

24 July 2024

Corporate Governance and Intellectual Property Policy

Building, Resources and Markets

Ministry of Business, Innovation and Employment

By email: societies@mbie.govt.nz

Consultation on Regulations 2023 for the Incorporated Societies Act 2022

From: Physiotherapy New Zealand

Tēnā koutou katoa

Physiotherapy New Zealand (PNZ) is grateful for to the Ministry of Business, Innovation and Employment (MBIE) for the opportunity to make a written submission on the issues raised in the Consultation Document: Consultation on regulations for the Incorporated Societies Act 2022 (the Consultation Document) on behalf of our members.

Our individual submission is intended to be read alongside The Australasian Society of Association Executives (AuSAE) submission which we support as members of AuSAE. We wish to highlight the specific issue of the indefinite retention of member information after they have ceased their membership Section 13 (a), (b) Register of members.

Specific Comments

Section 13 (a), (b) Register of members

For the purposes of section 79(2)(d) of the Act, the register of members kept by the society must contain, if known, —

the name of each former member of the society; and

the date on which they ceased to be a member.

As we read this requirement there is no time limit on retaining this information. We are concerned that this would contravene the requirements of the Privacy Act 2020; in particular Principle 9.

The Privacy Act IIP 9 says: Agency not to keep personal information for longer than necessary.

The PNZ Privacy Procedures say:

“PNZ will archive personal information after two years of non-renewal of membership; or at the conclusion of paid or volunteer term. Information will be deleted seven years after the last contact.”

We have considered this policy and believe that retaining membership data for two years following cessation of membership allows the organisation to keep contact if the person decides to rejoin, but does not retain information for longer than necessary in alignment with the Privacy Act. We have chosen seven years as this aligns with the retention of financial information for IRD audit requirements.

We strongly recommend that there is a time limit on the requirement to keep membership information for people who have ceased their membership.

About PNZ

PNZ, alongside our Ti Tiriti partnership group Tae Ora Tinana, is the national professional

membership organisation for physiotherapists and physiotherapy students. We provide our members with advocacy, education, information and services as well as promoting physiotherapy to the general public. First incorporated in 1924 Physiotherapy New Zealand Incorporated currently has a membership of over 4,200 physiotherapists. The governing body of PNZ, called the PNZ Executive, consists of one elected president, four elected members and up to two independent members. The majority of the PNZ Executive must under our constitution be members, consistent with the requirements of the international body to which we affiliate. PNZ in reviewing governance arrangements in 2018 has allowed for independent members with identified skills appointed to support elected members carry out the governance functions required for an organisation with an operational turnover of \$1.5-2million annually.

Thank you for the opportunity to submit this matter. If the Committee requires further information the primary contact for matters relating to this submission is:

Sandra Kirby
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Physiotherapy New Zealand
Privacy of natural persons

Ngā mihi,
Nā

Privacy of natural persons

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CEO