



## **PRIVACY POLICY**

### **Purpose and Application**

- 1.1 CDS (Convergence Dance Studios Limited) collects, uses and stores contact details provided by you for the purposes of contacting you in connection with your enrolment, registration, bookings, and/or to send information on training, news, events and performances hosted by CDS.
- 1.2 Any contact details that an individual provides to enrol, register, buy tickets or join CDS's mailing list are stored on our databases. This policy sets out the general principles that guide and govern our collection, use, storage and disclosure of personal information in accordance with the Privacy Act 2020 ("the Act"). This policy applies to all students, employees, customers, and other persons engaged by CDS from time to time (for example contractors, referred to in this policy as "others").

### **Definition**

- 2.1 The terms and definitions (for example, "personal information", "information privacy principles", "serious harm", etc.) referred to in this policy shall have the same meaning and interpretation as those referred to in the Act. In respect of "personal information", this means any information about an identifiable individual.
- 2.2 For the avoidance of doubt, CDS-Convergence Dance Studios Limited also incorporates The New Zealand Youth Ballet Company, Aspire and Junior Aspire, and this policy also applies to all students, employees and other persons engaged by these entities.

### **NZYBCo. Responsibilities**

- 3.1 CDS will abide by its obligations under the Privacy Act 2020 (including but not limited to the Information Privacy Principles stated therein, and any applicable Codes of Practice), which includes responsibility for:
  - a. Informing individuals about what CDS does with their personal information and why;



- b. Collecting only the relevant personal information CDS needs from individuals in order to provide our services and/or in connection with the lawful functions and/or activities of CDS;
- c. Only using personal information if CDS is reasonably sure it is accurate;
- d. Keeping personal information safe and secure from loss and/or unauthorised access, use, modification, or disclosure;
- e. Providing individuals' rights to access, review, and correction of their personal information;
- f. Investigating potential interferences with or breaches of privacy rights; and
- g. Notifying the Privacy Commissioner and affected individuals as soon as practicable after becoming aware of the occurrence of a notifiable privacy breach.

## **Employees and Others Responsibilities**

4.1 Employees and others are responsible for:

- a. Ensuring the privacy of other employees, students, customers, contractors or any other person or entity that has dealings with CDS is protected and is not breached;
- b. Immediately notifying CDS of any involvement in or knowledge of any actual or potential interferences with or breaches of privacy rights;
- c. Complying with all other obligations set out in the Act, this policy, the applicable employment or contractor agreement, and/or any other relevant CDS policies.

## **Responsibilities and Processes regarding the collection, use, disclosure, and storage of personal information**



5.1 The below information is intended to reflect a summary of the provisions/Information Privacy Principles of the Privacy Act 2020, and how they apply to CDS. In the event of an inconsistency between the provisions of this policy and those of the Privacy Act, the Act will prevail.

### 5.2 Collection of personal information

- a. CDS (via its authorised agents/representatives) will only collect personal information for lawful purpose/s in connection with the functions or activities of CDS and as far as is necessary for such purpose/s. A “lawful purpose” in respect of the collection of information is any purpose that is relevant in respect of the relationship between CDS and the individual (e.g. for enrolling a student in a class, booking a ticket to a performance etc.). For the avoidance of doubt, CDS does not “collect” personal information if information is provided to it in an unsolicited manner.
- b. CDS will collect personal information directly from the individual or if that individual is under the age of 18, the responsible parent or guardian of that individual, and it will take reasonable steps to ensure that the individual is informed about the fact of the collection, its purpose, the intended recipients of the collected information, the agencies collecting/holding/using the personal information, the individual’s rights regarding access to and correction of their personal information, and/or any other relevant matters.

### 5.3 Use of personal information

- a. CDS may use collected personal information only for the purpose/s the information has been collected for (including any directly related purpose/s), or any other purposes authorised by the individual concerned (or if they are under the age of 18, their responsible parent or guardian).
- b. However, CDS may use the information for other purposes if CDS believes on reasonable grounds that the use of the information:
  - i. Does not identify the individual concerned; or



- iii. Is necessary to avoid prejudice to the maintenance of the law by any public sector agency, including prejudice to the prevention, detection, investigation, prosecution, and punishment of offences, or for the enforcement of a law that imposes a pecuniary penalty, or for the protection of public revenue, or for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
  - iv. Is necessary to prevent or lessen a serious threat to public health or public safety, or the life or health of the individual concerned or another individual; or
  - v. In any other circumstances allowed by the Act or any other relevant law.
- c. CDS will take reasonable steps to ensure that the used personal information is accurate, current, complete, and not misleading.

#### 5.4 Disclosure of personal information

- a. CDS will not disclose personal information to any other person and/or agency, unless such disclosure accords with the purpose it has been collected for (or is directly related to such purpose), or the disclosure is authorised by the individual concerned (e.g. for an audition or reference), or the information is publicly available, or the individual is not identified by the disclosure.
- b. CDS will take reasonable steps to ensure that the disclosed personal information is accurate, current, complete, and not misleading.

#### 5.5 Protecting and holding personal information



- a. CDS will take reasonable steps to protect personal information from loss, unauthorised access, use and/or disclosure, or any other misuse.
- b. CDS will not retain personal information for longer than is required for the purposes for which the information has been collected or may be used.
- c. The information collected from you by CDS the Company may be kept for up to 5 years before it will be destroyed, unless it is otherwise maintained and updated directly by you, such as on our booking platform or mobile phone app.

### 5.6 Accessing and correcting personal information

- a. Unless stated otherwise in the Act, employees, students and other individuals are entitled to request confirmation from CDS whether it holds personal information about them, and they may also request access to and/or correction of their personal information.
- b. CDS will provide reasonable assistance to an individual concerned (or if they are under the age of 18, their parent or guardian), who wishes to or is making a request under subsection a., above. CDS may require evidence to confirm the identity and/or authority of the requesting person.
- c. Requests in accordance with this clause should be made in writing (email suffices) to CDS's Privacy Officer, and requests should provide evidence of the identity and authority of the requesting person, and details of the request (for example, any specific information that is requested to be accessed and/or provided).
- d. With regard to a request for access to personal information, the Company may refuse access to personal information in accordance with the Act (see sections 49 to 53 of the Act), for example, where a refusal is necessary for the protection of an individual's health or safety.

**Complaints process and notification**

- 6.1 Employees, students and others must immediately inform CDS, through its Privacy Officer, of any involvement in or knowledge of any (actual or potential) concerns or interferences with an individual's privacy rights and/or the corresponding privacy principles, so that CDS can take steps to investigate, mitigate, and/or resolve such concerns or interferences.
- 6.2 Employees, students and others are also strongly encouraged to raise any complaint in relation an interference or breach of their own privacy rights with CDS (via its Privacy Officer). Whilst CDS encourages the internal reporting of privacy-relate complaints, as this will normally enable a quicker and less stressful resolution, all employees, students and others are nevertheless entitled to seek independent advice and/or complain to the Privacy Commission. Advice can be sought and a complaint to the Privacy Commission can be made via its website at <https://privacy.org.nz/your-rights/making-a-complaint/>.
- 6.3 CDS will notify the Privacy Commission as soon as practicable after becoming aware of a notifiable privacy breach.
- 6.4 CDS will notify affected individuals as soon as practicable after becoming aware of a notifiable privacy breach, unless it can decide not to notify or delay notification due to a genuine belief that notification would likely:
- a. Endanger the safety of any person; or
  - b. Prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
  - c. Prejudice the maintenance of the law by any public sector agency, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
  - d. Reveal a trade secret.



### **Privacy Officer Functions**

- 7.1 CDS has a Privacy Officer to assist with its obligations and functions under the Act.
- 7.2 The functions of the Privacy Officer are delegated to the incumbent of the position of Director, currently Josiah Russell [nzybco@gmail.com](mailto:nzybco@gmail.com) CDS may, at its sole discretion, delegate the functions of the Privacy Officer to one or more other individuals within the company, or any external provider.
- 7.3 Requests for access to personal information, or correction thereof, or any complaints in respect of privacy matters, or information and/or concerns regarding actual or potential interferences with or breaches of privacy rights must be made to the Privacy Officer. Should this not be possible or practicable in the circumstances, requests/complaints should be made to the Director Olivia Russell of CDS.

### **Policy Amendments**

- 8.1 CDS is entitled to amend and change this policy from time to time at its sole discretion and employees, students (and others) are required to observe such amendments.