

# Privacy Policy



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## 1 Introduction

- 1.1 The Privacy Act 2020 (**Privacy Act**) and Information Privacy Principles (**IPP**) set out the rules that agencies, including individuals, businesses, and companies such as EcoCentral Limited EcoCentral/we/us/our) must follow when collecting, holding and handling Personal Information.
- 1.2 EcoCentral is committed to protecting your privacy and handling your Personal Information in an open and transparent way and in accordance with the Privacy Act.
- 1.3 This Policy sets out (amongst other things):
  - 1.3.1 The IPPs.
  - 1.3.2 the lawful purposes that we have for collecting your Personal Information.
  - 1.3.3 how we collect use and store your Personal Information;
  - 1.3.4 the circumstances in which we may disclose your Personal Information to third parties before, during and after your working relationship with us, in accordance with the Act; and
  - 1.3.5 the circumstances in which the Act applies to you.

## 2 Scope

This Policy applies to all Employees.

## 3 Definitions

- 3.1 **Employee:** means any person employed by us to do any work for hire or reward under a contract of service, including a person intending to work.
- 3.2 **Information Privacy Principles:** are the 13 privacy principles that govern how Personal Information should be collected, handled and used by agencies such as EcoCentral Limited. These are set out at in the Act (section 22) and at Schedule 1 of this Policy.
- 3.3 **Personal Information:** means information about an identifiable individual. The information does not need to name the individual, as long as they are identifiable in other ways. This may include but is not limited to:
  - 3.3.1 contact details;
  - 3.3.2 date of birth;
  - 3.3.3 gender;
  - 3.3.4 health information;
  - 3.3.5 employment records, including records performance reviews and any formal processes undertaken and their outcomes;
  - 3.3.6 immigration status;
  - 3.3.7 financial records;
  - 3.3.8 role;
  - 3.3.9 Employee ID (noting that this is a Unique Identifier);

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- 3.3.10 remuneration information;
- 3.3.11 complaint details; and
- 3.3.12 Government identifiers such as drivers licence, passport and visa/work permit status.

3.4 **Unique Identifier:** in relation to an individual, means an identifier other than the individual's name that uniquely identifies the individual. For example, an employee number or driver's licence number.

## 4 Purposes for which we collect, hold, use and disclose your Personal Information

4.1 Personal Information is collected, held and used by EcoCentral, including for health and safety, security and employment purposes.

4.2 We may also use your Personal Information, and disclose it to third parties, for the following purposes:

- 4.2.1 to enable us to conduct our professional services, which may include managing, reviewing, analysing and improving our services and processes;
- 4.2.2 to enable us to store company information, including Personal Information, safely and efficiently;
- 4.2.3 to enable us to obtain advice on employment matters, including but not limited to visa/work permit status;
- 4.2.4 education, training and development requirements;
- 4.2.5 conducting performance reviews, managing performance, determining performance requirements, undertaking performance improvement processes;
- 4.2.6 conducting remuneration reviews, including providing remuneration data to third parties to access information regarding the broader market and to undertake remuneration assessments, and making decisions about salary and compensation;
- 4.2.7 to assess whether our pay, rewards, and participation in job types and levels are affected by gender;
- 4.2.8 dealing with employment or legal disputes or other incidents involving you, or other employees, or anyone else on our premises, including accidents at work, workplace investigations, disciplinary matters;
- 4.2.9 complying with our legal obligations, including health and safety obligations; and
- 4.2.10 any other purpose made known to you when collecting your Personal Information.

4.3 When we collect Personal Information as part of performing other activities that form part of our business, we will take reasonable steps to provide clear information about the nature of those activities and how we will use any Personal Information collected.

4.4 EcoCentral aims to collect Personal Information directly from the individual themselves. This includes but is not limited to information submitted by applicants for positions at EcoCentral. We may also collect Personal Information from other sources, such as information that is publicly available,

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reference checks, as well as through other means such as location monitoring/surveillance and CCTV operating at the workplace.

- 4.5 Any Personal Information that is collected by EcoCentral shall be held and managed by EcoCentral, or by a third-party storage provider with whom EcoCentral has a contractual relationship and be held on a server either locally or overseas. We will not authorise any such third party to use such data for their own purposes, unless otherwise authorised.
- 4.6 EcoCentral shall take all reasonable steps to store Personal Information and safeguard it against loss, misuse, or unauthorised disclosure. Despite taking all reasonable steps to safeguard the security of Personal Information, EcoCentral cannot guarantee that the Employee's Personal Information cannot be accessed by an unauthorised person (e.g., a hacker) or that unauthorised disclosures will not occur.

## 5 Data Retention

- 5.1 EcoCentral will retain Personal Information about you for as long as is necessary for the purpose for which it was obtained, including for the purposes of satisfying any legal, accounting, or reporting requirements, to manage backups of your Personal Information in accordance with our security practices, and to address any claim that might be made during or after your employment (with us).
- 5.2 Should your employment or engagement with us end, we will retain and securely destroy your Personal Information in accordance with applicable laws and regulations.

## 6 Use and Disclosure of Personal Information

- 6.1 EcoCentral will not use any Personal Information without taking reasonable steps to ensure that the information is up to date, complete, relevant, and not misleading.
- 6.2 EcoCentral will only use Personal Information for the purposes for which it was obtained, as noted above, or otherwise in accordance with IPP 10 (Limits on use of Personal Information). For example, in some circumstances we may anonymise your Personal Information so that it can no longer be associated with you, in which case we may use such information without further notice to you.
- 6.3 EcoCentral will not disclose any Personal Information to a third party unless it is for one of the purposes for which the information was obtained, it is one of the purposes outlined in clause 4.2 above or the disclosure was authorised by the individual concerned, or otherwise in accordance with IPP 11 (Limits on disclosure of personal information) and IPP 12 (Disclosure of personal information outside New Zealand).

## 7 When the Act applies to you

- 7.1 Under the Act, an individual who is ordinarily resident in New Zealand (Individual) can be an 'agency' (section 8). The Act applies to any such Individual that collects, holds, uses or discloses Personal Information.
- 7.2 This means employees that collect, hold, use or disclose Personal Information in a work-related capacity have obligations under the Act, as well as EcoCentral. We refer to the IPPs summarised at Schedule 1 for further information.

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- 7.3 In the event that your obligations as an agent are breached, then EcoCentral may need to take steps to address this, such as carrying out an investigation, providing training, and/or taking disciplinary action.
- 7.4 If you consider that you would like further information in respect of your obligations under the Act, we recommend that you visit the Office of the Privacy Commissioner's website, which also offers free online privacy education (link here: <https://www.privacy.org.nz/tools/online-privacy-training-free/>).

## 8 Your Rights

- 8.1 Subject to certain grounds for refusal set out in the Act, you are entitled to access your Personal Information held by EcoCentral and request correction of Personal Information, in accordance with IPPs 6 and 7.
- 8.2 In the first instance, if you consider that there has been, or appears to have been, interference with the privacy of an individual, you should raise your concerns with our Privacy Officer (see details below) who will aim to resolve your concerns. In certain circumstances the Privacy Officer may decide to investigate the alleged interference with an individual's privacy. If the allegation is upheld by the investigation, EcoCentral will take steps to address the privacy interference including but not limited to training, counselling or disciplinary action.
- 8.3 To exercise any of your above rights, or if you have any questions about this Policy, please contact our privacy officer:

Name: Vaughan Whitehead, CFO  
Email: [vaughan.whitehead@ecocentral.co.nz](mailto:vaughan.whitehead@ecocentral.co.nz)  
Address: Ground Floor, 9 Baigent Way, Middleton, 8024

If we then cannot resolve your concerns, you may make a complaint the Privacy Commissioner regarding the alleged interference with the privacy of an individual. Please contact the Office of the Privacy Commissioner at [investigations@privacy.org.nz](mailto:investigations@privacy.org.nz), or see here for further details: <https://www.privacy.org.nz/your-rights/making-a-complaint-to-the-privacy-commissioner/>.

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## Schedule 1 – Summary of Information Privacy Principles<sup>1</sup>

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### Principle 1 – Purpose for collection

Personal Information can only be collected if it is for a lawful purpose in connection with the functions or activities of the agency and the information is necessary for that purpose.

### Principle 2 - Source of information

Generally, Personal Information should be collected from the individual it is about. If that isn't possible, Personal Information can be collected from other people (including companies) in certain situations. For example, if:

- the individual concerned authorises the collection of the information from other people;
- collecting the information does not prejudice the individual's interests;
- collecting the information from the individual directly would undermine the purpose of collection;
- the information is being collected from a publicly available source;
- that it is not reasonably practicable in the circumstances to collect it from the individual concerned;
- or
- in other limited circumstances.

### Principle 3 - What to tell an individual

When Personal Information is being collected from an individual, reasonable steps must be taken to make sure that the individual knows:

- that their Personal Information is being collected;
- the purpose for which it's being collected;
- who will receive it;
- the name and address of the agency that is collecting the information, and the agency that will hold the information;
- whether the collection of the information is authorised or required by or under law, and if so, the relevant law and whether the supply of the information by the individual is compulsory or voluntary;
- what will happen if they don't give you the information; and
- the right of access to, and correction of, information provided by the IPPs.

These steps must be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected. However, these steps are not necessary to take if they have already been taken on a recent previous occasion in relation to the collection from the individual concerned of the same information or information of the same kind.

Sometimes there may be good reasons for not letting an individual know their information is being collected - for example, if it would undermine the purpose of the collection, or if it's just not possible to tell them. Further exceptions are set out in the Act.

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<sup>1</sup> This is a summarised version, as at 5 July 2023. More detail can be found in the Act. These IPPS may also be further updated / amended by statute

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## Principle 4 - Manner of collection

Personal Information may only be collected by an agency in ways that are lawful, fair and not unreasonably intrusive upon the individual's personal affairs.

## Principle 5 - Storage and security

There must be reasonable security safeguards in place to prevent loss, and access, use, modification or disclosure that is not authorised by the agency, and other misuse, of Personal Information. This includes limits on employee browsing of other individual's information.

Additionally, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, the agency must ensure it does everything reasonably within its power to prevent unauthorised use or disclosure of the information.

## Principle 6 - Access

Individuals are entitled to receive from an agency upon request, confirmation of whether the agency holds Personal Information about them; and access to their Personal Information. In most cases, this information has to be promptly disclosed to them. However, the agency may be able to withhold certain information if a withholding ground applies (section 49-53 of the Privacy Act 2020). For example, if releasing the information would:

- be likely to endanger someone's safety;
- create a significant likelihood of serious harassment of an individual;
- be likely to prejudice the maintenance or the law by any public sector agency, including prevention, investigation and detection of offenses or the right to a fair trial;
- involve the unwarranted disclosure of the affairs of another individual or a deceased person;
- the request is frivolous or vexatious, or the information requested is trivial; or
- in other limited circumstances.

The individual must also be made aware that under IPP7, they may request a correction of that information.

## Principle 7 - Correction

An individual has a right to ask an agency to correct their information and may provide the agency with a statement of the correction sought.

Even if the agency that holds the information doesn't agree that it needs correcting, reasonable steps must be taken to attach a statement of correction in a manner to ensure that it will always be read with the information, to show the individual's view. If an agency corrects Personal Information or attaches a statement of correction to Personal Information, that agency must take reasonable steps to inform every other person that the agency has disclosed that information to.

## Principle 8 - Accuracy

Before using or disclosing Personal Information, an agency must take reasonable steps to ensure it is accurate, complete, relevant, up to date and not misleading.

## Principle 9 - Retention

Personal Information must not be kept for longer than is necessary for the purpose for which the information may be lawfully used.

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## Principle 10 - Use

Generally Personal Information may only be used for the purpose that it was collected for.

Personal Information collected for one purpose may only be used for another purpose, if:

- the other purpose is directly related to the original purpose; or
- the information is to be used in another form in which the individual concerned is not identified; or
- the individual authorises this;
- or in other limited circumstances.

## Principle 11 - Disclosure

Personal Information must not be disclosed to any other agency or to any other person unless: the disclosure is one of the purposes for which the agency obtained the information, or is directly related to that purpose;

- the disclosure is to the individual concerned, or authorised by them;
- disclosure is necessary to prevent or lessen a serious threat to public health or public safety, or the health or safety of another individual;
- the individual concerned authorises the disclosure;
- the information does not identify the individual concerned; or
- in other limited circumstances.

## Principle 12 - Disclosure outside New Zealand

Personal Information may only be sent to someone overseas if the information will be

- adequately protected. For example:
  - the foreign person or entity is subject to the Act because they do business in New Zealand and the agency believes on reasonable grounds they are subject to the Act;
- the agency believes on reasonable grounds that the foreign person or entity is subject to comparable privacy laws to New Zealand;
- if the individual concerned authorises the disclosure, after being expressly told that the receiving foreign person or entity may not be required to protect the information in the same way as, or in a comparable way to, the Act; or
- in other limited circumstances.

## Principle 13 - Unique identifiers

Unique identifiers may only be assigned to individuals where it is necessary for 1 or more operational functions. Generally, agencies may not assign the same identifier as used by another organisation. If a unique identifier is assigned to people, the agency must make sure that the risk of misuse (such as identity theft) is minimised.

An agency may not require an individual to disclose their unique identifier, unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or is directly related to one of those purposes.