TEMPLATE PRIVACY POLICY – USER NOTES

This is a simple privacy policy for use on a business' website.

If your business collects any personal information, you must comply with the New Zealand Privacy Act 2020 (the **Act**). "Personal information" is any information about an identifiable individual (a natural person). It includes, without limit, name, address details, and personal preferences.

Where your business does not collect much personal information, a full privacy policy may not be needed. If this is the case, we suggest including some privacy provisions in your website terms of use. See our **template website terms of use** for an example of these provisions.

This policy is suitable where your business collects a reasonable amount of personal information in your business activities. However, where your business has significant interactions with individuals (e.g. a core purpose is the collection and use of personal information), you should consider a more "belts and braces" policy.

This policy is your business' public statement of how you will comply with the Act. Before it is uploaded on to your website, you should ensure that you are able to comply with it.

Also, the policy is not an explanation of all matters addressed in the Act or a general guide to how the Act works.

A significant recent change in the Act is the introduction of new controls over the disclosure of personal information to entities outside New Zealand. The Act allows disclosure offshore only if:

- you reasonably believe that the offshore entity is carrying on business in New Zealand and is subject to the Act;
- you reasonably believe that comparable protections are in place (e.g. the recipient is subject to comparable privacy laws or to an agreement with you that imposes comparable protections); or
- you have the relevant individual's authorisation.

These requirements do not apply if you send information to an offshore entity to hold or process on your behalf, and the offshore entity does not use the information for its own purposes (e.g. a cloud storage provider).

If you want further information on the Act, the Privacy Commissioner's website has some useful guides (see www.privacy.org.nz).

USING THIS TEMPLATE

The ***User Notes*** and the statements in the footer (all marked in red) are included to assist you to prepare this document. They are for reference only. You should delete all user notes and the statements in the footer from the final form of your document.

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The use of [*square brackets*] around black text means that:

- the requested details need to be inserted
- there are different options for you to consider
- the item is optional and you need to consider whether to include it, based on your circumstances and the user notes.

Before finalising your document, check for all square brackets to ensure you have considered the relevant option and deleted the brackets.

If you delete any clause or schedule, remember to cross reference check the document.

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PRIVACY POLICY

INTRODUCTION

[*Insert full legal name*] (**we**, **us**, **our**) complies with the New Zealand Privacy Act 2020 (the **Act**) when dealing with personal information. Personal information is information about an identifiable individual (a natural person).

This policy sets out how we will collect, use, disclose and protect your personal information.

This policy does not limit or exclude any of your rights under the Act. If you wish to seek further information on the Act, see www.privacy.org.nz.

CHANGES TO THIS POLICY

We may change this policy by uploading a revised policy onto the website. The change will apply from the date that we upload the revised policy.

This policy was last updated on **[*insert date*]**.

WHO DO WE COLLECT YOUR PERSONAL INFORMATION FROM

We collect personal information about you from:

- you, when you provide that personal information to us, including via the website and any related service, through any registration or subscription process, through any contact with us (e.g. telephone call or email), or when you buy or use our services and products; and
- third parties where you have authorised this or the information is publicly available.

If possible, we will collect personal information from you directly.

HOW WE USE YOUR PERSONAL INFORMATION

We will use your personal information: **[*User note: You should list all of the purposes for which you may use personal information. Common uses are set out below. However, this list should be tailored for your business purposes, including adding any relevant purpose not set out below.*]**

- [*to verify your identity;*
- *to provide services and products to you;*
- *to market our services and products to you, including contacting you electronically (e.g. by text or email for this purpose);*
- *to improve the services and products that we provide to you;*

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- *to undertake credit checks of you (if necessary);*
- *to bill you and to collect money that you owe us, including authorising and processing credit card transactions;*
- *to respond to communications from you, including a complaint;*
- *to conduct research and statistical analysis (on an anonymised basis);*
- *to protect and/or enforce our legal rights and interests, including defending any claim; and*
- *for any other purpose authorised by you or the Act.*]

DISCLOSING YOUR PERSONAL INFORMATION

We may disclose your personal information to: **[*User note: You should list all of the persons to whom you may disclose personal information. Common persons to whom personal information may be disclosed are set out below. Like the above list, this list should be tailored to fit your circumstances, including adding any other person not set out below.*]**

- [*another company within our group;*
- *any business that supports our services and products, including any person that hosts or maintains any underlying IT system or data centre that we use to provide the website or other services and products;*
- *a credit reference agency for the purpose of credit checking you;*
- *other third parties (for anonymised statistical information);*
- *a person who can require us to supply your personal information (e.g. a regulatory authority);*
- *any other person authorised by the Act or another law (e.g. a law enforcement agency); and*
- *any other person authorised by you.*]

[*A business that supports our services and products may be located outside New Zealand. This may mean your personal information is held and processed outside New Zealand.*] **[*User note: Include if there is a possibility of overseas data storage.*]**

We may transfer your information in the case of a sale, merger, consolidation, liquidation, reorganisation or acquisition.

PROTECTING YOUR PERSONAL INFORMATION

We will take reasonable steps to keep your personal information safe from loss, unauthorised activity, or other misuse.

ACCESSING AND CORRECTING YOUR PERSONAL INFORMATION

Subject to certain grounds for refusal set out in the Act, you have the right to access your readily retrievable personal information that we hold and to request a correction to your personal information. Before you exercise this right, we will need evidence to confirm that you are the individual to whom the personal information relates.

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In respect of a request for correction, if we think the correction is reasonable and we are reasonably able to change the personal information, we will make the correction. If we do not make the correction, we will take reasonable steps to note on the personal information that you requested the correction.

If you want to exercise either of the above rights, email us at [*insert email address*]. Your email should provide evidence of who you are and set out the details of your request (e.g. the personal information, or the correction, that you are requesting).

We may charge you our reasonable costs of providing to you copies of your personal information or correcting that information.

INTERNET USE

While we take reasonable steps to maintain secure internet connections, if you provide us with personal information over the internet, the provision of that information is at your own risk.

[*If you post your personal information on the website's [message board/ chat room], you acknowledge and agree that the information you post is publicly available.*]

If you follow a link on our website to another site, the owner of that site will have its own privacy policy relating to your personal information. We suggest you review that site's privacy policy before you provide personal information.

[*COOKIES*

We use cookies (an alphanumeric identifier that we transfer to your computer's hard drive so that we can recognise your browser) to monitor your use of the website. You may disable cookies by changing the settings on your browser, although this may mean that you cannot use all of the features of the website.] **[*User note: If you use other interactive techniques, you should mention them here too.*]**

CONTACTING US

If you have any questions about this privacy policy, our privacy practices, or if you would like to request access to, or correction of, your personal information, you can contact us at [*insert email address*].

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