

What to do in the event of a privacy breach



Under the Privacy Act 2020 the University of Waikato has a duty to notify the Privacy Commissioner as soon as practicable after becoming aware that a notifiable privacy breach has occurred. Failure to report a notifiable breach could result in a penalty to the UOW of a fine of up to \$10,000.

A privacy breach is any unauthorised or accidental access to, or disclosure, alteration, loss or destruction of personal information. It can also include a situation where an agency is prevented from accessing personal information held, permanently or temporarily.

A **notifiable** privacy breach means a privacy breach that is likely to cause significant or serious harm to an affected individual or individuals and must be notified to the Privacy Commission.

The University needs to be able to respond to a privacy breach as quickly as possible. This will help minimise any harm caused to the affected people and the University.

Every privacy breach has a different level of risk and impact. This document is intended to set out guidance for staff in the event of a privacy breach. The Privacy Officer will evaluate and respond to each breach on a case-by-case basis.

The UOW's Privacy Officer is Jim Mercer, Chief Operating Officer.

The UOW [Personal Information and Privacy Policy](#) and the [University of Waikato Privacy Statement](#) set out responsibilities with respect to the collection and management of Personal Information. Personal information is information about an identifiable individual.

Steps to take following a privacy breach

1. Contain

- 1.1 Where possible, the breach must **immediately** be contained.
- 1.2 If the breach involves a computer system, immediately contact Dougal Mair, Associate Director Infrastructure and Security, Information and Technology Services for containment recommendations and follow any instructions accordingly.
- 1.3 Examples of how a breach may be contained, include:
 - (a) Trying to get lost information back
 - (b) Disabling the breached system
 - (c) Cancelling or changing computer access codes, or
 - (d) Trying to fix any weaknesses in the organisation's physical or electronic security.

2. Notify the Privacy Officer

- 2.1 If you suspect or know there has been a privacy breach then you must **immediately** notify the Privacy Officer, Jim Mercer, via email at privacy@waikato.ac.nz or by phone on (07) 838-4673 or 022-015-8826. You should also notify your Line Manager.
- 2.2 If you suspect or know there has been a privacy breach which could mean a person's physical or psychological safety is at risk then it is extremely important that you immediately and directly notify the Privacy Officer.

- 2.3 In the notification, please include as much detail of the privacy breach as possible including:
- (a) if you suspect or know that a person's physical or psychological safety is at risk
 - (b) the date of the breach
 - (c) description of the breach (what actually happened)
 - (d) the number of affected individuals (if known)
 - (e) the type of personal information involved in the breach
 - (f) if you know where the information has gone, and if so, where
 - (g) whether it is possible to contain the breach in some way
 - (h) any security measures that may have been placed on the information (i.e. encryption or password protections)
 - (i) if the problem that caused the breach is ongoing
 - (j) your name and contact telephone number, and if you have them, the name and contact details of other persons relevant to the breach.

3. Assess

- 3.1 The Privacy Officer will undertake an assessment of the seriousness of the breach based on the information you have provided. You will be contacted if the Privacy Officer requires any further information or requires you to take further steps.
- 3.2 Please be careful not to destroy evidence that the University or any external agency might need to find the cause of the problem or fix the issue.
- 3.3 It is the Privacy Officer who will ensure compliance with legal requirements and, if relevant, notify the Privacy Commissioner if the Privacy Officer considers that it is a notifiable privacy breach.
- 3.4 Unless the Privacy Officer directs otherwise, in order to protect those persons affected by the privacy breach, the matter is to be kept confidential while the Privacy Officer deals with it.

Jim Mercer
Privacy Officer