



Te Whānau o Ōtūmatua Board of Trustees

Privacy, Copyright and Official Information Policy

Purpose

This policy ensures that Te Whānau o Ōtūmatua complies with the Privacy Act 2020 and protects the personal information of ākonga, kaiako, whānau, and all members of the kura community. The kura recognises that children and young people are particularly vulnerable, and their privacy requires special consideration (Privacy Act, Principle 4).

This policy also ensures compliance with the Official Information Act 1982, Local Government Official Information and Meetings Act 1987 and the Copyright Act 1994.

Policy

The kura collects, stores, uses, shares, and disposes of personal information in accordance with the information privacy principles of the Privacy Act 2020. Kaiako understand and follow the kura privacy processes, including procedures for managing personal information and responding to privacy breaches.

Privacy expectations are communicated through kaiako induction, professional development, kaiako meetings, and after relevant incidents.

Guidelines

1. Privacy Principles

The kura follows the information privacy principles of the Privacy Act 2020. In practice, this means:

- Personal information is collected, protected, accessed, and corrected in accordance with the Act.
- Information is used only for the purpose it was collected, unless an exception applies (e.g., statistical use where individuals cannot be identified).
- Student information is shared with external parties only in line with the procedures set out in the pre-enrolment documentation, as agreed to by parents at the time of enrolment.
- Personal information is kept only as long as necessary and is disposed of in accordance with the **Public Records Act 2005**.

(See: Privacy and Record Retention Procedure)

2. Privacy Officer

The kura appoints a **Privacy Officer**, as required by the Privacy Act.

At Te Whānau o Ōtūmatua the Privacy Officer is the **Student Co-ordinator**.

The Privacy Officer is responsible for:

- responding to general privacy queries
- managing requests for access to or correction of personal information
- managing privacy complaints
- liaising with the Office of the Privacy Commissioner during investigations

- informing the kura community of serious privacy breaches or risks to personal information

3. Privacy Breaches

The kura follows the Privacy Commissioner's recommended steps for responding to privacy breaches:

1. Contain

- Act immediately to contain the breach.
- Kaiako must inform the Privacy Officer as soon as possible if personal information is accessed, disclosed, altered, lost, or destroyed without authorisation.

2. Assess

- Each incident is assessed on a case-by-case basis to determine the impact and seriousness of the breach.

3. Notify

The kura determines whether notification is required.

- If there is no risk of harm, notification may not be necessary.
- If the breach has caused or is likely to cause serious harm (physical, psychological, emotional, financial), the Privacy Officer:
 - notifies the Office of the Privacy Commissioner within 72 hours
 - notifies affected individuals
 - notifies the board
- If the breach is due to a cyberattack or a flaw in a digital product or service, the kura notifies the National Cyber Security Centre (NCSC).
- Other third parties (e.g., police, insurers) may be notified if appropriate.

4. Prevent

- The kura investigates the incident and takes steps to prevent recurrence.

4. Official Information and LGOIMA

The disclosure or release of official information is subject to the Official Information Act 1982 and Local Government Official Information and Meetings Act 1987.

Information relating to Te Whānau o Ōtūmatua, its suppliers, ākonga, kaiako, or users of its services must be treated as confidential and used only for authorised organisational purposes.

Employees are also required to comply with the Privacy Act 2020, which promotes and protects personal information and provides individuals with rights in relation to information about themselves.

4.1 Release of Official Information

Official information may only be released:

- by authorised employees
- in accordance with the Official Information Act 1982
- in line with Board direction and organisational procedures

Official information must not be released to the media or external parties without appropriate authorisation.

Kaiako must not remove, copy, or distribute Te Whānau o Ōtūmatua documents or records for external use without approval from their manager. Official information must not be used for personal purposes.

4.2 OIA/LGOIMA Requests

Requests for official information should be made in writing (email or letter) to the Te Whānau o Ōtūmatua Privacy Officer. The request should clearly describe the information sought. Requests will be processed in accordance with the Official Information Act 1982, including statutory timeframes.

4.3 Unacceptable Behaviour

Failure to comply with these requirements may result in disciplinary action, up to and including termination of employment.

Unacceptable behaviour includes, but is not limited to:

- providing information outside Te Whānau o Ōtūmatua without proper authorisation
- using information for unauthorised or personal purposes
- accessing or sharing personal information without a legitimate reason
- breaching the Privacy Act 2020 in relation to ākonga, kaiako, suppliers, or users of Board services

5. Copyright, Licensing and Creative Commons

We respect the copyright of others and support their copyright by purchasing copyright licencing annually through the New Zealand School Boards Association licencing solution and following their guidelines. [Te Whakarōpūtanga Kaitiaki Kura o Aotearoa - NZ School Boards Association — Copyright licencing](#)

5.1 Te Whānau o Ōtūmatua Copyright

a. Scoping

- The Copyright Act 1994, section 21(2) recognises the copyright ownership rights of kura boards of works produced by their employees in the course of their employment.
- By licensing its copyright, the board is giving permission in advance for others to copy and share learning resources developed by its employees and owned by the board.

b. Delegations/responsibility

The board delegates to the tumuaki the responsibility to:

- Apply by default a Creative Commons Attribution Licence to all teaching materials and policies in which the board owns copyright
- Transfer to the original creator the copyright in created works licensed by the school under a Creative Commons Attribution or Creative Commons Share-Alike licence
- Ensure that all kaiako are aware of the terms of this policy and how it relates to teaching resources they develop in the course of their employment at the school

c. Limitations and expectations

The board:

- Does not make any claim over the ownership of copyright works produced by ākonga – the copyright to these works remains with the creator

- Recognises that this policy only applies to copyright works and not to any other forms of intellectual property
- Recognises that the copyright in works produced by an employee other than in the course of their employment by the board remains the property of that employee – where this is unclear, the process for dispute resolution outlined below shall apply.

d. Resolution of disputed copyright ownership

Where the first ownership of copyright in a given work is disputed or unclear, the following process will apply:

- In the first instance, as per complaints and concerns policy attempts will be made to resolve concerns and complaints internally, informally and at the lowest possible level.
- If this is unsuccessful the dispute should be documented and presented to the tumuaki
- If the dispute is still not resolved, the documentation should be presented to the presiding member (chair) of the board
- If the dispute is still not resolved following intervention by presiding member mediation with an appropriate authority will be undertaken

e. Definitions

Creative Commons Aotearoa: The New Zealand affiliate of an international non-profit movement that provides free open licences that copyright holders can use to share their work.

Teaching materials: Copyright works produced by employees of the school for the purposes of teaching.

Associated legislation Copyright Act 1994

6. Monitoring

Any matters or risks in relation to this policy shall form part of the tumuaki report to every board meeting, ensuring that individual ākonga cannot be identified. The board shall monitor the protection and sharing of intellectual property in order to identify any risks or issues that require governance action.

7. Review Schedule

This policy will be reviewed according to the **Board's Review Schedule** or earlier if required due to legislative change or identified need.

Prepared by: Board of Trustees
Date of Approval: 01 August 2026
Review Date: August 2029
Version: 1