
Disclosure of Personal Information Procedures

1. Purpose

The purpose of these Procedures is to ensure that Staff Members and Students at Te Herenga Waka – Victoria University of Wellington (the University) understand when Personal Information may be disclosed to third parties and how to do so in a way that complies with the [Privacy Policy](#) and the [Privacy Act 2020](#).

2. Application

Privacy is everyone's responsibility. These Procedures apply to:

- (a) Staff Members who may be required to collect, access, use or disclose Personal Information, who may manage projects or systems that impact on Personal Information management, or who are responsible for making policy decisions about the way the University manages Personal Information; and
- (b) Students who collect, access, use or disclose Personal Information in the course of their studies or research or are otherwise permitted access to Personal Information held by the University.

Procedure Content

3. Routine disclosures of Personal Information

3.1 The University can routinely disclose Personal Information to a third party:

- (a) where disclosure to that third party is the purpose, or one of the purposes, for which the Personal Information was collected;

Note: To find out the purpose for which the Personal Information was collected, refer to the [Privacy Notice](#)

- (b) if the disclosure is covered by the Privacy Notice or a specific privacy notice relating to the particular disclosure;

Note: To find out whether the disclosure is covered by the [Privacy Notice](#), check "[who do we share information with](#)"

- (c) if the disclosure is for a purpose that is directly related to the purpose for which the Personal Information was collected. However, before disclosing Personal Information for a directly related purpose, the Discloser should seek the advice of their manager or supervisor and/or the Privacy Officer.

4. Non-routine disclosures of Personal Information

4.1 The University may need to disclose Personal Information in ways that are non-routine and may not have been covered by any privacy notice (such as in response to a request by a third party). These disclosures are acceptable, provided they are legitimate and have a lawful basis.

4.2 A Discloser must, when considering a non-routine disclosure, use the following process and set of questions to determine whether or not they may disclose Personal Information:

Question	Guidance
1 Is it possible to ask the Individual to authorise the disclosure?	<p>Disclosers must first consider obtaining the authorisation of the Individual to disclose Personal Information in a non-routine way. However, where authorisation is not practicable, there may be another lawful basis to disclose.</p>
2 Has the University received a request from a third party for Personal Information about someone else?	<p>Requests for personal information made by a third party (including a media agency) will be managed by the Privacy Officer under the Official Information Act 1982, or under other legislation as appropriate.</p> <p>Deceased Individuals – the University can release Personal Information (other than medical information) to the family of deceased Individuals. However, before doing so, you should satisfy yourself that the Individual is actually deceased (for example, searching death notices or other public notifications)</p>
3 Is the University under a legal obligation to disclose? <ul style="list-style-type: none"> Some legislation (including the Coroners Act 2006 and Health Act 1956) authorise certain agencies to compel the release of Personal Information. These provisions override the Privacy Act. Law enforcement agencies may provide the University with a Production Order which would compel the University to release Personal Information. Any requests from law enforcement agencies must be referred to the Director, Student Academic Services (for requests relating to Students), the Director, Human Resources (for requests relating to Staff Members) or the Privacy Officer). 	<p>The University may be legally required to disclose Personal Information in some circumstances.</p>
4 Can the University rely on any other exception to disclose? <p>Personal information may be disclosed if:</p> <ul style="list-style-type: none"> the information was obtained from a public source (such as the internet) and it would not be unfair or unreasonable to disclose it; 	<p>If none of the above apply and the Discloser still believes it is necessary to disclose personal information, they must be able to rely on an exception to Information Privacy Principle 11 of the Privacy Act 2020. The Discloser must consult with the Privacy Officer first.</p>

<ul style="list-style-type: none"> • it is necessary to prevent or lessen a serious threat to public health or safety or to the life or health of an individual; or • the information is to be used for statistical or research purposes and will be published in an anonymised form. 	
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5. Disclosures generally

5.1 Whenever Personal Information is disclosed, the Discloser must ensure that:

- they disclose Personal Information only to the extent that this is strictly necessary to meet the relevant purpose or purposes;
- wherever possible, Personal Information is anonymised before it is disclosed; and
- where the disclosure occurs using an information system, that the disclosure is secure and operates in accordance with the University's [Information Systems policies](#).

5.2 A researcher using research data that includes Personal Information must comply with the Privacy Framework, the [Human Ethics Policy](#), the [Human Ethics Guidelines](#), and the terms of any applicable ethics approval.

Note: Researchers can contact the Research Office for advice around the management and use of research data.

6. Disclosures overseas or to a contracted service provider

6.1 Before Personal Information is disclosed to a contracted service provider or an overseas recipient, the Discloser must ensure that the service provider or overseas recipient is required and able to provide an adequate level of protection to the Personal Information shared.

6.2 The University must not disclose Personal Information to an overseas recipient unless:

- The recipient is in a country that has equivalent privacy laws in place (such as any EU Member State, Andorra, Argentina, Australia, Canada, Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, Singapore, Switzerland, United Kingdom and Uruguay);
- There are reasonable grounds to believe the recipient can provide comparable safeguards to those required by the Privacy Act (such as an agreement for cross-border transfer of data entered into between the University and the recipient);

Note: The University has a template agreement for cross-border transfer of data available from [Legal Services](#). This should be used for any disclosure of Personal Information to an overseas recipient outside the countries in (a) above.

- The recipient is a Contracted Service Provider who is approved by Digital Solutions and who is storing or processing the Personal Information on the University's behalf; or
- The Individual has given their express consent to the disclosure.

Note: In order to give express consent, the Individual must be informed that the recipient may not be required to protect the information in a way that, overall, provides comparable safeguards to those in the Privacy Act 2020.

7. Definitions

In these Guidelines, unless the context otherwise requires:

Contracted Service Provider	means a data service provider contracted to provide data storage or processing services to the University. For example, a cloud storage or cloud computing provider.
Disclose	means to share Personal Information with any third-party person or agency, including a Contracted Service Provider, but does not include making personal information available to University Staff Members (even if overseas) or between University faculties, schools, institutes, or central service units, or making Personal Information available to the Individual in response to a request from that Individual (and Disclosure has a corresponding meaning)
Discloser	means a Staff Member or Student making a Disclosure
Individual	means any person about whom the University collects and holds personal information and includes students, Staff Members, contractors, alumni, donors, and visitors to the University's websites or campuses <i>Note: The term "Individual" comes from the Privacy Act 2020 and is synonymous with the global term "Data Subject". The University's Privacy Framework uses "Individual" rather than "Data Subject" for plain language purposes</i>
Personal Information	means any information, whether electronic or hard copy, about an Individual whether or not the information directly identifies the Individual. Personal Information includes, but is not limited to, contact, demographic, health and academic information (including grades), CCTV footage, staff HR and performance information, emails and other correspondence, and opinions about the Individual
Privacy Framework	means the Privacy Notice, any specific privacy notice, the Privacy Policy and any procedures, guidelines or associated documents issued to support it and available on the University's privacy centre .
Privacy Notice	means the Privacy Notice published by the University that describes how the University collects, uses, and shares Personal Information.
Staff Member	means an employee of the University
Student	means any person enrolled in a personal course of study at the University, or a person who is studying at the University under an exchange agreement with another institution, and includes a resident in a Hall of Residence

Related Documents and Information

8. Related Documents

[Education and Training Act 2020](#)
[Health Information Privacy Code 2020](#)
[Privacy Act 2020](#)
[Victoria University of Wellington Act 1961](#)

[Human Ethics Policy](#)
[Human Ethics Guidelines](#)
[Information Security Policy](#)
[Privacy Policy](#)
[Privacy Notice](#)

9. Document Management and Control

Essential Record

Approver	Toi Ohanga – Chief Operating Officer
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