



# Privacy Policy

Version 5.1 November 2023

# 1. MBIE guiding principles relevant to this policy

1.1 The following MBIE guiding principles are relevant to the Privacy Policy:

- a. ensuring Te Ara Amiorangi, our core values, and diverse and inclusive culture are at the heart of what we do
- a. ensuring our core values and diverse and inclusive culture, including partnering with Māori, are at the heart of what we do.
- b. protecting organisational reputation
- c. ensuring a healthy, safe and secure environment
- d. being a good employer
- e. complying with legislation, regulations and standards.

## 2. Purpose

2.1 The purpose of the Privacy Policy is to:

- a. describe MBIE's expectations relating to how our people can collect, store, use and share personal information about any person
- b. enable our people to exercise their informed judgement about privacy and manage privacy risks
- c. enable the Chief Privacy Officer to have oversight of MBIE's privacy function and of MBIE's privacy risk.

## 3. Scope

3.1 This Policy applies to all:

- a. staff, secondees and contractors, employed or engaged on any basis by MBIE (our people), whether they are casual, fixed term or permanent, whether full time or part time and whether they are in New Zealand or in any other country, who have access to any personal information MBIE holds
- b. personal information that MBIE collects, uses, accesses, shares, stores and disposes of.

## 4. Help

4.1 For any queries related to this policy, please contact the Privacy Team at [privacyteam@mbie.govt.nz](mailto:privacyteam@mbie.govt.nz).

## 5. Definition of terms

| Term                 | Definition                                                                                                                                                                                                                                                                                                        |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Notifiable event     | A privacy breach that has caused or is likely to cause serious harm which is legally required to be notified to the Office of the Privacy Commissioner.                                                                                                                                                           |
| Personal information | Any information about an identifiable individual.                                                                                                                                                                                                                                                                 |
| Privacy Act request  | Request made by individuals under the Privacy Act to: <ul style="list-style-type: none"><li>• obtain confirmation of whether MBIE holds personal information about them and/or</li><li>• request access to that personal information and/or</li><li>• request correction of their personal information.</li></ul> |

Title: Privacy Policy

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| Term                                      | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Privacy event</b>                      | Events where our people (including third-party service providers) fail to manage personal information in accordance with the law (e.g., Privacy Act) or MBIE's Privacy Policy, processes and standards. It includes: <ul style="list-style-type: none"> <li>privacy breaches (where personal information is wrongly collected, used, accessed, disclosed, retained, or withheld as set out by the Privacy Act) and</li> <li>potential privacy breaches ('near misses') (where an action could have resulted in a breach, but the breach does not occur).</li> </ul> |
| <b>Privacy event form</b>                 | Form our people must complete in MBIE's enterprise event reporting tool whenever MBIE identifies it has failed to manage personal information in accordance with the Privacy Act or MBIE's Privacy Policy, processes, and standards.                                                                                                                                                                                                                                                                                                                                |
| <b>Privacy Impact Assessment (PIA)</b>    | A Privacy Impact Assessment is a process for assessing how a new or change to an existing process or system will affect people's privacy, both positively and negatively. The process helps to identify risks, controls, and design improvements.                                                                                                                                                                                                                                                                                                                   |
| <b>Privacy Threshold Assessment (PTA)</b> | A Privacy Threshold Assessment provides an initial indication of privacy risk.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## 6. Policy statements

- 6.1 Our people must complete mandatory privacy training during their induction period. MBIE will provide the required mandatory training.
- 6.2 MBIE will collect personal information only when there is a lawful and clear purpose to do so. Where appropriate we will use explicit and informed consent.
- 6.3 MBIE will be open and transparent about how we collect, use, access, share, store and dispose of the personal information in our care, including information that belongs to our people.
- 6.4 Our people will apply the Government Chief Privacy Officer's Data Protection and Use Policy principles where appropriate. This includes, but not limited to, when working with vulnerable communities, children and young persons, and working with Te Tiriti partners where collection and use of personal information may impact Māori.
- 6.5 Our people must follow the MBIE Privacy Impact Assessment Framework. This includes completing Privacy Threshold Assessments for all new projects or initiatives that may impact the way MBIE manages personal information, and Privacy Impact Assessments where recommended.
- 6.6 Our people must report privacy events (breaches and near misses) as soon as practicable via the privacy event form in MBIE's enterprise event reporting tool. If the tool is unavailable, then the privacy event must be reported via email or phone call to MBIE's Privacy Team.
- 6.7 Managers must ensure that any Privacy Act request is responded to in accordance with the Privacy Act.
- 6.8 MBIE will respond to privacy complaints and external compliance investigations within MBIE's service promise and statutory timeframes (where applicable). Statutory timeframes are set by the Office of the Privacy Commissioner and are subject to change.

- 6.9 MBIE will retain personal information only for the period that information is required to fulfil the purpose of the collection and Public Records Act 2005 obligations.

## 7. Key Accountabilities and Responsibilities

| Role                                                                                             | Responsibility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Governance and Oversight</b>                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Secretary for Business, Innovation &amp; Employment and Chief Executive (The Secretary)</b>   | <ul style="list-style-type: none"> <li>Approves major amendments to this Policy</li> <li>Ensures MBIE meets its obligations under this Policy</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Assurance, Risk and Accountability Committee (ARA)</b>                                        | <ul style="list-style-type: none"> <li>Maintains overall oversight of the status of this policy, including key privacy control and risk areas across MBIE</li> <li>Endorses new and major amendments to this policy prior to The Secretary approval</li> <li>As required, the ARA chair will raise concerns about privacy compliance to the Senior Leadership Team (SLT) and to the People, Culture and Capability committee (PCC)</li> </ul>                                                                                              |
| <b>Business Groups: Identify and manage risks in day-to-day operations (1<sup>st</sup> line)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Deputy Secretaries (Dep Secs)</b>                                                             | <ul style="list-style-type: none"> <li>Embed this Policy and associated Procedures in their groups</li> <li>Ensure privacy risks are appropriately assessed and captured in the business group and branch risk registers</li> <li>Ensure their business groups are compliant with this Policy and have appropriate monitoring and reporting in place, including raising issues and reporting events</li> <li>Alert the Policy Owner to new areas of functions in their business group that collect and use personal information</li> </ul> |
| <b>General Managers (Tier 3)</b>                                                                 | <ul style="list-style-type: none"> <li>Responsible for embedding this Policy into operational activities within their branch</li> <li>Ensure new and existing employees are made aware of and comply with this Policy</li> <li>Provide assurance to their Dep Sec that their branch is compliant with this policy and that any matters of non-compliance have been dealt with appropriately</li> </ul>                                                                                                                                     |
| <b>Managers</b>                                                                                  | <ul style="list-style-type: none"> <li>Collect and use personal information, including about kaimahi, legitimately and safely to deliver MBIE's services efficiently and effectively</li> <li>Ensure Privacy Threshold Assessments, and Privacy Impact Assessments where recommended, are completed when creating new or changing existing systems and processes</li> </ul>                                                                                                                                                                |

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| Role                                                                                                          | Responsibility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                               | <ul style="list-style-type: none"> <li>• Ensure our people are appropriately trained on how to manage personal information, including raising issues and reporting events</li> <li>• Ensure all legal requirements and MBIE-wide policies are complied with when personal information is used and shared within MBIE or other organisations</li> <li>• Ensure privacy complaints and compliance investigations are responded to within statutory timeframes</li> </ul>                                                                                                                                                                                                                      |
| <b>Our People</b>                                                                                             | <ul style="list-style-type: none"> <li>• Comply with this policy</li> <li>• Complete mandatory Privacy training</li> <li>• Manage personal information in accordance with this policy and associated, processes and systems, and practices</li> <li>• Respond to individuals' requests for access to, withdrawal of consent, and correction of personal information</li> <li>• Identify privacy issues and events and report these</li> </ul>                                                                                                                                                                                                                                               |
| <b><i>Specialist Functions: Set MBIE-wide expectations, policies and procedures (2<sup>nd</sup> Line)</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Chief Privacy Officer (Policy Owner)</b>                                                                   | <ul style="list-style-type: none"> <li>• Holds the statutory function of <i>Privacy Officer</i> as defined by the Privacy Act 2020 (s201)</li> <li>• The function includes ensuring the Ministry complies with the provisions of the Privacy Act</li> <li>• Ensures appropriate and thorough incident management in the event of a significant privacy breach</li> <li>• Discretion to lead or commission further investigation of event root cause where there are indicators of potential for harm</li> <li>• Ensures the Policy is working effectively</li> <li>• Responsible for MBIE's relationships with the Government Chief Privacy Officer and the Privacy Commissioner</li> </ul> |
| <b>Legal Team</b>                                                                                             | <ul style="list-style-type: none"> <li>• Provides privacy legal advice, including on information sharing, events, complaints, and on requests for personal information, including grounds for withholding information</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Privacy Advisory Group</b>                                                                                 | <ul style="list-style-type: none"> <li>• Provides functional leadership for strategic privacy matters</li> <li>• Convenes as required for strategic privacy matters</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |



| Role                          | Responsibility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <ul style="list-style-type: none"> <li>• Drives the creation of a culture that sets the tone for respect for privacy</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Privacy Team</b>           | <ul style="list-style-type: none"> <li>• Leads the development, promotion, and embedding of MBIE's privacy capability and culture, including training, education, and awareness</li> <li>• Provides support, advice, guidance, training on privacy considerations, legislative requirements, and best practice across MBIE</li> <li>• Reviews Privacy Threshold and Impact Assessments including providing advice and recommendations around identifying and managing privacy risks</li> <li>• Supports the management of privacy events, complaints and requests with advice and recommendations, and notifying the Office of the Privacy Commissioner of breaches where serious harm has been or could be caused</li> <li>• Provides an organisational view of privacy at MBIE, including trend reporting and insights around reported privacy events, complaints, and completed Privacy Threshold and Impact Assessments, and privacy training completion rates</li> </ul> |
| <b>Business Change Owners</b> | <ul style="list-style-type: none"> <li>• Ensure Privacy Impact Assessment Framework is applied to their projects, including ensuring completion of Privacy Threshold Assessments and resourcing of Privacy Impact Assessments where recommended</li> <li>• Approve and sign off Privacy Threshold Assessments (and Privacy Impact Assessments, if required), apply any practicable Privacy Team recommendations and accept and sign off any privacy risk associated with the projects under their responsibility</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## 8. Procedures

- a. [Privacy Act requests](#)
- b. [Complaints and compliance investigations under the Privacy Act](#)
- c. [Privacy events](#)
- d. [Privacy impact assessments](#)

## 9. Related MBIE policies and documents

- a. [Code of Conduct](#)
- b. [Compliance Policy](#)
- c. [Protective Security Policy](#)

|                        |                |                |               |                          |                                          |
|------------------------|----------------|----------------|---------------|--------------------------|------------------------------------------|
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- d. [Information Records Management Policy](#)
- e. [ICT Acceptable Use Policy](#)
- f. [Risk Management Policy](#)
- g. [Official Information Act Requests Policy](#)
- h. [Social Media Policy](#)
- i. [Data merging framework](#)
- j. [Data sharing guidance](#)
- k. [Information Gathering Policy](#)
- l. [Legal Services Policy](#)
- m. [Te Ki Taurangi – Our promise](#)
- n. [Enterprise Data Governance Policy](#)
- o. [Child Protection Policy](#)

## 10. Relevant legislation, regulations and standards

- a. [Privacy Act 2020](#)
- b. [Privacy Codes of Practice](#)
- c. [Official Information Act 1982](#)
- d. [Public Records Act 2005](#)
- e. Any other legislation with privacy provisions (e.g., Immigration Act 2009)
- f. [Data Protection and Use Policy](#)
- g. [Algorithm Charter](#)

## 11. Measures of success and compliance management

- 11.1 The Chief Privacy Officer will assess the effectiveness of this policy based on the following measures of success:
- a. staff are aware of MBIE expectations relating to the collection, storage, use and sharing of personal information as measured by timely and quality completion and submission of Privacy Act requests, Privacy Threshold Assessments, and responses to internal staff surveys
  - b. an increase in privacy maturity or maintenance of 'Managed' privacy maturity, as rated by the annual Privacy Maturity Assessment Framework self-assessment and reported to the Government Chief Privacy Officer
  - c. an increase in perceptions of MBIE's trustworthiness in managing personal information, as measured by the annual MBIE Privacy Survey, through customer and stakeholder engagement, and measures such as complaints
  - d. a reduction in harm caused through privacy events, as measured by a decrease in upheld privacy complaints made to MBIE or the Office of the Privacy Commissioner.
- 11.2 The Chief Privacy Officer will monitor compliance with this policy as follows:
- a. a completion rate of 95% mandatory privacy training within MBIE's induction period (three months)
  - b. completion rate of 100% of Privacy Threshold Assessments for all new initiatives and changes that impact MBIE's management of personal information
  - c. completion rate of 100% of Privacy Impact Assessments or documented acceptance of risk from business change owners for all changes where a Privacy Impact Assessment has been recommended

- d. event reporting and analysis of all privacy events reported to the Privacy Team to assess the effectiveness of the Policy.

11.3 Compliance information regarding the performance of this policy will be provided to the relevant business group and the Enterprise Risk, Compliance and Insurance branch on a quarterly basis.

## 12. Non-compliance

12.1 Failure to comply with this policy may be considered a breach of the [Code of Conduct](#).

12.2 Any action taken as a result of a breach of any of the obligations set out in this policy will be conducted in good faith, a fair process will be followed and the person involved will have a full opportunity to respond to the concerns or allegations.