

Policy

Te Hiringa Mahara Privacy and Security Policy

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1. Introduction

Te Hiringa Mahara, the Mental Health, and Wellbeing Commission, is committed to respecting and protecting your privacy.

This Policy provides an overview of our privacy practices, including how we collect, use, and protect your personal information. It also explains your rights to access and correct your personal information.

Te Hiringa Mahara is established by and operates pursuant to the Mental Health and Wellbeing Commission Act 2020 ("the Act"). All personal information held by Te Hiringa Mahara is subject to the Official Information Act 1982 and the Privacy Act 2020, which governs how we collect, use, disclose, store, and provide access to personal information, and the Public Records Act 2005.

For more information about our statutory role, functions and powers, see our Transparency Statement ([link](#)).

2. Purpose and Methods of Collection of Personal Information

2.1 Purpose of Collection

All information collected by Te Hiringa Mahara is to assist us perform our statutory functions.

Personal information may for example be collected to inform the Commission's advocacy, assessment and monitoring work, to engage with the public and stakeholders and the mental health and wellbeing sector, respond to inquiries, and fulfil our other functions and responsibilities under the Act.

The Commission may also use personal information to improve our services and communication methods, and to comply with legal obligations.

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2.2 Methods of Collection

Te Hiringa Mahara collects personal information in various ways to fulfil its functions under the Act.

This includes our obligation under section 13 of the Act to have effective means of seeking the views of the wide range of groups referred to in the Act. This includes Māori, Pacific peoples, people who have experienced mental distress or addiction, and their supporters, and people who share a common identity, experience or stage in life that increases the risk they will experience poor mental health and wellbeing. The Act also refers to refugees and immigrants, rainbow communities, rural communities, disabled people, veterans, prisoners, young people, older people, children experiencing adverse childhood events and children in state care.

Our various forms of engagement may involve the collection of personal information through various methods including hui, surveys, interviews, public consultations, and feedback forms.

Te Hiringa Mahara may also collect personal information through interactions with our website, for example details such as your IP address. If you contact us through our website, this may include information such as your name, email address, and the content of your communication. See section 6 of this policy for more information about use of our website.

2.3 Inadvertent Provision of Personal Information

The Commission is prohibited under section 15 of the Act from using its statutory power of gathering information to request personal information as defined in section 2(1) of the Privacy Act 2020.

In some cases, we may receive personal information that we have not requested. If we identify that such information has been provided, we will take steps to securely delete or de-identify it as soon as practicable. If you believe you have inadvertently provided us with such information, please contact us immediately.

3. Storage and Security of Personal Information

3.1 Storage of Personal Information

Te Hiringa Mahara is committed to ensuring the safe and secure storage of personal information. We primarily store the personal information we collect and generate electronically on Microsoft Azure cloud servers. These servers are located in Australia. We also use Microsoft Office 365 for our email and other office productivity applications. This means that the personal information we hold may be transferred to, or accessed from, countries other than New Zealand.

3.2 Security of Personal Information

Te Hiringa Mahara takes all reasonable steps to ensure the personal information we collect is protected against loss, unauthorised access and disclosure or any other misuse.

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Our security measures include, but are not limited to, the use of encryption technologies, secure transmission protocols, and stringent access controls. We regularly review and update our security practices to ensure they remain effective and appropriate.

We also ensure that our third-party data processors, such as Microsoft, can meet our privacy and security requirements. We are satisfied, for example, that Microsoft has adequate security and privacy safeguards in place to protect information it holds on our behalf.

3.3 Data Retention and Disposal

Te Hiringa Mahara retains personal information for as long as necessary to fulfil the purposes for which it was collected, or as required by law. Our data retention policy complies with the requirements of the Public Records Act 2005.

3.4 Data Breach Response

In the event of a data breach that compromises the security of personal information, Te Hiringa Mahara will take immediate steps to respond and manage the breach effectively. This includes identifying and containing the breach, assessing the risk associated with the breach, notifying affected individuals and the Privacy Commissioner (if required), and taking steps to prevent future breaches. Our response is designed to mitigate harm to affected individuals and to maintain trust in our ability to protect personal information.

4. Use and Disclosure of Personal Information

Te Hiringa Mahara is committed to ensuring that personal information is used and disclosed in a manner that complies with obligations under the Privacy Act 2020, the Health Information Privacy Code (if applicable), the Mental Health and Wellbeing Commission Act 2020, and other relevant legislation.

4.1 Use of Personal Information

Te Hiringa Mahara will only use or disclose personal information for the purpose for which it was collected or otherwise in accordance with the Privacy Act 2020 or other relevant legislation. We use personal information to assist us perform our functions under the Act, including our advocacy work, assessing and monitoring, to respond to inquiries, and engage with the public and stakeholders.

4.2 Disclosure of Personal Information

Te Hiringa Mahara will not disclose personal information to third parties or other government agencies without the individual's consent, unless required or permitted by law.

We may be required to disclose information we hold to individuals or organisations in response to requests covered by the Official Information Act 1982 or Privacy Act 2020; to regulatory agencies or regulators (for example, to the Ombudsman or Privacy Commissioner in response to a complaint they have received or to support an investigation they are conducting); to a Parliamentary Select

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Committee or to Parliament in response to a Parliamentary Question; or when it's provided for or required under law or for law enforcement purposes (for example, when it is necessary to prevent harm being suffered by someone).

4.3 Cross-Border Disclosure

If personal information is transferred outside of New Zealand, Te Hiringa Mahara will ensure that the information is protected by similar safeguards to those in the Privacy Act 2020.

5. Access to and Correction of Personal Information

All personal information held by Te Hiringa Mahara is subject to the Official Information Act 1982 and the Privacy Act 2020.

5.1 Access to Personal Information

Individuals have the right to request access to their personal information held by Te Hiringa Mahara. To make a request, individuals should contact our Privacy Officer in writing, providing sufficient details to enable us to identify the information sought.

Upon receiving a request, we will acknowledge it promptly and respond within the 20 working day timeframe provided under the Privacy Act 2020. If we are unable to provide the information within that timeframe, we will inform the individual of the delay and the reasons for it.

5.2 Correction of Personal Information

Te Hiringa Mahara strives to ensure that the personal information it holds is accurate. Individuals have the right to request correction of their personal information if they believe that it is incorrect.

To request a correction, individuals should contact our Privacy Officer in writing, specifying the information they believe is incorrect and providing the correct information.

Upon receiving a correction request, we will consider whether the information needs to be corrected. If we agree that the information is incorrect, we will correct it as soon as practicable. If we do not agree that the information is incorrect, we will take reasonable steps to note on the record that the individual requested a correction.

Contact Details for Access and Correction Requests

Requests for access to, or correction of, personal information should be addressed to:

The Privacy Officer
Te Hiringa Mahara
DX Box SP22502
Wellington

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Please note that Te Hiringa Mahara may require proof of identity before processing access or correction requests.

6. Privacy on our Website

This section applies to mhwc.govt.nz, [our website](#), which is owned and administered by Te Hiringa Mahara.

You may browse and access information contained within this website without providing personal information.

6.1 Cookies and Statistical Information

This website uses cookies to monitor website usage and improve user experience. A cookie is a piece of code that creates a file on your computer to track the pages you view on our website. The cookies do not collect personal information. You can disable them or clear them out of your web browser without affecting your ability to use the website.

We use Google Universal Analytics to collect and analyse details about the use of our website. This information includes:

- Your IP address
- The search terms you used
- Pages you accessed on the website and the links you clicked on
- The date and time you visited the website
- The referring website (if any) through which you clicked through to this website
- Your operating system (e.g., Windows 11, Mac OS)
- The type of web browser you use (e.g., Internet Explorer, Mozilla Firefox)
- Other incidental matters such as screen resolution and the language setting of your browser.

No effort is made to identify individual visitors.

You may opt-out from having Google Analytics collect your information by disabling cookies in your browser, or by installing the Google Analytics Opt-out browser add-on. You can access the add-on [here](#).

For more information on how Google Analytics collects and processes data, please refer to the [Google Analytics privacy policy](#).

6.2 Use of Statistical Information

The statistical information collected will be viewable by website administrators and certain other Te Hiringa Mahara staff. It may also be shared with other Government agencies.

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6.3 Disclosure of your information to third parties

We will not disclose any of your personal information for purposes that you did not give it to us for. Your information may be shared with, and held by, third-party contractors to the extent necessary for those contractors to provide web services, such as website hosting and maintenance.

6.4 Control Over Your Information

You have control over your personal information. You can choose not to provide personal information, although this may affect your ability to use certain features of our website.

Please note that this Privacy and Security Policy does not cover links within this site linking to other websites. We encourage you to read the privacy statements on the other websites you visit.

7. Complaints

Te Hiringa Mahara is committed to upholding the privacy rights of individuals and ensuring that personal information is handled appropriately.

7.1 Making a Complaint

If you have any questions or concerns about this Privacy and Security Policy, or about the way in which Te Hiringa Mahara handles your personal information, please do not hesitate to contact us.

You can contact us in the following ways:

By Post:

The Privacy Officer
Te Hiringa Mahara
DX Box SP22502
Wellington

By Email: kiaora@mhwc.govt.nz

Please include your contact details in your correspondence so that we can get back to you as quickly as possible. If you are writing to request access to your personal information, please include as much detail as possible to help us locate your records.

Please include 'Privacy Complaint' in the subject line of your email or at the top of your letter to help us quickly identify and address your complaint.

7.2 Complaint Resolution Process

Upon receiving your complaint, we will:

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- Acknowledge receipt of your complaint within five working days.
- Conduct a thorough investigation into the issues raised, maintaining communication with you throughout this process.
- Endeavour to resolve the complaint and respond to you with our findings within 20 working days. If the complaint is complex and we need more time to respond, we will inform you of the delay, the reasons for it, and provide a new timeframe.

7.3 Complaint to Privacy Commissioner or Ombudsman

If you are not satisfied with our response or the way we handled your complaint, you have the right to make a complaint to the Office of the Privacy Commissioner or the Ombudsman, depending on the nature of your complaint.

More information on the process for lodging a complaint can be found on the [Office of the Ombudsman's website](#) or the [Privacy Commissioner's website](#).

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