



Te Kaunihera
Rata o
Aotearoa

**Medical
Council of
New Zealand**

Privacy Statement (general)

Policy Statement

In everything the Medical Council of New Zealand (the Council) does, we protect and safeguard personal and health information we are guardians of and treat it with the utmost care, respect, and discretion.

In doing this we ensure that we comply with the Privacy Act 2020 and any other obligations we have relating to personal information.

Scope of Privacy Statement

This privacy statement explains the overarching approach of the Council to the collection, storage, use and sharing of personal information.

The Health Practitioners Competence Assurance Act 2003 (HPCAA) gives Council authority to collect, maintain, use, and share personal information and personal health information.

As a regulatory authority, the Council has an overarching purpose to protect the health and safety of members of the public by ensuring doctors are competent and fit to practise medicine within their registered scope of practice. To accomplish this purpose the Council deals with personal information for the following functions:

- Registration
- On-going accreditation
- Assessment of a doctor's competence or fitness to practice, or quality assurance
- Notifications about and discipline of doctors

This means the Council may collect information belonging or relating to:

- Medical professionals
- Patients
- Employees
- Agents of Council
- Notifiers and other members of the public.

When we are required to collect information for one of the functions referred to above, we will provide more specific information regarding the purpose, use and sharing of that information.

Definitions

Personal information is information about an identifiable individual. Some personal information may be publicly available: e.g. information on the public register.

Note: For the purpose of this statement, 'personal information' includes 'personal health information'.

Information Privacy Principles (IPPs) are the 13 privacy principles set out in the Privacy Act.

Official information is any information held by the Government, including government departments, educational institutions and public hospitals. The Official Information Act is the law which controls the availability, access, and protection of official information.

It is important to note that, while the Medical Council is not subject to the Official Information Act, some organisations we interact with are. For example, the Health and Disability Commissioner and public hospitals. This means any information we provide to them will be subject to the Official Information Act.

Council's Standards

Collection

Council will only collect personal information if it is necessary to do so, and only for a lawful purpose connected with a function or activity of the Council. Personal information will be collected only with consent of the individual or where required or authorised by law.

The HPCAA requires collection of personal information for the purposes of applications for registration/NZREX, applications for practising certificates, competence review, conduct investigations and Health Committee assessments. We also collect information to enable us to employ and pay our employees, and manage contracts with suppliers and agents of Council.

Council collects personal information only from the individual concerned unless there is a lawful reason not to. Exceptions under the HPCAA include notifications of competence, conduct, or fitness to practise; information provided by other agencies pursuant to memoranda of understanding or under authority held by those agencies; supervision reports and Health Practitioners Disciplinary Tribunal (HPDT) decisions.

When collecting personal information, the individual is to be made aware of:

- the fact that information is being collected
- why it is being collected
- who will receive the information
- whether it is mandatory or voluntary to provide the information
- the consequences of not providing the information
- their rights to access and correct the information.

Council will not collect personal information by unlawful means, or by means that are unfair or intrude unreasonably on the individual's personal affairs.

Access and Correction

Anyone may:

- obtain confirmation from the Council of whether or not we hold personal information about them; and
- have access to that personal information except where there is a valid reason under the Privacy Act to withhold it.

This information will be made available as quickly as possible.

Where an individual is given access to their personal information, the individual is informed that they may:

- request correction of their personal information;
- request that if it is not corrected, a statement is attached to the original information saying what correction was sought but not made.

Any incorrect information we hold is to be corrected as soon as we are made aware of and confirm an inaccuracy.

Use and Disclosure

We will use personal information to enable us to deliver Council's functions under the HPCAA, and to take any action we are required or authorised by law to take.

Personal information is only used for the purpose(s) for which it was collected, unless there is good reason to use it for other purposes and this is allowed by the Privacy Act.

Personal information about an individual is to be provided only to that individual or to other individuals or organisations they have authorised us to provide their information to, except where required or authorised by law.

Before information is used or disclosed, it is checked to the extent possible to ensure that it is accurate, complete, up to date and relevant. Limits on disclosure of information apply to disclosure to other people and teams within the Council as well as to external organisations. Relevant personal information may be disclosed by staff internally if it is consistent with the purposes for which it was collected. The Council monitors internal access to personal information.

We may provide personal information to other people or organisations if needed to deliver our functions, with consent, or where required or authorised by law. We may disclose personal information, with appropriate safeguards in place, to:

- Approved employees and Agents of Council
- Medical professionals' employers

- Health care professionals, vocation education & advisory bodies, or other agencies providing information for the purposes of consideration of conduct and competence
- Our business and service providers (such as IT providers)
- Our professional advisors (such as insurers and auditors)
- Government and regulatory authorities, where required or authorised by law (including the Health & Disability Commissioner, ACC, Police, overseas equivalents of the Medical Council) and with appropriate documented agreements in place.

Storage and Security

Council ensures personal information is protected by security safeguards reasonable in the circumstances to take, against loss, access modification, misuse or unauthorised disclosure.

Only approved personnel have access to any personal information we hold. Council takes measures to prevent unauthorised use or unauthorised disclosure when giving that information to a person in connection with the provision of a service to the Council.

We keep personal information only for as long as it is reasonably needed for the purpose it was collected in accordance with Council's retention and disposal schedule and will destroy it securely when it is no longer needed.

Unique Identifiers

Unique identifiers (registration numbers) are assigned to doctors. Unique identifiers are not assigned or used unless they are required to carry out our functions efficiently.

Privacy requests, queries or complaints

You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us through one of the means provided below.

We also want to know if you have concerns about how we are dealing or have dealt with your personal information. Please let us know about your concerns in the first instance and we will do our best to resolve it. This could include escalating your concerns to our privacy officer or a senior staff member. You can contact us with your privacy concerns at either:

Email: mcnz@mcnz.org.nz, with 'Privacy' in the subject line.

Phone: 0800 636 555

Post:

The Privacy Officer
Medical Council of New Zealand
PO Box 11649
Wellington 6142

If we cannot resolve your concerns, you have the right to complain to the Office of the Privacy Commissioner about our actions.

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This document may be reviewed and updated at any time and on an on-going basis.
