how much personal information they want to share.
16. We outline how we will apply these principles at Te Kura in the Privacy statement for ākongā, whānau and other third parties, and Privacy statement for kaimahi.

## Expectations and limitations

17. In accordance with the provisions of the Privacy Act 2020, Te Kura will promote and protect the privacy of individuals with regard to:
  - a. The collection, use, storage, and disclosure of personal information by Te Kura relating to individuals.
  - b. Access by an individual to personal information relating to that individual and held by Te Kura.
  - c. The collection, use, storage, and disclosure of information by Te Kura relating to individuals.
  - d. Access by an individual to information relating to that individual and held by Te Kura.
18. Te Kura will:
  - a. Have a Privacy Officer<sup>2</sup>.
  - b. Have a privacy statement, ngā hātepe kaimahi (staff procedures) and guidelines for managing the personal information of ākongā, whānau and other non-employees, which is held by Te Kura. The procedures will outline how Te Kura manages the intersection between the Privacy Act, the Education and Training Act, the Children's Act, and other relevant legislation.
  - c. Have a privacy statement, ngā hātepe kaimahi and guidelines for managing the privacy of kaimahi. Ngā hātepe kaimahi will outline how Te Kura manages the intersection between the Privacy Act and other relevant legislation.
  - d. Use appropriate administrative, technical and security procedures to safeguard the personal information of ākongā and kaimahi from loss, unauthorised access, use or disclosure. These measures will include the use of firewalls, encryption technologies, intrusion detection systems as well as active monitoring of Te Kura's IT equipment such as servers, laptops, and mobile phones.

<sup>2</sup> This role is held by the Chief Advisor Strategy in the CE's Office.

Commented [A11]: Does the Hātepe Kaimahi do this?

Commented [RD2R1]: Yes, I believe so

Commented [A13]: As above. I would say you've pushed this to the guidance level.

Commented [RD4R3]: Ok, have made a suggested change to the text that incorporates this

- e. Have systems for collecting, storing, processing, using and sharing personal information that are designed and managed with privacy as a priority and will enable Te Kura to meet its privacy obligations through information management and security.
- f. When maintaining, developing, and purchasing systems and processes, consider the privacy implications and will use Privacy Impact Assessments where appropriate.

19. All kaimahi:

- a. Have a responsibility for promoting and protecting privacy in their day-to-day work with guidance from the Privacy Officer.
- b. Will receive and complete privacy training as part of their induction and will be expected to refresh their privacy training at least every three years.

## Compliance

20. Breaches of this policy may be treated as a performance issue, misconduct, or serious misconduct and will be managed in accordance with the Te Kura [Code of Conduct - Kaimahi](#) and the relevant employment agreement.

## Monitoring and reporting

21. The Chief Executive will oversee the implementation of this policy and will report annually to the Board on its compliance.
22. Procedures will be in place to assist the Privacy Officer to monitor compliance with, and observe, the provisions of the Privacy Act 2020, including the 13 information privacy principles and processes for dealing with requests for personal information under the Privacy Act 2020.

## Related documents and information

23. The following information supports the interpretation of this Policy:

### Policy documents

- a. [Code of Conduct - Kaimahi](#)
- b. [Financial and Human Resources Delegations Governance Policy](#)
- c. [Information and Records Management Hātepe Kaimahi](#)
- d. [Intellectual Property, Copyright, and Other Related Rights Governance Policy](#)
- e. [Policy Framework Governance Policy](#)
- f. Office of the Privacy Commissioner Privacy Hātepe Kaimahi (In development)
- g. [Privacy Governance Policy](#)
- h. [\[Privacy Hātepe Kaimahi\]](#)
- i. [Privacy statement for ākonga, whānau and other third parties](#)
- j. [Privacy statement for kaimahi](#)
- k. [Protected Disclosure Hātepe Kaimahi](#)
- l. Responding to External Requests for Information Hātepe Kaimahi (In development)
- m. [Responsible Use of ICT Hātepe Kaimahi](#)
- n. [Te Tiriti o Waitangi Governance Policy](#)

### Guidance

- o. [Privacy](#) Guidelines
- p. [Privacy Breach](#) Guidelines

## Legislation

- q. [Crown Entities Act 2004](#)
- r. [Education and Training Act 2020](#)
- s. [Education \(School Boards\) Regulations 2020](#)
- t. [Human Rights Act 1993](#)
- u. [Official Information Act 1982](#)
- v. [Privacy Act 2020](#)
- w. [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)
- x. [Public Records Act 2005.](#)
- y. [Public Service Act 2020](#)

**Approved by Nicola Ngarewa, Chairperson, Te Kura Board of Trustees**