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EC Credit Control (NZ) Ltd

Debt Collection ~ Credit Management ~ Terms of Trade

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Introduction

With the passing of the Privacy Act 1993 the government introduced legislation to protect personal information about individuals.

Water Testing Hawkes Bay is dedicated to providing robust privacy policies and procedures for its staff and clients. With this in mind Water Testing Hawkes Bay has specific requirements from all staff regarding privacy issues. These are outlined in this manual.

It is imperative that all staff adhere to these policies and procedures.

Any breaches of these policies and procedures must be reported to your manager or supervisor immediately so any appropriate measures can be taken to mitigate any issues or legal action against Water Testing Hawkes Bay.

Every staff member who handles personal information should have an understanding of the Information Privacy Principles and the objectives of the Privacy Act generally. Where a more detailed knowledge of Water Testing Hawkes Bay's rights and responsibilities is required, the Privacy Officer will be able to provide assistance.

All staff are encouraged to discuss privacy issues with the Privacy Officer.

Review

Formal review of this privacy policy shall be undertaken on a 6 monthly basis.

Date reviewed (representative)	Reviewed by	Signed	(authorized
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
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Privacy Principles

The Privacy Act 1993 and the Credit Reporting Privacy Code 2004 places obligations and responsibilities on employers and employees to ensure that information collected from individuals is collected, retained and used in line with the information privacy principles. Water Testing Hawkes Bay shall abide by the following information privacy principles at all times:

- 1/ Purpose of collection of personal information
- 2/ Source of personal information
- 3/ Collection of personal information from subject
- 4/ Manner of collection of personal information
- 5/ Storage and security of personal information
- 6/ Access to personal information
- 7/ Correction of personal information
- 8/ Accuracy of personal information
- 9/ Retention of personal information
- 10/ Limits on use of personal information
- 11/ Limits on disclosure of personal information
- 12/ Use of unique identifiers

Information privacy principles 1 to 4 govern the reason for collection of personal information, where personal information may be collected from, and how it is collected.

Information privacy principles 5 governs how personal information should be stored.

Information privacy principles 6 governs that individuals have access to the personal information held about them.

Information privacy principles 7 governs that if an individual requests changes to their personal information held about them then it should be done unless there are grounds not to do so.

Information privacy principles 8 – 11 govern how personal information is used or disclosed.

Information privacy principles 12 governs that an individual's bank number, IRD number, drivers licence number, passport number etc cannot be used to identify an individual.

Further information regarding the Privacy Principles can be obtained from the office of the Privacy Commissioner at <http://www.privacy.org.nz/comply/comptop.html>. A full copy of the privacy principles is attached as appendix B.

Procedures (How Water Testing Hawkes Bay handles privacy issues)

Information is to be obtained from new clients using the prescribed forms which

Authorise Water Testing Hawkes Bay:

- 1/ To collect personal information; and
- 2/ Inform the individual what personal information is being collected; and
- 3/ Inform the individual why (the purpose) the personal information is being collected; and
- 4/ Inform the individual why & when personal information will be disclosed to 3rd parties.

It is the responsibility of Water Testing Hawkes Bay to ensure that any personal information obtained is as accurate and up to date as possible.

Because of security requirements set out in the Code only the following authorised staff are able to access a credit reporter's database to undertake credit checks on new clients.

Water Testing Hawkes Bay has appointed the following person/s to undertake credit checks

(attach a separate sheet if necessary)

Use Of Personal Information

Personal Information can only be used to:

- 1/ Access a credit reporter's database for the following purposes:
 - a) To assess a client's application for a credit account; or
 - b) To assess a client's ongoing credit facility; or
 - c) To notify a credit reporter of a default; or
 - d) To update details listed on a credit reporter's database; or
- 2/ Check trade references noted on the prescribed form for the following purposes:
 - a) To assess a client's application for a credit account; or
 - b) To assess a client's ongoing credit facility; or
 - c) To notify a default.
- 3/ Forward information to a 3rd party for the purposes of debt collection.
- 4/ Market Water Testing Hawkes Bay's products and services.

Any complaints received about privacy issues are to be directed to the Privacy Officer in the first instance.

Any requests for copies of personal information held on file are to be directed the Privacy Officer in the first instance.

If you have any questions regarding these procedures please direct these to the Privacy Officer.

Relationship with Credit Reporter In the event that notification of a default has been reported to a Credit Reporter and the client's credit file has been updated (including any changes to the balance outstanding or contact details), then the Credit Reporter shall be notified within 24 hours of any such changes.

Privacy Officer (Responsibilities)

Water Testing Hawkes Bay has appointed the following person as Privacy Officer

Cynthia Bowers

The Privacy Officer needs to be familiar with the Information Privacy Principles. Educational material is available from the office of the Privacy Commissioner which explains what Water Testing Hawkes Bay needs to know in order to comply with the Privacy Act.

If a person complains to the Privacy Commissioner that Water Testing Hawkes Bay has breached their privacy, the Privacy Commissioner may contact the Privacy Officer to discuss the complaint, and to see whether there is any means of settling the matter. The Privacy Officer shall provide whatever assistance is necessary. The Privacy Officer may be asked to provide background information or identify the staff members who can do so.

Complaints

In the event that a complaint about privacy issues is received the Privacy Officer will:

- 1/ Take ownership of the complaint and ensure that it is dealt with in a timely manner.
- 2/ Acknowledge receipt of the complaint within 24 hours and advise the complainant of their rights – see attached appendix A - Summary of Rights.
- 3/ Fully investigate the complaint.
- 4/ Respond, with findings, to the complainant within 14 days of receipt.
- 5/ Keep a record of all complaints received for ongoing review of policies and procedures.

In the event that a complaint about privacy issues is received via a credit reporter the Privacy Officer will:

- 1/ Take ownership of the complaint and ensure that it is dealt with in a timely manner.
- 2/ Acknowledge receipt of the complaint to the credit reporter within 24 hours.
- 2/ Fully investigate the complaint.
- 3/ Respond, with findings, to the credit reporter within 7 days of receipt.
- 5/ Keep a record of all complaints received for ongoing review of policies and procedures.

Relationship with Credit Reporter/Privacy Commissioner

Credit Reporters are obligated to ensure that Water Testing Hawkes Bay complies with the Credit Reporting Privacy Code. Regular audits will be undertaken by Credit Reporters in this regard and it is the responsibility of the Privacy Officer to comply within 7 days with any requests made by a Credit Reporter.

Similarly any request from the Office of the Privacy Commissioner shall be dealt with in the time frame stipulated by the Office of the Privacy Commissioner.

Other

The Privacy Officer shall ensure that Water Testing Hawkes Bay's documentation complies with the Privacy Act and Credit Reporting Privacy Code at all times.

APPENDIX A

Summary of Rights

(Rules 6 and 7 and clause 8)

A Summary of Your Rights Under the Credit Reporting Privacy Code 2004

The Credit Reporting Privacy Code 2004 is issued under the Privacy Act 1993. It promotes fairness, accuracy, and privacy in the practice of credit reporting. Credit reporters gather and sell information about you such as a failure to pay your bills or if you have been made bankrupt. You can find the complete text of the Code at <http://www.privacy.org.nz> and the Privacy Act at http://www.legislation.govt.nz/browse_vw.asp?content-set=pal_localprivate. The Code, together with the Act, gives you specific rights, many of which are summarised below.

Limited information can be reported about you.

A credit reporter can only collect certain classes of information, set out in the Code, for its credit reporting database. A credit reporter will generally report information for no longer than 5 – 7 years: the actual retention periods are required to be displayed on each credit reporter's website.

Only certain people can access your file for certain purposes.

The Code limits the people who can gain access to your credit information. These will usually be credit providers who are considering your application for credit, but in some strictly defined situations the information may be available to prospective landlords, employers or insurers, to debt collectors, to those involved in court proceedings and to certain public sector agencies.

Your consent is required in most situations.

Most credit checks can only take place with your authorisation. This applies to access by credit providers, prospective landlords and prospective employers. Your authorisation may not be required for access by certain public sector agencies, those involved in court proceedings and debt collectors. The credit reporter is required to log each access that is made to your information and will normally disclose this information to you on request.

You can find out what is held about you.

You are entitled to request a copy of the credit information held about you by a credit reporter. You can ask for just the information contained in your credit report or for all the information held about you (which may include additional information, such as a more complete list of those who have accessed your report). If you want the information quickly (within 5 working days) you may be required to pay a reasonable charge, but otherwise no charge may be made. A credit reporter must take precautions to check the identity of anyone making a personal access request. This may involve asking you for certain identification details, although these cannot be added to the credit reporter's database without your authorisation.

You can dispute inaccurate information with the credit reporter.

Credit reporters must take reasonable steps to ensure the accuracy of the information they hold and must act promptly to correct any errors they become aware of. If you tell a credit reporter that your report contains an inaccuracy, the credit reporter must take steps to correct it. This will usually involve checking the information you provide with the source, such as a creditor who submitted a default. While the checking process is under way, the credit reporter must flag your credit report to show that the item has been disputed. The credit reporter must, as soon as reasonably practicable, decide whether to make the correction you have requested or to confirm the accuracy of the information. If the credit reporter needs longer than 20 working days to make a decision it must notify you of the extension and the reasons for it. If the requested correction is not made you must be told the reason and you may ask to have a statement of the correction sought but not made, attached to the relevant information. This statement will be included with future reports. If a correction is made or a correction statement is added, the credit reporter must inform anyone who has recently received your credit report of the change. They must tell you what they have done and provide you with a copy of the amended report. A credit report describes your credit history, not simply your current debts. Information about a bankruptcy that has been discharged or a default that has subsequently been paid in full can continue to be reported, provided it is updated to reflect the later developments, as it remains an accurate statement of those historical events.

You have the right to make a complaint.

Each credit reporter must maintain an internal complaints procedure and have a designated person to facilitate the fair, simple, speedy and efficient resolution of complaints. If you believe a credit reporter has breached the Code you should first approach them directly. If your complaint is not resolved you may complain to the Privacy Commissioner who has statutory powers to investigate the matter. Some cases that cannot be settled can be taken to the Human Rights Review Tribunal for final determination. Other civil law remedies may also be available including defamation and negligence.

Contact addresses.

Water Testing Hawkes Bay
1105 Plunket Street
HASTINGS 4120
Ph (06) 8706 499

Office of the Privacy Commissioner
PO Box 466
Auckland
Fax (09) 302 2305

Warning: This is only a generalised summary. In the event of a discrepancy between this summary and a provision of the code or Act, the code or Act prevails.

APPENDIX B - INFORMATION PRIVACY PRINCIPLES

NOTE

In some cases agencies are authorised or required by other legislation to collect, use, retain, or make available, personal information, and in most cases where an agency collects, uses, retains or makes available personal information in accordance with such legislation this will not amount to a breach of the Privacy Act. (section 7 of the Privacy Act 1993).

PRINCIPLE 1

Purpose of collection of personal information

Personal information shall not be collected by any agency unless-

- (a) The information is collected for a lawful purpose connected with a function or activity of the agency; and
- (b) The collection of the information is necessary for that purpose.

PRINCIPLE 2

Source of personal information

- (1) Where an agency collects personal information, the agency shall collect the information directly from the individual concerned.
- (2) It is not necessary for an agency to comply with sub clause (1) of this principle if the agency believes, on reasonable grounds,-
 - (a) That the information is publicly available information; or
 - (b) That the individual concerned authorises collection of the information from someone else; or
 - (c) That non-compliance would not prejudice the interests of the individual concerned; or
 - (d) That non-compliance is necessary --
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
 - (ii) For the enforcement of a law imposing a pecuniary penalty; or
 - (iii) For the protection of the public revenue; or
 - (iv) For the conduct of proceedings before any court or Tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
 - (e) That compliance would prejudice the purposes of the collection; or
 - (f) That compliance is not reasonably practicable in the circumstances of the particular case: or
 - (g) That the information-
 - (i) Will not be used in a form in which the individual concerned is identified; or
 - (ii) Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or

- (h) That the collection of the information is in accordance with an authority granted under section 54 of this Act.

PRINCIPLE 3

Collection of information from subject

- (1) Where an agency collects personal information directly from the individual concerned, the agency shall take such steps (if any) as are, in the circumstances, reasonable to ensure that the individual concerned is aware of -
 - (a) The fact that the information is being collected; and
 - (b) The purpose for which the information is being collected; and
 - (c) The intended recipients of the information; and
 - (d) The name and address of -
 - (i) The agency that is collecting the information; and
 - (ii) The agency that will hold the information; and
 - (e) If the collection of the information is authorised or required by or under law -
 - (i) The particular law by or under which the collection of the information is so authorised or required; and
 - (ii) Whether or not the supply of the information by that individual is voluntary or mandatory; and
 - (f) The consequences (if any) for that individual if all or any part of the requested information is not provided; and
 - (g) The rights of access to, and correction of, personal information provided by these principles.
- (2) The steps referred to in sub clause (1) of this principle shall be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected.
- (3) An agency is not required to take the steps referred to in sub clause (1) of this principle in relation to the collection of information from an individual if that agency has taken those steps in relation to the collection, from that individual, of the same information or information of the same kind, on a recent previous occasion.
- (4) It is not necessary for an agency to comply with sub clause (1) of this principle if the agency believes, on reasonable grounds -
 - (a) That non-compliance is authorised by the individual concerned; or
 - (b) That non-compliance would not prejudice the interests of the individual concerned; or
 - (c) That non-compliance is necessary -
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and

punishment -of offences; or

- (ii) For the enforcement of a law imposing a pecuniary penalty; or
- (iii) For the protection of the public revenue; or
- (iv) For the conduct of proceedings before any court or Tribunal being proceedings that have been commenced or are reasonably in contemplation); or
- (d) That compliance would prejudice the purposes of the collection; or
- (e) That compliance is not reasonably practicable in the circumstances of the particular case; or
- (f) That the information -
 - (i) Will not be used in a form in which the individual concerned is identified; or
 - (ii) Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

PRINCIPLE 4

Manner of collection of personal information

Personal information shall not be collected by an agency-

- (a) By unlawful means; or
- (b) By means that, in the circumstances of the case, -
 - (i) Are unfair; or
 - (ii) Intrude to an unreasonable extent upon the personal affairs of the individual concerned.

PRINCIPLE 5

Storage and security of personal information

An agency that holds personal information shall ensure -

- (a) That the information is protected, by such security safeguards as it is reasonable in the circumstances to take, against -
 - (i) Loss; and
 - (ii) Access, use, modification or disclosure, except with the authority of the agency that holds the information; and
 - (iii) Other misuse; and
- (b) That if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or unauthorised disclosure of the information.

PRINCIPLE 6

Access to personal information

- (1) Where an agency holds personal information in such a way that it can be readily be retrieved, the individual concerned shall be entitled -
 - (a) To obtain from the agency confirmation of whether or not the agency holds such personal information; and
 - (b) To have access to that information.
- (2) Where, in accordance with sub clause (1)(b) of this principle, an individual is given access to personal information, the individual shall be

advised that, under principle 7, the individual may request the correction of that information.

- (3) The application of this principle is subject to the provisions of Parts IV and V of this Act.

PRINCIPLE 7

Correction of personal information

- (1) Where an agency holds personal information, the individual concerned shall be entitled
 - (a) To request correction of the information; and
 - (b) To request that there be attached to the information a statement of the correction sought but not made.
- (2) An agency that holds personal information shall, if so requested by the individual concerned or on its own initiative, take such steps (if any) to correct that information as are, in the circumstances, reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading.
- (3) Where an agency that holds personal information is not willing to correct that information in accordance with a request by the individual concerned, the agency shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the information, in such a manner that it will always be read with the information, any statement provided by that individual of the correction sought.
- (4) Where the agency has taken steps under sub clause (2) or sub clause (3) of this principle, the agency shall, if reasonably practicable, inform each person or body or agency to whom the personal information has been disclosed of these steps.
- (5) Where an agency receives a request made pursuant to sub clause (1) of this principle, the agency shall inform the individual concerned of the action taken as a result of the request.

PRINCIPLE 8

Accuracy, etc., of personal information to be checked before use

An agency that holds information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date, complete, relevant, and not misleading.

PRINCIPLE 9

Agency not to keep personal information for longer than necessary

An agency that holds personal information shall not keep that information for longer than is required for the purposes for which the information may lawfully be used.

PRINCIPLE 10

Limits on use of personal information

An agency that holds personal information that was obtained in connection with one purpose shall not

use the information for any other purpose unless the agency believes, on reasonable grounds:-

- (a) That the source of the information is a publicly available publication; or
- (b) That the use of the information for that other purpose is authorised by the individual concerned; or
- (c) That non-compliance is necessary -
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
 - (ii) For the enforcement of a law imposing a pecuniary penalty; or
 - (iii) For the protection of the public revenue; or
 - (iv) For the conduct of proceedings before any Court or Tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
- (d) That the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to-
 - (i) Public health or public safety; or
 - (ii) The life or health of the individual concerned or another individual; or
- (e) That the purpose for which the information is used directly related to the purpose in connection with which the information was obtained; or
- (f) That the information-
 - (i) Is used in a form in which the individual concerned is not identified; or
 - (ii) Is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned or;
- (g) That the use of the information is in accordance with an authority granted under section 54 of this Act.

PRINCIPLE 11

Limits on disclosure of personal information

An agency that holds personal information shall not disclose the information to a person or body or agency unless the agency believes, on reasonable grounds -

- (a) That the disclosure of the information is one of the purposes in connection with which the information was obtained or is directly related to the purposes in connection with which the information was obtained; or
- (b) That the source of the information is a publicly available publication; or
- (c) That the disclosure is to the individual concerned; or
- (d) That the disclosure is authorised by the individual concerned; or

- (e) That non-compliance is necessary –
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, investigation, prosecution, and punishment of offences; or
 - (ii) For the enforcement of the law imposing a pecuniary penalty; or
 - (iii) For the protection of the public revenue; or
 - (iv) For the conduct of proceedings before any court or Tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
- (f) That the disclosure of the information is necessary to prevent or lessen a serious and imminent threat to-
 - (i) Public health or public safety; or
 - (ii) The life or health of the individual concerned or another individual; or
- (g) That the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern; or
- (h) That the information -
 - (i) Is to be used in a form in which the individual concerned is not identified; or
 - (ii) Is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
- (i) That the disclosure of the information is in accordance with an authority granted under section 54 of this Act.

PRINCIPLE 12

Unique identifiers

- (1) An agency shall not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable the agency to carry out any one or more of its functions efficiently.
- (2) An agency shall not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another agency, unless those two agencies are associated persons within the meaning of section 8 of the Income Tax Act 1976.
- (3) An agency that assigns unique identifiers to individuals shall take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.
- (4) An agency shall not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or for a purpose that is directly related to one of the of those purposes.

