



## **K3 Consulting**

### **Privacy and Confidentiality Policy – Assessments**

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## Contents

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1. About Us .....	2
General Data Protection Regulation (“GDPR”) .....	2
Health Information Privacy Code .....	2
2. Scope of this Privacy Policy .....	3
3. The personal information we process.....	3
4. Consent .....	4
4.1 Information we collect from Clients when using our services .....	4
4.2 Information we collect from Participants when participating in an assessment .....	4
4.3 The Purpose - how we will be using your personal information.....	5
4.4 Who will have access to your personal information .....	5
4.4.1 International data transfers .....	5
5. Profiling.....	6
6. Rights regarding personal information .....	6
7. Storage of personal information .....	6
8. Privacy concerns and complaints .....	7
9. Changes to our Privacy Policy .....	8

## K3 Consulting Privacy and Confidentiality Policy – Assessments

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### 1. About Us

Please read the following Privacy Policy to understand, in regards to, personal information you provide us with, how this information is processed and the purposes for which such processing is undertaken by K3 Consulting Limited (hereafter known as "K3 Consulting", "K3", "our", "we" or "us").

K3 Consulting provides psychometric assessment solutions for use in individual, team and organisational selection, development and leadership activities. We use a wide variety of assessment tools (including, but not restricted to, the assessment of individuals' behaviour, preferences and abilities, assessed by themselves and/or others) to meet our clients' needs.

We are committed to keeping personal information confidential and secure. The way in which we use personal information will depend upon whether you are a Client or a Participant. We act in accordance with the principles of the New Zealand Privacy Act (1993), the European Union General Data Protection Regulation (GDPR) (2018), the Health Information Privacy Code (1994) and the New Zealand Psychologists Board Code of Ethics to safeguard personal information. As K3 Consulting employs HR professionals and registered psychologists, the information collected by K3 for the purposes of psychometric assessment is deemed "Health Information", hereby referred to as "personal information".

This policy outlines:

- when we collect information from you,
- how we obtain your consent,
- the types of personal information we collect about you and why,
- to whom we usually disclose it,
- how we keep it process it, and keep it secure, and
- your privacy choices and rights.

If you have any questions regarding our policy, wish to exercise your rights or to make a complaint, please contact us.

### General Data Protection Regulation ("GDPR")

The GDPR specifies additional obligations for organisations. Under the GDPR, K3 Consulting is considered a Processor, as we process personal data for our clients (Controllers). We also use Sub-Processors to process data.

### Health Information Privacy Code

The Health Information Privacy Code recognises that people have the following expectations about their personal information:

- It will be kept confidential, because it was collected in a situation of confidence and trust
- It will be treated as sensitive, because it may include details about body, lifestyle, emotions and behaviour
- It will only be used for the purposes for which it was originally collected, and people will be told about those purposes.

The code applies rules to agencies in the health sector. When it comes to gathering personal information, the 12 rules of the code substitute for the 12 principles of the Privacy Act. From the point of view of a Registered Psychologist, the rules in the code can be summarised:

1. Only collect personal information if you really need it.
2. Get it straight from the people concerned where possible.
3. Tell them what you're going to do with it.
4. Be considerate when you're getting it.
5. Take care of it once you've got it.
6. People can see their personal information if they want to.
7. People can correct information if it's wrong.
8. Make sure personal information is correct before you use it.
9. Get rid of it when you're done with it.
10. Use it for the purpose you got it.
11. Only disclose it if you have a good reason.
12. Only assign unique identifiers where permitted.

## **2. Scope of this Privacy Policy**

This Privacy Policy explains how we collect and process personal information when we provide our psychometric assessment and reporting services ("Services"). The sale and provision of such Services are governed by our Standard Terms and Conditions.

We collect personal information about:

- Clients that purchase our Services (or the authorised individuals that work for our clients) ("Clients"); and
- Individuals that provide responses or participate in any of our assessments at the request of a Client ("Participants").

This Privacy Policy applies to any individual about whom we process personal information in the course of providing our Services ("you" or the "data subject").

## **3. The personal information we process**

We will take all reasonable steps to ensure that an individual is aware that we are collecting personal information from them, or in some cases from others about them. We collect personal information directly from an individual, from others or from an employer when part of a selection, development or team process. This can include when:

- we carry out assessment profiling, interviewing, consulting, training and development;
- an individual or group participates in an assessment or development process – for example, completing a survey, role play, development centre, team and/or individual coaching;

- an individual or group visits our website or contacts us via our website, email or by phone.

## 4. Consent

When collecting personal information, we will always ensure we first gain consent. When gaining consent we will advise of the following:

### 4.1 Information we collect from Clients when using our services

We will use personal information about Clients in the course of providing Services for the following purposes:

- To fulfil our obligations arising from any contracts entered into between the client and us, and to provide the client with the information, products and Services that they request from us and bill them for the products and services provided;
- To provide the client with information about further Assessments, reports and services we offer that are similar to those that they have already purchased or enquired about;
- To notify the client about changes to our service.

### 4.2 Information we collect from Participants when participating in an assessment

Clients may provide personal information about Participants that have been nominated to undertake an assessment. This information may include the Participant's name, email address and other contact details. Participants may also provide this information directly to us.

When participating in an assessment, our assessment providers will typically ask the Participant to provide responses that may constitute personal information. We categorise such personal information as follows:

- "Identification Data" which means information such as your name, email address and other contact details.

Candidates must provide Identification Data as this is required in order for us to administer the Assessment, provide the results to the Client who requested that the Assessment is made available for completion, and for the purposes set out in the section entitled "The Purpose - how we will be using personal information?"

- "Assessment Data" which means a Participant's responses in Assessments; this may include, or may allow us to deduce, information such as:
  - motives;
  - talents;
  - aptitudes;
  - competencies;
  - interests; and
  - behaviour in the workplace.
- "Research Data" which means responses to questions about the participant, and which will typically include demographic information such as:
  - gender;
  - age;
  - cultural background;
  - qualifications;

- work experience; and
- details regarding employment, responsibilities and work.

It will never be compulsory for Participants to provide Research Data to our assessment providers, and they are informed that the provision of this information is entirely voluntary.

### **4.3 The Purpose - how we will be using your personal information**

In our initial email correspondence and with our assessment partners, we ensure that Participants are aware of the purposes that their personal information will be used for, such as development, selection, development of aggregates and ongoing research for our client organisations. All personal information may also be anonymised, and used for research purposes by K3 Consulting, for example in the development of the New Zealand norm group against which we compare your results.

### **4.4 Who will have access to your personal information**

We will clearly state who will have access to personal information, ensuring that it is only those individuals who need to know for the purposes which the information was gathered. For example, in a selection context, within the client organisation Participants' information will be shared with all individuals who are part of the selection process. Additionally only those K3 staff or associates who are working on the project will have access to this information. Consultants may share details of some assignments with peers or their supervisor as part of professional and ethical supervision.

We will not disclose personal information to another party unless we first have the individual's written consent to share it, or unless we are required to do so either legally or to comply with the Board Code of Ethics for Psychologists working in Aotearoa/New Zealand (for example in order to prevent harm to themselves or others).

Individual responses will only be disclosed to Clients where appropriate, and an overall assessment report will be provided to Clients, containing an overall assessment profile and additional comments about a participant's performance.

We may also pass anonymised and/or statistically aggregated data to our clients as part of larger projects, to current or future potential Clients or research institutions. Because this information cannot identify people as individuals, it does not constitute personal information.

#### **4.4.1 International data transfers**

Due to the international nature of internet-based assessment services, our assessment partners may from time to time appoint third parties to process data containing information about participants on their behalf as a data processor, or store such information in, or transfer it to persons located in, countries outside of New Zealand, Australia and/or the European Economic Area ("EEA"). These countries may not have data protection laws equivalent to those which are in force in Australia and the EEA, and pending in New Zealand, to protect personal information. Where our partners transfer information to such third-party data processors and/or third parties outside of this area, we have been assured that they will provide sufficient guarantees in respect of the technical and organisational security measures and take reasonable steps to ensure their compliance with those measures in order to ensure personal information is adequately protected in accordance with applicable data protection laws.

## 5. Profiling

Our assessments are conducted, in part, on the basis of profiling, which means that our assessment partners process personal information using software that is able to process their responses to questions and provide estimates of different attributes including personality, preferred behaviour, motivations, talents and abilities.

A participant should note that it is our clients that make decisions on the basis of our assessments e.g. selection assessments. If a participant has any questions about how assessment results will be used in their decision-making process, they are referred to ask the client (i.e. their employer or potential employer) for further information.

If you are a Client, it is your responsibility to ensure that your decision-making process - including how you interpret the Assessment results - complies with applicable laws.

## 6. Rights regarding personal information

It is not compulsory to complete our assessments or provide us with any personal information. At any time, participants can withdraw their consent by contacting the K3 Support team or object to how your information is being processed. If participants choose not to consent to us collecting their personal information we will let them know the implications of their decision. Generally, this will mean that we will advise the client organisation of their decision.

Participants have the right to access, correct or have deleted any or all of the personal information being held on them. We will respond to these requests without undue delay within one month of receiving your request. They may ask us to make any necessary changes to ensure that personal information we hold about them is accurate and kept up to date. They will not have the right to make changes to the Assessment Data, however, as this would undermine the accuracy and value of the Assessment reports. There are exceptions where we may not comply with a request to access this information, including:

- where processing is necessary to comply with a legal obligation or claim,
- for exercising the right of freedom of expression and information,
- for reasons in the area of public health or public interests.

In these cases, we will notify participants of our decision in writing and explain why and how they can complain if they are not satisfied with our decision.

## 7. Storage of personal information

In accordance with the Health Information Privacy Code we will store all personal information securely. All personal information will be stored in a way that protects your privacy and confidentiality. We retain participants' personal information (including test results) for a period of 24 months, after which time we may anonymise the data and use it for research purposes. We will also anonymise data at the request of the client or the participant. If the participant requests their data to be anonymised, we will first inform the client who requested the assessment be made available to the participant. We also recognise that government organisations have other legal obligations regarding storage of personal information, such as the Official Information Act, and we will ensure compliance when working with these agencies.

As part of working with us participants may also enter personal information directly into one of our partner systems, including but not limited to, Hogan Assessments, Saville Consulting Limited, Talegent NZ, CPP Asia



Pacific Pty Ltd, SHL Limited and Winsborough NZ. We conduct risk assessments of these providers to ensure they are processing data in accordance with the GDPR and other applicable privacy and data protection laws.

We may need to retain certain personal information after a customer or supplier account has been closed or deleted to enforce our terms, to identify, issue or resolve legal claims and/or for proper record keeping purposes. To ensure we can respect your wishes we may also retain a record of: any stated objection by you to receiving our marketing and not to contact you further or any other request you make when you exercise your rights.

We retain Clients' personal information for as long as we maintain a relationship with Clients, and then for a reasonable period of time that allows us to assist with any queries, requests or complaints regarding the assessments and/or the services, to commence or defend legal claims, and to comply with our regulatory obligations (including record retention obligations).

If a participant would like:

- any further information about the personal information that we collect, the purposes for which we collect it and how we protect it;
- a copy of the information we hold about you;
- to verify information we hold about you;
- to anonymise your personal information;
- to object to our use of your personal information;
- to restrict our use of your personal information; or
- to receive your personal information in a usable electronic format and transmit it to a third party (right to data portability),

then they may contact us directly via phone or email. Please note that we will likely require additional information from a participant in order to honour their request. We hope that we will be able to satisfactorily deal with any issues a participant contacts us about.

## 8. Privacy concerns and complaints

If you believe we have not handled your personal information in accordance with this policy and our privacy obligations, please contact us via the contact details below so we can investigate and address your concerns. We may need to seek further information from you and will aim to respond to your complaint within 14 days.

If you are not satisfied with our proposal to resolve your complaint, and reside in New Zealand you may contact the:

Office of the New Zealand Privacy Commissioner  
PO Box 10094  
Wellington 6143  
New Zealand  
Website: <https://www.privacy.org.nz/your-rights/how-to-complain/>

If you are a European Union resident and consider your rights have been violated by us, you also have the right to lodge a complaint with the relevant European authority.



**Our contact details:**

K3 Consulting

P +64 9 366 1366 F +64 9 366 1363

83 Albert Street (entrance on Kingston Street), Auckland 1010, New Zealand

**9. Changes to our Privacy Policy**

We may update this Privacy Policy from time to time. The updated Privacy Policy will be published on our Website and, where appropriate, notified to you by email. You should refer to the Privacy Policy from time to time in order to keep yourself up to date with regard to the way we process your personal information.