

Privacy guidelines and storing information

Overview

Abbeyfield recognises its responsibility to maintain confidentiality of all personal information it gathers while meeting its objective of providing affordable, supported rental housing to older people, in line with the Privacy Act 2020. This includes personal information of residents, personal advocates, committee members, volunteers and staff.

The personal information that Abbeyfield NZ requests is necessary to meet our responsibilities under the requirements of Charities Services, the Community Housing Regulatory Authority and the Ministry of Housing and Urban Development.

Storing information

Your committee should have a secure storage system for files and records. These days it makes sense to use a password protected electronic filing system, to save space and paper.

An electronic filing system can entail storing files on a password protected computer or in a password protected cloud-based system such as Dropbox, Google Drive, Microsoft OneDrive. A cloud-based system will soon be available through Abbeyfield's national office. The advantage of using a cloud-based system is that anyone on the committee can access the files from anywhere. You should ensure your files are regularly backed up, and the back-up is kept at another site. Additional security such as 2 step authentication, thumbprint and facial recognition should be considered if using any mobile device to access or store sensitive information.

With a computer or cloud-based system there will still probably be some paper copies you need to keep, such as signed contracts. Make sure paper records are kept in clean, dry surroundings, and preferable in a locked filing cabinet.

Records you must keep by law

The table below sets out the records you are required to keep by law, and the minimum length of time these records must be kept for.

| Records | Retention details |
|---|--|
| Financial records such as bank statements, invoices, receipts, books of account, tax returns | Retain for 7 years after the end of the year to which they relate |
| Annual accounts and audit reports | Permanently |
| Employment records such as wages and PAYE tax records, holiday pay records, accident register | Retain PAYE tax records for 7 years Retain wage and holiday pay records for 6 years |
| Records of donations received and how they were spent | Retain for 7 years |
| Constitution | Permanently |

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| Minutes of general meetings, committee meetings and annual reports | Retain for 7 years |
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Other records you should keep include:

- Policies
- Insurances
- Deeds of title and leases (if relevant)¹
- Mortgages (if relevant)
- Warranties
- Correspondence

Information privacy

Under the Privacy Act, committees must ensure that private information about people is safeguarded. This includes resident, staff and volunteer records. The information needs to be kept secure so it cannot be leaked and it should only be accessible to authorised people.

When disposing of information, it should be done in a secure manner – i.e. either in a shredder or secure bin if it is a paper record.

Resident records

In each resident file the committee should include the Resident's Record (Man 2/Doc 19) which includes details of:

- The resident's GP, including contact details
- Their Personal Advocate, and next of kin, including contact details

Contact details for their GP and Personal Advocate should be attached to the inside back door of a resident's room, or in a Life Tube. The resident should also maintain an up-to-date list of their allergies, illnesses and medication, which should be placed in the same place. Life Tubes are available from Age Concern. A copy should be maintained offsite for access in emergencies.

The resident's application record, tenancy agreement and subsequent correspondence, including complaints or special notices or correspondence, and their GP and medication details must be securely filed in a locked filing cabinet accessible only by the house manager or their delegated subordinate.

Disposal of resident records

Residents' records should be disposed of 7 years after they cease to be a resident.

¹ Abbeyfield Properties holds title and mortgages for those properties it owns

Staff records

Employment records should be kept on all staff, including:

- Starting and finishing dates
- Employment agreement and any variations (signed by both parties)
- Job description
- IRD number and tax code declaration
- Number of hours worked each day in a pay period and the pay for those hours. (For societies using computerised payroll software, this is retained electronically, but they should still check that the payroll is accurately recording any changes to hours and pay.)
- Time taken for annual leave (for societies using payroll software this is retained electronically)
- Sick leave taken (for societies using payroll software this is retained electronically)
- Emergency contact numbers
- Medical files
- Incident reports

Each staff member should have their own file and these should be stored securely so they are only available to the supervisor or other authorised person (such as the treasurer who will need access to information on leave).

Legally, staff records must be kept for at least 6 years and pay records 7 years. Make sure you keep them secure and don't disclose a staff member's information to anyone else without good reason (e.g. wage information can be shared with the person who pays the wages).

Information sharing

Your committee must secure a person's permission before providing any of their personal or contact information to another party, except where providing that information is permitted by law, or where you think it is appropriate for legal compliance and law enforcement. Residents have a right to view their files, and if necessary, correct them.

Exceptions due to the Family Violence Act and the Oranga Tamariki Act

The Family Violence Act 2018 and the Oranga Tamariki Act 1989 impose requirements on registered Community Housing Providers (CHPs) which override the Privacy Act 2020 in some circumstances. Abbeyfield NZ is a registered CHP.

1. You are required to share information: if the Police or Oranga Tamariki make a request for information under Section 66 of the Oranga Tamariki Act 1989, relating to the safety or wellbeing of a person under 18 years old.
2. You have the discretion to share information:
 - a) If you receive a request for information from another relevant statutory agency or social services practitioner (such as the Police, Oranga Tamariki, Women's Refuge, etc.) under Section 66C of the Oranga Tamariki Act 1989.

- b) If you believe that sharing personal information with another relevant agency or social services practitioner may protect a victim from family violence or may protect a person under age 18 from harm, ill treatment, neglect, deprivation or abuse.

Bank statements

If sharing bank statements with an external organisation consider redacting any personal information shown.

Privacy officer

Your committee should appoint someone to be your privacy officer. Their role is to:

- Ensure the committee complies with the Privacy Act
- Deal with any complaints about privacy breaches
- Deal with any requests for access to personal information, or correction of personal information
- Act as the committee's liaison with the Office of the Privacy Commissioner.

Recordings of online meetings

If you record committee meetings for the purpose of collating minutes (e.g. by video such as Zoom or by audio device) then you should advise participants of this when the meeting starts. Recordings for the purpose of note-taking will be stored for up to 90 days.

Minutes

Do not use full name of residents. Identify them either by their initials or as Resident 1, Resident 2.

Minutes should not be distributed to families or residents.

Images

You should seek written permission to use images of a person on social media or in newsletters or other media. If a person requests that their image no longer be used in the public domain, you should comply with that request.

Requests for information

Residents, committee members, society members, volunteers and staff can ask for a copy of personal information held on them and can ask for it to be corrected if they think it is wrong.

Official requests for disclosure of personal information from a social service agency should state if they are made under Section 66 (mandatory) or Section 66C (discretionary). Under

the Family Violence Act and the Oranga Tamariki Act, someone's personal information can only be shared for these purposes:

- a) To help ensure that a victim will be protected from family violence.
- b) To make or contribute to a family risk or needs assessment, a safety plan for an adult, or a care and protection plan for someone under age 18.

The information that is shared must be relevant, and you should obtain the person's consent if that is safe and practicable. Your committee should document the decision to share the information.

Privacy breaches

The privacy officer should be notified if it is discovered that someone's personal information has been improperly shared with another party (e.g. without getting the person's permission first).

If the breach is a notifiable event, the privacy officer will notify the Privacy Commissioner and third parties as required by law. They will also notify the committee and Abbeyfield national office.

A notifiable event is one where personal information is shared with another party without the person's consent, and that privacy breach is likely to cause serious harm. Examples of serious harm include physical harm or intimidation, financial fraud, family violence or psychological or emotional harm.

If a resident raises a concern about their personal information being shared, the committee should address the concern promptly, including advising the person how to make a formal complaint.