New Zealand Council of Legal Education

Organisation Privacy Statement

1. Purposes for the collection of personal information from third parties

1.1. The Council collects personal information from third parties in carrying out its statutory functions consistent with the Privacy Act 2020 ("the Act") and the Information Privacy Principles ("IPP"). The Council will only use this personal information for the purpose for which it was received or collected.

1.2. The personal information includes:

(a) Information from applicants for completion certificates to allow the processing of those applications and the issuing of completion certificates.

(b) Information from overseas law graduates and overseas admitted practitioners who apply to the Council for assessment of their qualifications.

(c) Information from overseas law students who seek a determination from the Council regarding its requirements in circumstances where they wish to transfer to a New Zealand law school and complete a LLB in New Zealand.

(d) Information from those making enquiries about any of the above types of applications, or making related enquiries including applications for staleness of earlier assessments, substitution or recognition of further study.

(e) The Council will also collect information from other persons in accordance with its statutory functions.

1.3. The personal information listed in items (a) to (c) of paragraph 2.2 above is collected on a mandatory basis, as the Council cannot conduct its functions without it. Personal information is otherwise collected on a voluntary basis.

1.4. Where the Council collects personal information about an individual indirectly, the Council will, as soon as reasonably practicable, take reasonable steps to inform the individual of that collection, unless an exception under the Act applies, including where the person has already been made aware of the collection.

1.5. Where notice is required, the Council will provide the individual with the information required by the Act, which may include:

(a) The fact that the personal information has been collected

(b) The purpose for which the information has been collected

(c) The intended recipients of the information

(d) The name and address of the organisation collecting the information

(e) The name and address of the organisation or person that will hold the information, if different.

(f) Whether the collection is authorised or required by law, and if so, the relevant law

(g) The individual's rights to request access to, and correction of, their personal information.

1.6. The Council may provide notice through application forms, website privacy notices, email communications, terms and conditions, or through third parties acting on the Council's behalf.

1.7. Information collected from third parties is used for the following purposes:

Information collected	**Purpose of collection**
Name	Identification of applicants or enquirers
Contact details – email, address, and phone number	Communicating with applicants or enquirers
Academic and vocational information, English language test results (IELTS) **Referees names and references**	For verification and assessment of the qualifications and work experience of overseas applicants who apply to the Council for assessment of their qualifications and work experience, or make preliminary enquiries and provide such information or do so upon request; for determination of the Council's requirements for those seeking internal credit transfer to a NZ LLB, and for assessment of stale qualifications, or substitution or recognition of further study
Date of birth **Gender** **Passport** **Photo** **Marriage Certificate (if applicable)** **Change of Name proof (if applicable)** **Other identity documents (e.g driving licence, ID card)**	For the purpose of verification of identity of applicants in relation to assessment or verification of their qualifications, and in relation to the Council's examination sittings.
Receipts of payment by applicant of fees to the New Zealand Law Society (and if applicable to other other institutions providing fee-based verification services)	For the purpose of processing assessment applications, including verification of qualifications. For the purpose of consultation with the New Zealand Law Society in relation to assessment applications from overseas admitted practitioners.

Medical and related information	Where the Council, in relation to the New Zealand Law and Practice examinations or otherwise under its Regulations, has discretion, or on the application of the person, to consider medical or other similar extenuating circumstances. This information will ordinarily be supplied with the consent of the applicant.
Financial information **Bank details and related information**	Where the Council, under its Regulations, has discretion to consider financial hardship upon request of an applicant. For refunds to applicant or their nominees.

2. Disclosure of personal information to third parties

2.1. The Council does not disclose personal information to third parties except where:

(a) There is a legal requirement to release the information (e.g. statute or regulations)

(b) It is for a purpose or directly related to a purpose of the Council

(c) The situation is covered elsewhere in this policy

(d) The situation is covered by one of the exceptions set out in in the Act including when:

i. the information is publicly available

ii. disclosure is to the individual concerned or is authorised by the individual concerned

iii. non-compliance is necessary to avoid prejudice to the maintenance of the law

iv. non-compliance is necessary to prevent or lessen a serious and imminent threat to public or individual health and/or safety (note that disclosure should be to someone who can do something about it, e.g. the police)'

v. the information is in a form which does not identity individuals.

2.2. Staff will not give personal information out over the phone unless they have verified the receiver is:

(a) The person to whom the personal information relates; and/or

(b) A person to whom personal information may be disclosed, after the staff member has taken reasonable steps to accurately identify the receiver.

2.3. From time to time, the Council engage contractors to assist with their work. Any contract issued by the Council will contain a requirement that the contractor will keep confidential any personal information they may obtain while performing their duties.

3. Access to, and correction of, personal information by the individual

3.1. Any person has a right to ask the Council whether personal information is held about them, and to have access to that personal information if it exists on the terms and subject to the exceptions contained in the Act. An urgent request must state the reason why the request should be treated as urgent.

3.2. The Council will respond to requests for personal information as soon as practicable while meeting all obligations under the Act.

3.3. In any matter relating to privacy including where the person making the request is not satisfied with the time taken to provide the material, they have the right to complain to the Office of the Privacy Commissioner.

3.4. The Council must use its best endeavours to ensure correct personal information about an individual is held, and where incorrect information is identified, reasonable steps must be taken to have the file corrected immediately. Any change must be noted to ensure an adequate audit trail of changes exists.

3.5. The Council can be contacted with privacy requests or concerns at:

(a) **Email**: operations@nzcle.org.nz ;or

(b) **Phone**: (04) 471-1389

4. Where access to personal information is refused

4.1. The Council may refuse access to an individual's personal information as set out in section 46 of the Act but only where certain grounds are available under sections 49 to 53 of the Act.

4.2. If the requestor seeks to correct information and the Council does not correct the information, then the requestor will be informed of the reason and their entitlement to provide a statement of the correction sought and request it be attached to the information and their right to complain to the Privacy Commissioner.

5. Storage and security of personal information

5.1. The Council has in place reasonable and practicable procedures and measures to ensure the protection of personal information from loss, unauthorised access, use, modification and/or disclosure, as follows:

(a) All reasonable steps are taken to ensure personal information is accurate, up to date, complete, relevant and not misleading.

(b) All personal information is kept in a secure location or secure IT system, accessible only by authorised staff members.

(c) Personal information is only retained for as long as required by law.

(d) When no longer required, copies of personal information are disposed in a confidential and secure manner.

6. Accuracy and use of personal information

6.1. It is the responsibility of an individual to notify the Council of any subsequent changes to the details of any personal information provided to the Council.

6.2. Personal information provided by an individual to the Council is only accessed and used by staff members who require access to that specific personal information as part of their work for the Council.

6.3. Personal information given for an express purpose or purposes is not used for any other purpose without authorisation from the individual to whom the information relates. The Council may use personal information for another purpose if any of the exceptions contained in IPP 10 in the Act apply.