

From: [Anastasia Turnbull](#)
To: [Eve Kennedy](#); [Jared Nicoll](#); [Peter Mee](#); [Amy de Joux](#)
Subject: Re: Updating our Privacy and Covid web section
Date: Wednesday, 1 June 2022 4:49:02 pm
Attachments: [image003.png](#)

Fantastic, thanks - there's a lot that's out of date now.

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From: Eve Kennedy <Eve.Kennedy@privacy.org.nz>
Sent: Wednesday, June 1, 2022 3:15:36 PM
To: Anastasia Turnbull <Anastasia.Turnbull@privacy.org.nz>; Jared Nicoll <Jared.Nicoll@privacy.org.nz>; Peter Mee <Peter.Mee@privacy.org.nz>; Amy de Joux <Amy.deJoux@privacy.org.nz>
Subject: RE: Updating our Privacy and Covid web section
Yes, this has been on my to-do list for a while, sorry!! I'll pop some time aside to update this early next week.

From: Anastasia Turnbull <Anastasia.Turnbull@privacy.org.nz>
Sent: Wednesday, 1 June 2022 3:13 pm
To: Jared Nicoll <Jared.Nicoll@privacy.org.nz>; Peter Mee <Peter.Mee@privacy.org.nz>; Eve Kennedy <Eve.Kennedy@privacy.org.nz>; Amy de Joux <Amy.deJoux@privacy.org.nz>
Subject: Updating our Privacy and Covid web section

Hi all

Now that we no longer have vaccine passes and such, do we need to update this section of the website?

<https://privacy.org.nz/resources-2/privacy-and-covid-19/>

Mā te wā

Stasi

Anastasia Turnbull (she/her)

Kaiwhakahaere Whakapā

Manager Communications and Engagement

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From: [Eve Kennedy](#)
To: [Anastasia Turnbull](#)
Cc: [Jared Nicoll](#); [Peter Mee](#)
Subject: RE: covid info for organisations
Date: Monday, 8 August 2022 10:56:00 am
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.png](#)

Howdy team,
This looks great! I've checked the leg references etc, and it all looks correct to me! No changes from me.
Thanks!!

Eve
Eve Kennedy, Senior Policy Adviser (Health) (she/her)
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From: Anastasia Turnbull <Anastasia.Turnbull@privacy.org.nz>
Sent: Monday, 8 August 2022 9:41 am
To: Eve Kennedy <Eve.Kennedy@privacy.org.nz>
Cc: Jared Nicoll <Jared.Nicoll@privacy.org.nz>; Peter Mee <Peter.Mee@privacy.org.nz>
Subject: Fwd: covid info for organisations
Thanks Eve - this is the latest version.
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From: Anastasia Turnbull
Sent: Wednesday, August 3, 2022 2:34:25 PM
To: Jared Nicoll <Jared.Nicoll@privacy.org.nz>; Eve Kennedy <Eve.Kennedy@privacy.org.nz>; Peter Mee <Peter.Mee@privacy.org.nz>
Subject: RE: covid info for organisations
Thanks Jared!
This is really nicely recontextualised for NZ. I've added in the other aspects I think we still need to keep.
Looking at it all again, I think we can probably stay with a single page, living where it is now. That way we don't need to relink all of the AskUs questions and such, either.
Peter, I'm ccing you into this while Eve is down crook. Is there someone else in your team who could do a factcheck for us on this, or shall we wait until Eve is back?
Mā te wā
Stasi

From: Jared Nicoll <Jared.Nicoll@privacy.org.nz>
Sent: Wednesday, 3 August 2022 9:13 am
To: Anastasia Turnbull <Anastasia.Turnbull@privacy.org.nz>
Subject: covid info for organisations
Kia ora Stasi – here's the draft document I sent to Eve last week.
Jared
Jared Nicoll
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Keeping or deleting personal information collected during COVID-19

As our response to COVID-19 changes across Aotearoa New Zealand, organisations should regularly review what personal information they are holding and check if they still need to collect and keep it.

For example, some organisations have information about their employees' vaccination status, while others took information about their visitors for contact tracing.

Principle 9 of the Privacy Act 2020 states organisations should not keep personal information any longer than required.

Organisations can visit business.govt.nz for the latest guidance on COVID-19 public health order requirements or seek advice internally from their privacy officer.

Remember to also check if there are any other laws requiring certain types of information be kept for specific periods. For example, the Public Records Act 2005 establishes a regulatory framework for information and records management across the public sector.

What if the information must be kept?

Principle 5 of the Privacy Act states organisations must ensure there are safeguards in place that are reasonable in the circumstances to prevent loss, misuse or disclosure of personal information. Explore Principle 5 for details about safeguarding information.

One solution could be to create a schedule showing the types of personal information held and when it should be destroyed.

Destroying personal information

Principle 9 of the Privacy Act states that organisations must take reasonable steps to destroy or de-identify personal information when no longer needed. Identifying how the information was collected and stored can be key to efficiently completing this process.

If the information is stored in a hard copy, such as a paper-based register of contact tracing information, disposal might include secure shredding.

If the information is stored electronically in cloud-based storage, USBs or with a third-party provider, ensure the records are permanently destroyed including in any back-up system or offsite storage.

Employees may require training to ensure that personal information is securely destroyed.

The serious threat to public health exception

The Privacy Act 2020 has an exception that applies if the collection, use or disclosure of personal information is necessary to prevent or lessen a serious threat to the life, health, or safety of any individual, or to public health or public safety.

The Privacy Commissioner provided detailed guidance about the serious threat to public health exception and the COVID-19 pandemic as part of High Court judicial reviews into the sharing of personal vaccination information.

You can find all the Ministry of Health's Privacy Statements and Privacy Impact Assessments on their information gathering and use in relation to the pandemic [here](#).

Privacy and vaccination status in the workplace

Employers that have a legitimate need to know an employee's vaccination status can ask the employee for that information; for example, where the employee's role is subject to a vaccine mandate, or where the information is material to a health and safety plan.

Information collected for the purpose of determining whether a person is vaccinated is protected by section 34B of the COVID-19 Public Health Response Act 2020 and can only be used for the purposes of the COVID-19 response. In particular, the employer can only hold, store, use or disclose the information for the purpose of:

1. Ascertaining with the individual is vaccinated;
2. Demonstrating or ascertaining compliance with the COVID-19 Public Health Response Act 2020 or a COVID-19 Order;
3. Enforcing the Act or Order; or
4. The Health Act.

A breach of this restriction can attract significant penalties and is considered to be an interference with the privacy of the individual for the purposes of the Privacy Act.

Visit the [Ministry of Business Innovation and Employment's \(MBIE\)](#) for general assistance to businesses and workers about vaccines and the workplace, which includes privacy advice.

Visit [this section of the Ministry of Health website](#) for guidance for workplaces dealing with cases of COVID-19.

Vaccine Passports

Some businesses will be required, or may choose, to check customers' My Vaccine Pass in certain traffic light settings. It is their right to do so, with a few exceptions such as supermarkets, pharmacies and some other health services, food banks, and petrol stations.

The COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order 2021 sets out the information that vaccination certificates must show and requires the person's name and date of birth to be displayed. This is so organisations or businesses can verify your identity if required.

Because this law requires personal information to be used in a certain way, it overrides the provisions in the Privacy Act. This means we cannot investigate complaints about these requirements.

You can see the Ministry of Health's Privacy Impact Assessment for the My Vaccine Pass on their website [here](#).