

17 August 2021

NZRAB Privacy Policy

Purpose

1. The NZRAB is required by statute and by the nature of its work to hold information about individuals, both architects and non-architects.
2. This policy lays out the procedures and rules that shall apply to obtaining, retaining and making available that information.

Principles

3. The NZRAB is bound by the following in terms of obtaining, retaining and making available information:
 - Registered Architects Act 2005 (the Act)
 - Registered Architects Rules 2006 (the Rules)
 - Official Information Act 1982
 - Privacy Act 1993
4. The NZRAB is committed to openness as a general principle, but also accepts its responsibilities to protect private information where appropriate.
5. For this purpose, the NZRAB:
 - 5.1. keeps all personal information confidential, except where the law requires otherwise
 - 5.2. does not divulge, sell, rent or lease personal information to any other party
 - 5.3. has security measures in place to prevent unauthorised access or distribution
 - 5.4. uses personal information only for the purposes for which the information was gathered
 - 5.5. respects the privacy principles in the Privacy Act.

Registered Architects Act 2005

6. The Act requires that the NZRAB make public specific information about Registered Architects via the New Zealand Architects Register (the Act, sections 21 and 22).
7. The Act requires that the NZRAB have rules in regard to the information that individual applicants for initial registration and continuing registration must provide about themselves (the Act, section 67(2)(c) & (e)).
8. The Act specifies required conduct from the Board members who have access to confidential information as a result of their Board activities (Schedule 17).
9. The NZRAB shall comply with these requirements.

Registered Architects Rules 2006

10. The Rules specify the information that applicants for initial registration must provide (Rules 8 and 9, and schedule 1), the information that architects must provide to demonstrate that they have met for the requirements of continuing registration (Rule 24), additional material required on the register (Rule 43) and how long registration information must be retained to allow for appeals (Rule 45).
11. The NZRAB shall comply with these requirements.

Official Information Act 1982

12. The Official Information Act 1982 applies to the NZRAB (the Act section 82(1)) and the NZRAB shall comply with its requirements.

Privacy Act 1993

13. When collecting or retaining information the NZRAB shall comply with the privacy principles stated in the Privacy Act 1993 section 6.
14. Each architect or other person is entitled to request and be provided with any information that the NZRAB holds about them, except as indicated in sections 27, 28 and 29 of the Privacy Act 1993, and to request corrections where appropriate.

Disclosure about individual architects

15. The Act section 21 specifies the information that must be on the Register about each architect, including the architect's discretion as to whether personal contact details are to be made public (section 21(1)(b)). The NZRAB's initial registration application form shall include a section allowing architects to indicate their preference and this shall be confirmed every five years in their competence review assessment forms.
16. The Board shall make public the names of all architects who have been granted initial and continuing registration. However, it shall NOT make public the names of applicants who have been declined initial registration. Where an architect has been suspended as a result of a competence review, this fact shall be made public alongside the architect's name on the register, but not otherwise. The names of architects subject to disciplinary procedures shall NOT be made public unless and until a ground for discipline, as set out in section 25, has been found against those architects and final decisions have been made and implemented as to whether or not any penalties under section 26 are required, subject to the 20 working days delay required by Rule 78(2).
17. To accord with clause 16, Disciplinary Hearings, meetings of Investigating Committees and Panel and Board meetings are NOT open to the public unless a decision is made otherwise.
18. The only information that the NZRAB shall provide to the public about individual architects shall be the information already available on the on-line New Zealand Architects Register (ie the NZRAB website).
19. No person shall access information about an individual architect or registration applicant except for a proper purpose.

NZRAB information held for administering CPD

20. The information provided by architects to the NZRAB about their CPD participation remains the property of the NZRAB and is subject at all times to this policy.

Retention of information

21. The NZRAB shall maintain individual electronic files for all architects in which shall be stored key documents pertaining to their initial and continuing registration, discipline cases etc.
22. In general, the NZRAB shall keep its records electronically unless there are sound reasons to do otherwise. Electronic records, including information provided to the CPD administrator, shall be kept secure and backed up.
23. Hard copy information shall be kept secure, as shall documents in the process of being destroyed.
24. All records in regard to complaints shall be kept for a minimum of five years after the complaint is concluded.
25. The NZRAB's financial source documents, accounting records and payroll records shall be kept for a minimum of seven years.
26. Assessors' individual working notes (physical and electronic) in regard to applicants for initial or continuing registration shall be destroyed once the assessors' reports have been sent to the Secretariat.
27. The individual working notes (physical and electronic) of Investigating Committee/Panel members are to be destroyed or deleted once the Investigating Committee/Panel has finalised its report and decided whether the complaint shall be dismissed or referred to a Disciplinary Hearing, or the architect has been found to be at fault and the Board has determined the penalty, if any.
28. The individual working notes (physical and electronic) of those involved in Disciplinary Hearings shall be destroyed once the Disciplinary Hearing has determined whether or not there are grounds for discipline and, if so, the penalty.
29. Board, committee and working party members are expected to ensure that any NZRAB documents held away from the NZRAB's offices are stored securely.

Privacy Officer

30. The CE shall be the NZRAB's Privacy Officer and shall be responsible for the implementation of this policy.

Breaches

31. If a member of the public believes that the NZRAB has breached his or her privacy that person shall be entitled to complain to the NZRAB's Privacy Officer. Any such complaint shall be investigated in terms of the NZRAB's obligations and commitments under this policy.

Review

32. Annually an external review shall be conducted to assess and ensure that confidential information held by the NZRAB is secure.