

NMIT PRIVACY POLICY

MOKAMOKA WHAKAAETANGA | APPROVAL DETAILS

Section	Executive		
Approval Date	18.02.2026	Sponsor	Chief Executive Officer
Next Review	01.01.2029	Approved by	NMIT Council

NGĀ WHAKATIKATIKA | AMENDMENT HISTORY

Version	Effective Date	Created/ Reviewed by	Reason for review / comment
1	01.01.2025	Transition Lead	New

Mō wai me te whānuitanga | Audience and scope

This policy applies to:

- All employees of NMIT, including contracted staff and secondees providing services for NMIT; and those on fixed term contracts (may be collectively referred to as kaimahi in this policy); and
- All governors of NMIT including members and advisors of NMIT Council and governance committees or boards (collectively referred to as governors in this policy).

This Policy has been adopted while there is ongoing work being carried out to consider how NMIT's commitment as a te Tiriti o Waitangi partner should be embedded in this policy. A future review of this policy will be carried out having regard to the principles of Māori Data Sovereignty that will be applied as part of the record management of NMIT.

Te Pūtaki | Purpose

The purpose of this policy is to ensure NMIT complies fully with its obligations under the Privacy Act 2020 (the Act), including any applicable codes of practice issued by the Privacy Commissioner under the Act.

The purpose of the Act is to promote and protect individual privacy by:

- providing a framework for protecting an individual's right to privacy of personal information, including the right of an individual to access their personal information, while recognising that other rights and interests may at times also need to be taken into account; and
- giving effect to internationally recognised privacy obligations and standards in relation to the privacy of personal information.

Ngā Mātāpono | Principles

The Privacy Act 2020 has 13 privacy principles that govern how agencies (organisations and businesses) can collect, store, use and share personal information. All New Zealanders regardless of age or circumstance have privacy rights.

The Information Privacy Principles (IPP) within the Privacy Act always apply at NMIT. They reflect the following:

1. NMIT can only collect personal information if it is for a lawful purpose and the information is necessary for that purpose.
2. NMIT should generally collect personal information directly from the person it is about. Because that won't always be possible, NMIT can collect it from other people in certain situations. For instance, if:
 - the person concerned gives NMIT permission
 - collecting it in another way would not prejudice the person's interests
 - collecting the information from the person directly would undermine the purpose of collection
 - NMIT are getting it from a publicly available source.
3. When collecting personal information, NMIT will take reasonable steps to make sure the person knows:
 - why it's being collected
 - who will receive it
 - whether giving it is compulsory or voluntary
 - what will happen if they don't provide the information.

Sometimes there may be good reasons for not letting a person know NMIT is collecting their information – for example, if it would undermine the purpose of the collection, or if it's just not possible to tell them.

4. NMIT may only collect personal information in ways that are lawful, fair and not unreasonably intrusive, and will take particular care when collecting personal information from children and young people.
5. NMIT will ensure there are reasonable security safeguards in place to prevent loss, misuse or disclosure of personal information. This includes limits on employee browsing of other people's information and processes to assess and manage potential risks to privacy, eg. responsible Artificial Intelligence (AI) use.
6. Kaimahi have a right to ask NMIT for access to their personal information, which will be provided in most cases. NMIT may refuse access in certain instances, for example if releasing the information could:
 - endanger someone's safety
 - create a significant likelihood of serious harassment
 - prevent the detection or investigation of a crime
 - breach someone else's privacy.
7. Kaimahi have a right to ask NMIT to correct their information if they think it is wrong. Even if NMIT doesn't agree that it needs correcting, we will take reasonable steps to attach a statement of correction to the information to reflect the person's view.
8. Before using or disclosing personal information, NMIT will take reasonable steps to check it is accurate, complete, relevant, up to date and not misleading.
9. NMIT will keep personal information in accordance with the NMIT Information Management Policy.
10. NMIT can generally only use personal information for the purpose it was collected. NMIT may use it in ways that are directly related to the original purpose, or in another way if the person gives NMIT permission, or in other limited circumstances.
11. NMIT may only disclose personal information in limited circumstances. For example, if:
 - disclosure is one of the purposes for which NMIT got the information
 - the person concerned authorised the disclosure

- the information will be used in an anonymous way
 - disclosure is necessary to avoid endangering someone's health or safety
 - disclosure is necessary to avoid a prejudice to the maintenance of the law
12. NMIT can only send personal information to someone overseas if the information will be adequately protected. For example:
- the receiving person is subject to the New Zealand Privacy Act because they do business in New Zealand
 - the information is going to a place with comparable privacy safeguards to New Zealand
 - the receiving person has agreed to adequately protect the information.

If there aren't adequate protections in place, NMIT can only send personal information overseas if the individual concerned gives NMIT express permission, unless the purpose is to uphold or enforce the law or to avoid endangering someone's health or safety.

13. A unique identifier is a number or code that identifies a person in NMIT dealings with them, such as a Student ID or Kaimahi number. NMIT only assigns our own unique identifier to individuals where it is necessary for operational functions. NMIT does not assign the same identifier as used by another organisation. NMIT is responsible for ensuring the risk of misuse (such as identity theft) is minimised.

Kaupapa Here | Policy Statements

All kaimahi and governors of NMIT must ensure that, when using or dealing with personal information relating to any individual, they comply fully with the Act, including the privacy principles within the Act and any applicable codes of practice issued by the Privacy Commissioner under the Act.

Where personal information is being received or collected from outside of New Zealand, it should also be considered whether other privacy/data protection regimes apply.

Kaimahi who are responsible for contractors or consultants working for, or on behalf of NMIT and its business divisions, must ensure that the contractors or consultants understand and comply with their obligations under the Act and the requirements of this policy.

Unless one of the exceptions in the Privacy Act applies, NMIT will not disclose information to parents/caregivers without ākonga permission. Potential exceptions are explained in [Office of the Privacy Commissioner | Principle 11 - Disclosure of personal information](#)).

The Privacy Officer is the primary contact responsible for engaging with the Privacy Commissioner in relation to any NMIT privacy matters. This includes responding to compliance notices, cooperating with investigations or complaint proceedings and submitting a notice of any Notifiable Privacy Breach.

Pūrongo me te Whakapūmau | Reporting and Assurance

Regular reports will be submitted to Council and/or a committee of Council:	
Submitted by	Chief Executive Officer (CEO)
Submitted to	Council
What must be reported	Notifiable privacy breaches, compliance notices, investigations and outcomes
Reporting cadence	Monthly report
Is immediate escalation required for material events?	Yes; immediate escalation required by <ul style="list-style-type: none"> • the Privacy Officer to Council Chair if a protected disclosure involves the CEO • the CEO to Risk and Audit Committee if a protected disclosure involves the Council Chair

Ngā Haepapa | Responsibilities

Role	Responsibilities
Chief Executive Officer	Ensures the Privacy Procedures are reviewed periodically, remain fit for purpose, compliant with legislation, and are consistent with this policy.
Privacy Officer	<p>Ensures that personal information held by NMIT is held in accordance with the Act.</p> <p>Ensures all within NMIT are familiar with this policy and the Act.</p> <p>Deals with requests made to NMIT under the Act with assistance from the teams that hold the relevant personal information.</p> <p>Acts as the point of contact for NMIT as a whole with the Privacy Commissioner, including responding to compliance notices and cooperating with investigations or complaint proceedings.</p> <p>Upon being notified of a privacy breach, confers with the Chief Executive Officer to determine whether the breach is a Notifiable Privacy Breach and, if so, notifies the Privacy Commissioner and any affected parties.</p> <p>Ensures details of the Privacy Officer remain up to date on NMIT website</p>
NMIT kaimahi	<p>Promptly report any privacy breaches to the Privacy Officer</p> <p>Assist with any requests made to NMIT under the Act.</p> <p>If responsible for engaging contractors or consultants, ensures contractors and consultants understand their obligations under the Act and undertake to comply with this policy.</p>

Ngā Tikanga | Definitions

Term	Definition
Information Privacy Principles	The information privacy principles prescribed in section 22 of the Act.
Notifiable privacy breach	<p>In accordance with section 112 of the Act, a notifiable privacy breach means a privacy breach that it is reasonable to believe has caused serious harm to an affected individual or individuals or is likely to do so (taking into account the factors set out in section 113 of the Act).</p> <p>The factors set out in section 113 of the Act are:</p> <ul style="list-style-type: none">a) any action taken by the agency to reduce the risk of harm following the breachb) whether the personal information is sensitive in naturec) the nature of the harm that may be caused to affected individualsd) the person or body that has obtained or may obtain personal information as a result of the breach (if known) whether the personal information is protected by a security measure ande) any other relevant matters.
Personal information	Any information that directly or indirectly identifies an individual, regardless of format. This includes, but is not limited to, name, birth date, contact details, academic information, images, IRD number, and banking details.
Privacy Officer	One or more individuals appointed in accordance with section 201 of the Act, responsible for privacy matters arising within NMIT.

Ngā Hononga ki Tuhinga kē | Links to other documents

NGĀ KAUPAPA-HERE E HANGAI ANA | RELATED POLICIES

NMIT Information and Records Management Policy

NGĀ TUKANGA ME NGĀ HĀTEPE | RELATED PROCESSES, PROCEDURES

NMIT Data Breach Response Plan

NMIT Privacy Procedure

TURE WHAI TAKE | RELEVANT LEGISLATION

[Privacy Act 2020](#)

[Official Information Act 2020](#)

Office of the Privacy Commissioner <https://www.privacy.org.nz/>

NGĀ TAPIRITANGA | APPENDICES