

PRIVACY POLICY – SOCIALLY SPEAKING

Last updated April 2021

Socially Speaking is committed to protecting your privacy and any personal information in relation to your use of our products and services, and as such, fully complies with the New Zealand Privacy Act 2020. This Privacy Policy applies to, and governs all forms of Personal Information and related data collection and usage by us.

The Socially Speaking Privacy Policy is to be read in conjunction with the Socially Speaking Website Terms of Use, which is available to be accessed online at www.sociallyspeaking.co.nz. By using our website, or otherwise supplying your personal information to us, you consent to the data practices described in this Privacy Policy.

Socially Speaking is a private practice that provides assessment, therapy and social interaction opportunities for children, teenagers and young adults in clinic and schools. In this policy, clients will be referred to as “clients,” “individuals,” “you” (if you are the primary client) or “your child.” Socially Speaking will also be referred to as “the Practice.”

This policy applies to the personal information of clients, their families and training workshop attendees. These are referred to in this policy as relevant individuals. This policy does not limit or exclude any of your rights under the New Zealand Privacy Act 2020.

New Zealand Privacy Act 2020

Socially Speaking are governed by New Zealand’s Privacy Principles (NZPP’S) contained in the Privacy Act 2020. For ease of reference, the Principles are featured at the end of this Policy. Socially Speaking ensures that all its staff members adhere to the NZPP’s to safeguard your Personal Information.

For more information see www.privacy.org.nz

In accordance with these rules, we will ensure that:

- a) processing of personal information? will be fair, lawful and transparent
- b) information is collected for specific, explicit, and legitimate purposes
- c) information collected will be accurate, relevant, complete, up-to-date and not misleading
- d) information which is found to be inaccurate will be rectified or erased without delay (dependent on compliance to (h) below)
- e) information collected will be limited to what is necessary for the purposes of the Practice’s functioning
- f) information is not kept for longer than is necessary for its given purpose
- g) information will be processed and stored in a manner that ensures appropriate security of personal information including protection against unauthorised or unlawful processing, misuse, modification, disclosure, accidental loss, destruction or damage by using secure and appropriate technical or organisation measures

- h) information can be accessed by the individual or their representative on their request, (verification and validation of identity will be required by the practice)
- i) information will not be shared with any person or agency without your or your representative's consent

COLLECTION OF PERSONAL INFORMATION

Clients, Referrals and Enquiries

Socially Speaking collects personal information from you as part of conducting a high quality, professional service. We take your privacy very seriously and will ensure we will treat personal information lawfully and correctly, ensuring your information is collected, used and stored securely at all times. The information we collect includes:

Healthcare Records

A healthcare record refers to all information collected, processed and held both in manual and electronic formats pertaining to the client and their care. Speech-Language Therapy, Occupational Therapy, and Social Interaction/Social Communication challenges can be complex, and a wide range of information may be collected in order to best meet the needs of the client, and to provide a high-quality service. In order to provide a high-quality service, Socially Speaking may collect a range of information which may include but is not limited to:

- Personal details: Name, age and date of birth
- Contact information: Address, telephone number, email address
- Parent/Guardian details and description of family
- A developmental history and relevant medical history including medications
- Details of any diagnoses
- Name and details of relevant health professionals involved
- Information about social/emotional development
- Information about physical/sensory differences and daily living skills
- Parent/caregiver concerns and priorities for treatment
- Name of school, educational placement or workplace and names of staff involved
- Details of any supports or funding accessed
- With consent, we may also collect written and verbal information from other professionals working with your child, such as teachers, support workers or other health or education professionals.

Website Referrals

You may use the Socially Speaking website without providing any personal information. However, if you wish to make a referral via our website, you are requested to provide relevant contact details, such as your name, e-mail address and contact telephone number to enable us to respond to your enquiry. You are also requested to provide some details about your child, who lives with your child, your family's primary language, and any diagnoses your child may have received. This is considered to be personal information.

If your referral does not result in your child being seen by Socially Speaking then this personal information will be archived for 12 months and then securely deleted and destroyed if we do not hear from you again within this period.

Clinical records

- We will record clinically relevant information about what your child did or said in sessions, examples of their speech, language, and communication, physical/sensory presentation, progress towards targets, and general demeanour/mood
- Clinically relevant information you tell us about your child
- Information/outcomes from discussions we may have had with other professionals about you (if you are the primary client) or your child

Administrative records

- Attendance
- Application forms (e.g. holiday programme)
- Email correspondence between you and Socially Speaking and other professionals involved with you (if you are the primary client) or your child
- Incident reports such as accident forms
- Dietary requirements and/or allergies
- Medical care requirements and/or administering of medications
- Next of kin contact details
- Contact details of third parties who may be involved in your care (e.g. transport companies)
- Contracts and consents you have signed
- Funding information

Financial records

- Billing and/or purchase information
- ACC / IRD / WINZ related information or other financially sensitive information as required
- Financial information such as Bank Account Details, EFTPOS OR Credit Card information
- Records of Funding Agreements
- Records of arrears

Clinic visitor records

Details of visitors to the Socially Speaking clinic are recorded in a visitors' book when they attend the Socially Speaking Offices. This is a requirement of our Health and Safety Policy so that we know who is in the office at all times. Once full, the book is stored for a period of 12 months then securely destroyed. Information recorded includes:

- First names of visitors
- Name of the therapist they are seeing

- Date and time entering/leaving the Socially Speaking Offices

A single video camera is installed at the front entrance of the building to identify visitors. The camera does not record any footage. The video feed is connected to a monitor in the Practice manager's office which may or may not be attended at the time of visits.

Workshop attendees

At various points, Socially Speaking may provide training and information workshops either off-site or at the clinic premises for parents, professionals or other interested parties. Information about attendees may be collected at the time of booking and/or at attendance of the training event. This may include but is not limited to:

- Name, role, employer
- Contact details, e.g. email address for sending out details of the workshop
- Payment records
- Feedback about the workshop content/presenters to improve or tailor future workshops

If feedback is sought for testimonials to advertise future courses, explicit consent will be gained from the individual(s) concerned

USE OF PERSONAL INFORMATION

Clients

Your personal information is used so we can provide our services to you including:

- To prepare, plan and provide speech and language therapy services and/or occupational therapy services appropriate for the individual's needs
- To communicate with the individual or their representative via post, email, telephone, text message or face to face in relation to:
 - confirming and preparing for appointments
 - general communication in between appointments
 - sending you reports, summaries, evaluations, programmes and/or resources for your child
 - copying you in to communications with other professionals involved
 - sending you invoices and receipts
 - inviting your child to attend holiday programmes
 - sending you newsletters/emails relating to upcoming events, term dates and information about social groups

For clinic management and administration processes, Socially Speaking uses data processing software where the company headquarters may be based outside of New Zealand. By providing us with your personal information, you acknowledge and agree to this arrangement. For more information about the data processing software we use, please contact Alison at alison@sociallyspeaking.co.nz

Sharing of Information

Personal information collected by us via our website, email, writing, telephone or face to face, is stored and used by us for the purpose of providing assessment information and/or delivering clients' therapy.

With parental/guardian consent, information about a client's needs will be shared with other professionals involved in the client's care, when it is in their best interests. This may include other health professionals and school staff.

We will ensure the information we hold is accurate, complete and up-to-date to the best of our knowledge before sharing with authorised persons.

A record of consent for treatment and other consents where issued (e.g. photographic/video records) is kept within each child's/individual's file.

Socially Speaking will only disclose your information as authorised by you, as required by law or where required for us to provide our services and information updates. Socially Speaking will not, share, sell, rent or lease any client list or information to third parties. We will not disclose any personal information collected to any person other than as set out above. Circumstances where we may be required by law to share personal information may include, for example, a child protection concern.

Third Parties

Where reasonable and practicable to do so, we will collect your personal information only from you. However, in some circumstances we may be provided with information by third parties.

Where Socially Speaking enters into arrangements with associated contractors and third parties that involve the use or management of Personal Information that is held by Socially Speaking, appropriate provisions will be included to protect that Personal Information.

RETENTION AND STORAGE OF PERSONAL INFORMATION

Retention

The personal information we collect is done so only where necessary to provide a clinical service for our clients. We do not retain information for any longer than is necessary for the purpose of its collection. Following the retention deadline, all information will be destroyed in a secure and confidential manner. Please contact Alison at alison@sociallyspeaking.co.nz for more about the Practice's information retention policies.

Storage

The Practice takes the secure storage of your personal information very seriously. All employees are aware that hard copy personal information needs to be locked in filing cabinets and not be removed from the building. Employees are instructed to store files or confidential written information in a secure manner so that no unauthorised persons may read them. Where digital information is stored, it is accessed only by Socially Speaking staff with a legitimate right and purpose to access that information.

LAWFUL BASIS FOR PROCESSING PERSONAL INFORMATION

The lawful basis used for processing and storing personal information is one of legitimate interest. It is not possible to provide a high-quality clinic service without obtaining and processing personal information. We collect information from you where we have your consent and best interests in mind in providing you with a therapeutic service. You may withdraw your consent at any time. If you have any concerns about the lawful basis on which we process and store your personal information, please contact Alison at alison@sociallyspeaking.co.nz

INDIVIDUALS' RIGHTS

The Privacy Act 2020 legislation gives you various rights, for example, you have the right to ask for a copy of any personal information we hold about you, to delete any information we hold about you and to ask for it to be corrected if you think it is wrong. You have the right to restrict or object to the processing of your personal information and the right to withdraw your consent to process your personal information. For more information about your rights, please see www.privacy.org.nz

Requesting or correcting information

If you would like to ask for a copy of your information, have it corrected, or exercise any of your rights in relation to your personal information, please contact Alison Schroeder at alison@sociallyspeaking.co.nz

Privacy breaches

Making a complaint

Privacy Policy Complaints and Enquiries

Socially Speaking want to know if you have any concerns about our privacy practices., whether these relate to the way we collect or share information about you or our decision on your access request. If you do have any concerns at all, please contact our Privacy Officer and they will endeavour to resolve any issues. The Socially Speaking Privacy Officer's contact details are recorded below.

Privacy Officer

Name: Shelley Parkin

Landline: 03 359 2969

Emailshelley@sociallyspeaking.co.nz

Most complaints can be resolved by communicating directly. Please contact Alison Schroeder at alison@sociallyspeaking.co.nz if you are concerned or unsatisfied in any way. If you wish to complain formally then please contact the New Zealand Speech-language Therapists' Association through their website at www.speechtherapy.org.nz

Practice Manager: Alison Schroeder

Privacy Principles

Principle 1

Purpose of collection of personal information

Personal information shall not be collected by any agency unless.

- (a) The information is collected for a lawful purpose connected with a function or activity of the agency.
- (b) The collection of the information is necessary for that purpose.

Principle 2

Source of personal information

- (1) Where an agency collects personal information, the agency shall collect the information directly from the individual concerned.
- (2) It is not necessary for an agency to comply with sub clause 1 of this principle if the agency believes, on reasonable grounds,
 - (a) That the information is publicly available information, or
 - (b) That the individual concerned authorises collection of the information from someone else, or
 - (c) That non-compliance would not prejudice the interests of the individual concerned, or
 - (d) That non-compliance is necessary-
 - (i) To avoid prejudice to the maintenance of the law by any public sector, including prevention, detection, investigation, prosecution, and punishment of offences, or
 - (ii) For the enforcement of a law imposing a pecuniary penalty, or
 - (iii) For the protection of public revenue, or
 - (iv) For the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation), or
 - (e) That compliance would prejudice the purposes of the collection, or
 - (f) That compliance is not reasonably practicable in the circumstances of the case, or
 - (g) That the information
 - (i) Will not be used in a form in which the individual concerned is identified, or
 - (ii) Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned, or
 - (h) That the collection of the information is in accordance with the authority granted under section 54 of this Act.

Principle 3

Collection of information from subject

- (1) Where an agency collects personal information from the individual concerned, the agency shall take such steps (if any) as are, in circumstances, reasonable to ensure that the individual concerned is aware of,
 - (a) The fact that the information is being collected, and
 - (b) The purpose for which the information is being collected, and
 - (c) The intended recipients of the information, and
 - (d) The name and address of,
 - (i) The agency that is collecting the information, and
 - (ii) The agency that will hold the information, and
 - (e) If the collection of the information is authorised or required by or under law,
 - (i) The law by or under which the collection of the information is so authorised or required and
 - (ii) Whether or not the supply of the information of the information by that individual or voluntary or mandatory, and

- (f) The consequences (if any) for that individual if all or any part of the requested information is not provided, and
- (g) The rights of access to, and correction of personal information provided by these principles.
- (2) The steps referred to in sub clause (1) of this principle shall be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected.
- (3) An agency is not required to take the steps referred to in sub clause (1) of this principle in relation to the collection of information from an individual if that agency has taken those steps in relation to the collection, from that individual, of the same information or information of the same kind, on a recent previous occasion.
- (4) It is not necessary for an agency to comply with sub clause (1) of this principle if the agency believes, on reasonable grounds
 - (a) That non-compliance is authorised by the individual concerned, or
 - (b) That non-compliance would not prejudice the interests of the individual concerned, or
 - (c) That non-compliance is necessary
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences, or
 - (ii) For the enforcement of a law imposing a pecuniary, or
 - (iii) For the protection of the public revenue, or
 - (iv) For the conduct of proceedings before any court or tribunal being that proceedings that have been commenced or are reasonably in contemplation, or
 - (d) That compliance would prejudice the purpose of the collection, or
 - (e) That compliance is not reasonably practicable in the circumstances of the case, or
 - (f) That the information
 - (i) Will not be used in a form in which the individual concerned is identified, or
 - (ii) Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

Principle 4

Manner of collection of personal information Personal information shall not be collected by an agency-

- (a) By unlawful means, or
- (b) By means that, in the circumstances of the case
 - (i) Are unfair, or
 - (ii) Intrude to an unreasonable extent upon the personal affairs of the individual concerned,

Principle 5

Storage and security of personal information

An agency that hosts personal information shall ensure,

- (a) That the information is protected by such security safeguards as if is reasonable in the circumstances to take against,
 - (i) Lost, and
 - (ii) Access, use, modification or disclosure, except with the authority of the agency that holds the information, and
 - (iii) Other misuse, and
- (b) That if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or unauthorised disclosure of the information.

Principle 6

Access to personal information

- (1) Where an agency holds personal information in such a way that it can be readily retrieved the individual concerned shall be entitled-

- (a) To obtain from the agency confirmation of whether the agency holds such personal information, and
 - (b) To have access to that information.
- (2) Where, in accordance with sub clause (1)(b) of this principle, an individual is given access to personal information, the individual shall be advised that, under principle 7, the individual may request the correction of that information.
- (3) The application of this principle is subject to the provisions of parts iv and v of this Act.

Principle 7

Correction of personal information.

- (1) Where an agency holds personal information, the individual concerned shall be entitled
 - (a) To request correction of the information, and
 - (b) To request that there be attached to the information a statement of the correction sought but not made.
- (2) An agency that holds personal information shall, if so requested by the individual concerned or on its own initiative, take such steps (if any) to correct that information as are, in the circumstances, reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading.
- (3) Where an agency that holds personal information is not willing to correct that information in accordance with a request by the individual concerned, the agency shall, if so requested by the individual concerned take such steps (if any) as are reasonable in the circumstances to attach information, in such a manner that it will always be read with the information, any statement provided by that individual of the correction sought.
- (4) Where the agency has taken steps under sub clause (2) or sub clause (3) of this principle, the agency shall, if reasonably practicable, inform each person or body or agency to whom the personal information has been disclosed of these steps.
- (5) Where an agency receives a request made pursuant to sub clause (1) of this principle, the agency shall inform the individual concerned of the action taken as a result of the request.

Principle 8

Accuracy etc, of personal information to be checked before use

An agency that holds information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate up to date, complete, relevant and not misleading.

Principle 9

An agency that holds personal information shall not keep that information for longer than is required for the purposes for which the information may be lawfully used.

Principle 10

Limits on use of personal information

An agency that holds personal information that was obtained in connection with one purpose shall not use the information for any other purpose unless the agency believes on reasonable grounds-

- (a) That the source of the information is a publicly available publication, or
- (b) That the use of the information for that other purpose is authorised by the individual concerned, or
- (c) That non-compliance is necessary
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences, or
 - (ii) For the enforcement of a law imposing a pecuniary penalty, or
 - (iii) For the protection of the public revenue, or
 - (iv) For the conduct of proceedings before any Court or Tribunal (being proceedings that have been commenced or are reasonably in contemplation) or

- (d) That the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to-
 - (i) Public health or public safety, or
 - (ii) The life or health of the individual concerned or another individual, or
- (e) That the purpose for which the information is used directly related to the purpose in connection with which the information was obtained, or
- (f) That the information, or
 - (i) Is used in a form in which the individual concerned is not identified, or
 - (ii) Is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned, or
- (g) That the use of the information is in accordance with an authority granted under section 54 of this Act.

Principle 11

Limits on disclosure of personal information

An agency that holds personal information shall not disclose the information to a person or body or agency unless the agency believes, on reasonable grounds-

- (a) That the disclosure of the information is one of the purposes in connection with which the information was obtained or is directly related to the purpose in connection with which the information was obtained, or
- (b) That the source of the information is a publicly available publication, or
- (c) That the disclosure is to the individual concerned, or
- (d) That the disclosure is authorised by the individual concerned, or
- (e) That non-compliance is necessary-
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, investigation, prosecution, and punishment of offences, or
 - (ii) For the enforcement of the law imposing a pecuniary penalty, or
 - (iii) For the protection of public revenue, or
 - (iv) For the conduct of proceedings before any Court or Tribunal (being proceedings that have been commenced or are reasonably in contemplation), or
- (f) That the disclosure of the information is necessary to prevent or lessen a serious and imminent threat to-
 - (i) Public health or public safety, or
 - (ii) The life or health of the individual concerned or another individual, or
- (g) That the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern, or
- (h) That the information-
 - (i) Is to be used in a form in which the individual concerned is not identified, or
 - (ii) Is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned, or
- (i) That the disclosure of the information is in accordance with an authority granted under section 54 of this Act.

Principle 12

Disclosure of Personal Information outside of New Zealand

- (1) An agency (A) may disclose Personal Information to a foreign person or entity (B) in reliance on IPP 11 (a), (c), (e), (f), (h), or (i) if;
 - (a) The individual concerned authorises the disclosure to B after being expressly informed by A that B may not be required to protect the information in a way that, overall, provides comparable safeguards to those in this Act; or

- (b) B is carrying on business in New Zealand and, in relation to the information, A believes on reasonable grounds that B is subject to this Act; or
 - (c) A believes on reasonable grounds that B is subject to privacy laws that, overall, provide comparable safeguards to those in this Act; or
 - (d) A believes on reasonable grounds that B is a participant in a prescribed binding scheme; or
 - (e) A believes on reasonable grounds that B is subject to privacy laws of a prescribed country; or
 - (f) A otherwise believes on reasonable grounds that B is required to protect the information in a way that, overall, provides comparable safeguards to those in this Act (for example, pursuant to an agreement entered into between A and B.)
- (2) However, subclause (1) does not apply if the personal information is to be disclosed to B in reliance on IPP 11 (e) or (f) and it is not reasonably practicable in the circumstances for A to comply with the requirements of subclause (1).
- (3) In this IPP; “prescribed binding scheme” means a binding scheme specified in regulations under section 213 and “prescribed country” means a country specified in regulations made under section 214.

Principle 13

Unique identifiers

- (1) An agency shall not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable the agency to carry out any one or more of its functions efficiently.
- (2) An agency shall not assign to an individual a unique identifier that, to that agency’s knowledge, has been assigned to that individually by another agency, unless those two agencies are associated persona within the meaning of section 8 of the Income Tax Act 1976
- (3) An agency that assigns unique identifiers to individuals shall take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.
- (4) An agency shall not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or for a purpose that is directly related to one of those purposes.