

# Project Restore Confidentiality and Privacy Policy

September 2022

## PART ONE – POLICY OVERVIEW

### POLICY STATEMENT

The Board and management of Project Restore New Zealand (PRNZ) recognise that our work as a restorative justice provider gives us access to both written and oral information that can be of a sensitive nature. The security of personal information is important to the safety and wellbeing of individuals.

We are committed to playing our part in collecting and using people’s information in a way that respects and protects their privacy.

This means meeting all our obligations under the *Privacy Act 2020* and adhering to the Privacy Principles set out in the Act (attached as an Appendix below).

We also work to comply with the guidance on privacy and data protection provided in the Ministry of Justice’s *Managing Personal Information: Guidelines for Providers of Justice Services*.

Central to our confidentiality and privacy principles is transparency in our processes for the collection of personal information from our clients. Our **Privacy Statement** may be viewed on our website at <https://www.projectrestore.nz/about-us/>, and is contained in our Engagement Forms.

In this Policy, Personnel means Trustees, PRNZ employees, contractors, and volunteers.

### PURPOSE

Our Confidentiality and Privacy Policy covers the use and safeguarding of personal information we acquire and hold in our role as restorative justice service providers. It sets out what PRNZ expects of itself, and of those who work with us.

The purpose is to ensure everyone in our organisation has a clear understanding of their role and responsibilities in fulfilling our requirements for keeping personal information private and confidential.

### SCOPE

The Policy and associated procedures are to be observed by all those having access to and using personal information acquired and held by PRNZ and dealing with information of any type relating to restorative justice cases. Specifically, it applies to all Personnel in how they handle personal information.

This Policy does not apply to how Project Restore handles the personal information of Personnel – this is governed by a separate Policy.

**Personal information** is any information that can identify that person. It includes personal information we gather and hold about participants in restorative justice processes and any other personal information we collect as part of providing our services.

The Policy encompasses the two distinct ideas of privacy and confidentiality. **Privacy** is the right of individuals to have some control over how their personal information is collected, used, and/or disclosed. **Confidentiality** is the duty to ensure information is kept private unless or until the person to whom the information relates agrees to its disclosure.

### GENERAL PRINCIPLES

All personal information we collect, store or use is dealt with in accordance with the Privacy Act 2020.

#### Privacy

This means that all information about individuals, including participants in restorative justice processes, is:

- Not collected by means that are unlawful, unfair or an unreasonable intrusion upon an individual's personal affairs and we undertake additional steps when collecting information from children or young people
- Held securely
- Accurate and up to date
- Used only for the purpose for which it has been collected, purposes include provision of a safe process, the production of restorative justice conference and follow up reports, the collection of evaluative and contract information for the Ministry of Justice and Personnel supervision and other purposes sets out in our Privacy Statement
- Only shared in accordance with our Privacy Statement.

#### Confidentiality

Confidential information means all information concerning or relating to any participant or arising out of participation in a conference process or the provision of a service provided by PRNZ.

All restorative justice case team members must keep information relating to restorative justice cases confidential except where express permission is given, or as set out above under Privacy:

We ensure that participants understand the limits to confidentiality in relation to the restorative justice process. (Refer to PRNZ *Engagement Forms*.)

## PART TWO – CONFIDENTIALITY AND PRIVACY PROCEDURES

This section of our Policy sets out how PRNZ will ensure that personal information collected and held by us is appropriately and properly managed.

Detailed operational procedures and practice documents are contained in our documents system and accessible by Personnel.

Further guidance is to be found in PRNZ's *Code of Ethics and Conduct* (section F: Respect the client's privacy and confidentiality).

## RESPONSIBILITY

These procedures are to be followed by all those who deal with information of any type relating to restorative justice cases, including all Personnel.

All Personnel are made aware of their responsibilities by the appropriate clause in their contracts.

## PRIVACY OFFICER AND PRIVACY BREACHES

### Privacy Officer

The Privacy Act requires that every organisation must appoint a Privacy Officer responsible for dealing with and resolving privacy breaches, and plays a preventative role in the management of privacy issues. PRNZ's designated Privacy Officer is a shared role between the Operations Manager and the Clinical Manager.

### Privacy breaches

The procedures to be followed in preventing, responding to and reporting serious privacy breaches to the Privacy Commissioner are set out on the Privacy Commissioner's website <https://www.privacy.org.nz/responsibilities/privacy-breaches/>.

Immediately upon becoming apprised of a privacy breach, the first thing to do is to contain that breach.

A privacy breach that either has caused or is likely to cause anyone serious harm must be notified to the Privacy Commissioner and any affected people as soon as practically possible (using the NotifyUs tool).

PRNZ must, as soon as reasonably practical upon becoming aware of a Privacy Incident (privacy breach), notify the Ministry of Justice by way of an incident report, and must provide the Ministry with all assistance required to address the Privacy Incident and keep the Ministry updated as to the progress of resolution of the cause and impacts of the Privacy Incident.

Ministry of Justice *Managing Personal Information: Guidelines for Providers of Justice Services*.

## ALL PARTICIPANTS TO BE INFORMED

PRNZ's Engagement Forms set out for participants our privacy and confidentiality procedures.

*Refer: Engaging with Project Restore NZ*

Participants in the restorative justice process will be informed that PRNZ will record and keep information about that individual.

Participants will be informed about the types of information that will be kept about them in the restorative justice process.

Participants will be provided information about the audio taping of the conference process and what will happen to that audiotape after the conference

process is completed. They will be asked to sign a consent form if they are willing to have the conference taped.

Participants will be asked to sign a consent form enabling PRNZ to give and receive information between named parties on the signed consent form.

### **USE OF DE-IDENTIFIED INFORMATION FOR OTHER PURPOSES**

Use of information relating to any restorative justice engagement with participants for purposes other than the consented engagement must be signed off by the Clinical Manager and all identifying details must be removed so that the information cannot be linked to an individual.

#### **Training or supervision**

When using information from restorative justice processes for external training and supervision, identifying details must be changed by PRNZ to protect the privacy of the individuals concerned.

#### **Fundraising or promotion**

When using information from restorative justice processes for the purposes of fundraising or promotion, identifying details and circumstances must be changed by PRNZ to ensure the privacy of the individuals, families and whānau unless written permission has been sought from the individuals concerned.

## **PART THREE – KEEPING INFORMATION SECURE**

The security of written and electronic information is an utmost priority,

### **INFORMATION TO BE KEPT SEPARATE AND SECURE**

Restorative justice information is to be separately managed and maintained from information on any other services provided by PRNZ or any Personnel.

Only information related to Project Restore's work may be entered into case related section (direct events) of Project Restore's case management tool.

Personnel must ensure that information relating to restorative justice cases is kept separate from any other information they may have by:

- a. Saving temporary electronic information in Project Restore's SharePoint folder until it is uploaded to Project Restore's case management tool.
- b. Keeping written notes on Project Restore's work separate and secure from those on other areas of work, at no time accessible to anyone other than Project Restore staff and or contractors. Paper notes must be transferred digitally as soon as possible and shredded with a secure shredder.
- c. All audio recordings are destroyed after the transcript has been completed and reports forwarded to the Courts are password protected.
- d. Phones and personal devices must be password protected see *Safeguarding Where Information is Stored* below.

## **SAFEGUARDING WHERE INFORMATION IS STORED**

### **Identity Management**

- Personnel must make sure they use safe and secure passwords. PRNZ expects these guidelines to be adhered to when creating passwords:
  - Use a different password for every online account
  - Use unique passwords, don't use personal information
  - Make passwords long and strong
  - Use two-factor authentication (where available)
  - keep them safe with a password manager
- Password credentials should not be shared with anybody.

### **Where data is stored**

- Data should only be saved in PRNZ SharePoint, PRNZ Dropbox, OneDrive, or Project Restore's case management system.
- Data should not be stored or shared on USB drives.
- Data in diaries or electronic calendars must only record the case number, and initials, not names or other identifying information.
- Laptops must not be able to be viewed by restorative justice participants.
- No personal information is to be left unattended.
- These requirements also apply to transcripts and recording devices.
- Devices must be protected with antiviral and malware software, professionally cleaned and certificated on leaving Project Restore.

### **Paper files**

As of January 2015, a paper file (the case file) was created only for temporary purposes and must be destroyed immediately after use.

- Information retained on paper case files in relation to cases in progress includes referral details and reports. Unless for a specific purpose, case notes by Personnel are not retained on the paper file once the case is completed.
- If a paper-based file is required, this must be locked away.
- All administration case files are shredded or otherwise securely destroyed after uploading into PRNZ's web-based file management system.

### **Ministry of Justice case management and reporting tool**

Information held on the Ministry of Justice case management tool (spreadsheet or database) that identifies individuals or is sensitive (e.g., addresses, telephone numbers) is to be deleted by PRNZ's Clinical Manager after seven years.

### **Protecting equipment**

PRNZ does not own or manage physical equipment used by contractors that will hold case information. Contractors are therefore responsible for the protection of any such equipment and ensuring it is kept safe from malicious activity.

This also applies to all PRNZ employees/contractors using their own devices.

## IMPORTANT SOURCES FOR USERS OF THIS POLICY

Privacy Act 2020 <https://www.privacy.org.nz/privacy-act-2020/privacy-act-2020/>

Office of the Privacy Commissioner – NotifyUs tool

<https://www.privacy.org.nz/responsibilities/privacy-breaches/notify-us/>

Ministry of Justice *Managing Personal Information: Guidelines for Providers of Justice Services.*

PRNZ Code of Ethics and Conduct - Guiding Principles

Create a password policy for your business

<https://www.cert.govt.nz/business/guides/password-policy-for-business/>

### PRIVACY ACT – THE 13 PRINCIPLES

The Privacy Act 2020 has 13 privacy principles that govern how personal information should be collected, handled and used.

The links below can be used to explore the privacy principles individually.

[Principle 1 - Purpose for collection](#)

[Principle 2 - Source of information](#)

[Principle 3 - What to tell an individual](#)

[Principle 4 - Manner of collection](#)

[Principle 5 - Storage and security](#)

[Principle 6 - Access](#)

[Principle 7 - Correction](#)

[Principle 8 - Accuracy](#)

[Principle 9 - Retention](#)

[Principle 10 - Use](#)

[Principle 11 - Disclosure](#)

[Principle 12 - Disclosure outside New Zealand](#)

[Principle 13 - Unique identifiers](#)