



# **Attachment 3**

## **Privacy Policy**

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# 1. Policy Statement

Auckland Transport (AT) is strongly committed to protecting personal information. AT will collect, use, store, disclose and protect personal information as necessary to carry out its statutory functions, in accordance with the New Zealand Privacy Act 2020 (“Privacy Act”).

## 2. Purpose

The purpose of this Policy is to set out the guiding principles by which AT will collect, use, store, disclose and manage any personal information it holds

## 3. Scope

This Policy applies to:

- All AT employees;
- All AT representatives:
  - Contractors & consultants;
  - Agency temps;
  - Staff on secondment from other organisations/agencies;
  - Volunteers.
- AT Directors

## 4. Policy Principles

1. AT will only collect personal information for lawful purposes connected with its functions and is necessary for that purpose.
2. AT will collect personal information directly from individuals (who are the subject of the information) and will only collect personal information from other sources where that is allowed for under the Privacy Act.
3. Where AT is collecting personal information directly from individuals –
  - (a) it will take reasonable steps in the circumstances to ensure individuals are aware of the following:
    - i. what information AT is collecting;
    - ii. what purpose the information is being collected for;
    - iii. any other intended recipients of the collected information (if any);
    - iv. AT’s contact details and address;
    - v. whether the collection is authorised or required by law;
    - vi. what happens if the individual does not provide the requested information; and
    - vii. the individual’s rights to access and/or correct their personal information that AT holds.
  - (b) AT will generally notify individuals of the matters set out above through the AT Customer Privacy Policy where appropriate.

4. AT will not collect personal information by unlawful means or means that, in the circumstances are unfair or unreasonably intrude upon the personal affairs of individuals.
5. AT will ensure that all personal information it collects is protected by such security safeguards as are reasonable in the circumstances to take against:
  - (a) loss; and
  - (b) unauthorised access, use, modification, or disclosure; and
  - (c) other misuse
6. Where AT considers it necessary to give personal information that it holds to a person and/or agency in connection with the provision of a service to AT, AT will do everything reasonably in its power to prevent unauthorised use or unauthorised disclosure of the personal information (including through contractual obligations on third party providers).
7. AT will ensure that any personal information it collects is held in such a way that it can be readily retrieved to ensure that when an individual requests access to their personal information, AT can respond promptly to:
  - (a) confirm whether AT does or does not hold the requested personal information; and
  - (b) provide access without undue delay.
8. AT will take all reasonable steps to ensure the personal information it collects is accurate, up to date, complete, not misleading and directly related to the purpose for which the information is being collected for.
9. When requested by an individual, AT will either correct their personal information or attach a statement of correction to the information it holds. Where incorrect information is corrected on AT's own accord, AT will notify the individual of such changes.
10. AT will retain personal information only for as long as it is required:
  - (a) for the purposes for which it was collected; and
  - (b) for the purposes of complying with New Zealand law, for example AT's record keeping requirements under the Public Records Act 2005.
11. AT will not use personal information for a purpose other than the purpose for which the information was collected unless it reasonably believes that an exception under Information Privacy Principle 10 in the Privacy Act applies.
12. AT will not disclose personal information it holds to any person, body or agency except where it reasonably believes that an exception under Information Privacy Principle 11 in the Privacy Act applies or is otherwise required by law to do so.
13. AT will only disclose personal information (in cases where clause 12 above applies) to foreign persons or entities: (i) in cases where the individual concerned has consented to such disclosure, or (ii) when it reasonably believes the foreign person or entity meets at least one of the following criteria:
  - (a) is carrying on business in New Zealand and is subject to the Privacy Act;

- (b) is subject to privacy laws that overall, provide comparable safeguards to those in the Privacy Act,
  - (c) is required to protect the information in a way that, overall, provides comparable safeguards to those in the Privacy Act (for example, by agreement between AT and the foreign person or entity);
  - (d) is subject to the privacy laws of a country, province or State, or is a participant in a binding scheme for international disclosures of personal information that has been prescribed in regulations by the New Zealand Government as providing comparable safeguards to the Privacy Act;
  - (e) is subject to the privacy laws of a country that is a 'prescribed country' under regulations made by the New Zealand Government for the purposes of Information Privacy Principle 12(1)(e) in the Privacy Act.
14. AT may send personal information it holds to external persons or entities to store or process the information on AT's behalf (as agent for AT), for example for cloud storage purposes. In such cases AT will ensure that the agent is required (through contract) to handle the personal information in accordance with the Privacy Act.
15. AT will only assign unique identifiers to individuals where it is necessary to enable AT to carry out its lawful functions and in doing so will ensure individuals being assigned unique identifiers have had their identity clearly established.
16. AT will ensure that it has at least one Privacy Officer appointed by the Chief Executive. The Privacy Officer(s) will be responsible for:
- (a) working with the Executive Leadership Team and the Board to ensure AT complies with the Information Privacy Principles in the Privacy Act;
  - (b) dealing with (as necessary) requests made to AT under the Privacy Act;
  - (c) working with the Office of the Privacy Commissioner in relation to investigations under the Privacy Act;
  - (d) supporting AT to comply with its obligations under the Privacy Act.
17. In addition to the responsibilities set out under section 201 of the Privacy Act and clause 13 of this Policy, the Privacy Officer(s) (and any governance group appointed by AT's Executive Leadership Team to govern privacy matters) are also responsible for:
- (a) administering this Policy;
  - (b) developing a privacy strategy for AT;
  - (c) investigate any alleged breach of this Policy or the Privacy Act;
  - (d) make recommendations on privacy matters to the Executive Leadership Team as appropriate.
  - (e) ensuring AT has a privacy breach response plan aligned with the Privacy Commissioner's guidelines;

- (f) ensuring that the privacy breach response plan is followed and report any outcomes from privacy breaches to the Chief Executive and the Board (as outlined in the plan).

## 5. Definitions

<b>Personal information</b>	Has the same meaning as in section 7 of the Privacy Act 2020
<b>Privacy Act</b>	means the New Zealand Privacy Act 2020

## 6. Roles and Responsibilities

<b>Role</b>	<b>Responsibility</b>
<b>All Employees and Representatives</b>	<ul style="list-style-type: none"> <li>• Adherence and compliance with this policy and related procedures.</li> <li>• Report all privacy breaches to the Privacy Officer</li> </ul>
<b>AT Privacy Officer (or delegated representative)</b>	<ul style="list-style-type: none"> <li>• providing support and direction to AT to ensure AT complies with the information privacy principles in the Privacy Act 2020.</li> <li>• dealing (as necessary) with requests made to AT pursuant to the Privacy Act 2020.</li> <li>• working with the Office of the Privacy Commissioner in relation to investigations under the Privacy Act 2020 involving AT.</li> <li>• chairing any governance group appointed by the ELT to govern privacy matters across AT</li> </ul>
<b>Executive Leadership Team, Group or Department Managers</b>	<ul style="list-style-type: none"> <li>• Promote the principles of this policy.</li> <li>• Notify applicable personnel of the requirements of this policy and related procedures.</li> </ul>
<b>Policy Owner Exec. GM Risk &amp; Assurance</b>	<ul style="list-style-type: none"> <li>• Develop, consult, seek approval of, and implement policy and aligned processes for the development of the Privacy Policy for AT.</li> <li>• Guide/approve system development to support policy and supporting procedures.</li> <li>• Administer requirements of policy/process relating to privacy.</li> <li>• Monitoring and updating of this policy and related procedures.</li> </ul>

## 7. Supporting Information

<b>Legislative compliance</b>	This Policy supports Auckland Transport's compliance with the following legislation: <ul style="list-style-type: none"> <li>• Privacy Act 2020</li> <li>• Public Records Act 2005</li> </ul>
<b>Supporting documents</b>	<ul style="list-style-type: none"> <li>• Customer Privacy Policy</li> </ul>

## 8. Approval & Review

**Policy Owner:** Executive General Manager  
Risk and Assurance

**Policy Contact:** Legal Counsel –  
Public Law

**Endorsed by:**

**Approved by:**

Chief Executive

Auckland Transport Board

**Effective date: August 2023**

**Next review date: August 2026**

AT reserves the right to review, amend or add to this policy at any time upon reasonable notice to employees and representatives.

Version	Owner	Reason for Change	Approver	Date Approved
2.0	EGM Risk and Assurance	Alignment with the new Privacy Act 2020.	Auckland Transport Board	24 February 2022
3.0	EGM Risk and Assurance	Removal of Customer Privacy Policy Appendix	Auckland Transport Board	
<b>Printed Copy Uncontrolled</b>				