Policy Version: v1
Approved by: Chief Executive
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Key Accountabilities: Chief Executive, Operational Leader

Artificial Intelligence (AI) Policy

This policy reflects our responsibility as kaitiaki - guardians of people and place. We recognise that hauora (wellbeing) is holistic - physical, emotional, spiritual, social and environmental.

Purpose:

This policy outlines guidance to ensure the responsible and ethical use of any AI tool by staff, contractors, and stakeholders who use or manage AI technologies in Association-related activities, including teaching, governance, administration, and communication.

Policy details:

Compliance: Compliance with this AI Policy is mandatory, and all breaches will be investigated by the Association's Privacy Officer or nominated representative (noted at the end of this policy), who may advise that disciplinary investigation is required

- All AI use must comply with the Information Privacy Principles under the Privacy Act 2020, including limits on collection, use, disclosure, offshore storage, and mandatory reporting of notifiable privacy breaches.
- AI-generated content may not attract copyright protection and may inadvertently reproduce copyrighted material. Staff must not assume ownership of AI-generated works and must ensure compliance with the Copyright Act 1994 before reuse or publication.
- AI tools must not be used for staff performance monitoring, profiling, or disciplinary decision-making unless expressly authorised and consistent with employment law and collective or individual agreements
- All usage must comply with the Ministry of Education's licensing requirements around privacy of tamariki.

Transparency: Clear communication with staff, parents, and whānau will be maintained regarding AI use, ensuring that its role is understood and aligned with best early childhood education practices.

Cultural Responsibility and Sensitivity:
AI must be used with cultural sensitivity, ensuring that the **mana** and dignity of all cultures are respected and upheld. Human oversight must be maintained to safeguard against bias, promote fairness, and uphold ethical responsibilities in AI use.

Anonymity:
Any use of AI must be used in a way that the individual, group or Association must be fully de-identified so individuals cannot reasonably be re-identified.

Scope:

This policy always applies to all Association-related activities whether in or out of Association premises. It covers:

- The use of AI on any Association device (laptop, tablet, desktop, phone), whether during business hours or not, in the office or working offsite.
- The use of any Association information on any personal device at any time.
- Employees using AI for a range of different tasks including (but not limited to) drafting learning stories, reports and communications with key stakeholders.
- It ensures compliance with New Zealand's Privacy Act 2020 and aligns with our commitment to safeguarding the privacy, safety, and well-being of children, whānau, staff and all stakeholders.

Roles and Responsibilities: AI systems should complement, not replace, human judgment, and all output of AI must be subjected to scrutiny and verification. Specific roles are as outlined below:

1. Poari kāwanatanga / Governance Board

The Board will:

- Exercise due diligence and take reasonable steps to ensure the organisation meets its privacy obligations and keeps people safe.
- Approve and monitor appropriate policies, and ensure systems and resources are in place.
- Oversee AI-related risk management, including legal compliance, ethical use, and reputational risk.

2. Kaiwhakahaere Matua / Chief Executive

- Exercise due diligence and take reasonable steps to ensure the organisation meets its privacy obligations.
- Oversee policy knowledge and compliance at every level of the Association.
- Reports to the Board all breaches of policy or legislation.

3. Privacy officer

- Inform the CE of any breaches of this policy
- Undertake investigations into any reported breach of this policy.
- Report findings and recommendations from the investigation into policy breaches.

4. Operational Leader

- Embed policy knowledge and compliance at every level of the Association

5. Kindergarten Support Leads (KSL)

- Undertakes reviews with kindergarten leaders when necessary.
- Report any breaches of this policy to the Privacy Officer

6. Kindergarten Leaders / Person Responsible

- Support and monitor staff usage of AI systems.
- Report any breaches of this policy promptly to the KSL who will report to the Privacy Officer

7. Kaimahi (Teachers and Other Staff - including Kindergarten Leader/Person Responsible)

- Role-model positive use of AI systems
- Ensure their own adherence to this policy.
- Report concerns about breaches of this policy promptly to the Kindergarten Leader.

Policy Guidance: The Association acknowledges the increasing availability and potential of AI to enhance productivity and practice. We are committed to providing clear guidelines and ongoing support, to ensure AI is used responsibly while upholding the essential role of practitioners in delivering quality service.

1. Types of AI Platforms:

When using AI, it is crucial to adhere to policy principles to ensure responsible use and compliance with regulatory and ethical standards. It is also important to understand the key difference between an **open AI system** like ChatGPT and a **closed, secure platform** like Microsoft CoPilot. This difference lies in **accessibility, data security, and purpose**:

- **Closed, Secure Generative AI Platform (e.g. Microsoft Copilot)**
  - Restricted access, requiring login credentials (when used with a Kaitiaki Kindergartens login).
  - Focused on **data privacy and security**, ensuring only authorised users, Kaitiaki kaimahi can view and share information.
- **Open Generative AI System (e.g. ChatGPT, Gemini)**:
  - Accessible to the public with broad applications.
  - Continuously learns from vast datasets.
  - Data could be potentially retained or reviewed by the service provider.
  - Information shared is not private or secure.
  - Designed for general knowledge, conversation, and creative assistance.

2. AI Tool selection:

- Where AI is part of a tool we currently use, the Association will collect and record their AI policy statements to ensure that it complies with this policy.
- When using Generative AI tools, the user must ensure that they comply with this policy.

3. Prohibited Uses: must not be entered into Generative AI systems:

- Any information that might identify tamariki or their whānau, kaiako or kaimahi, or any other person associated with the Association
- Any credentials (for example username, password, API key)
- Information which may be considered confidential to the Association.
- Personally identifiable information (PII).
- AI tools must not be used to make decisions about children's learning or behaviour without oversight from qualified staff.
- Open AI systems must not interact directly with tamariki or process personal information (e.g., names, photos) of tamariki.

4. Human Interaction: AI systems should complement, not replace, human judgment, and all output of AI must be subjected to scrutiny and verification.

- All users must be very careful how you use AI output. AI isn't always right and is subject to what is termed "hallucinations" (factually incorrect outputs under the appearance of fact) and AI may exhibit a bias:
- All user's ability to scrutinise and verify anything produced by AI is essential.

5. Translation

- If using an AI tool to translate a piece of text into a language that you are not fluent in, you should either
  - Have the translated text checked for accuracy by a trusted colleague who is fluent in that language; or
  - Use an alternative AI tool to verify the accuracy of the translation by asking it to translate the text back into English. If this results in a satisfactory translation back to the content of the original text, (there may be a few minor differences) there will be confidence that the translation can be used.

References:

Legislation, regulations and sector requirements including but not limited to:

- Children's Act 2014
- Copyright Act 1994
- Privacy Act 2020
- 5.02 Privacy and confidentiality policy
- 2.07 ICT (Digital Communications) Policy
- Current Employment Agreements
- Staff Code of Conduct

Privacy Officer Details:

Angela Booth Operational Leader | Kaiwhakahaere Rauemi angela@kaitiakikindergartens.org.nz Internal Extension: 202 Mobile: 022 230 4444	**Lily Zhu** HR & Payroll Administrator | Kaiwhakahaere Utu Kaimahi lily@kaitiakikindergartens.org.nz Internal Extension: 200

Note: This policy will be reviewed in line with emerging AI regulation, guidance from the Privacy Commissioner, Ministry of Education, and international best practice