



## PRIVACY POLICY

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### 1. PURPOSE

Provide a guide for all South Port Community Housing Group (SPCHG) personnel on standards and procedures in respecting and managing the privacy of all people in contact with the organisation.

### 2. SCOPE

This policy applies to the personal information provided by anyone who uses SPCHG's services.

SPCHG's staff, contractors, students on work placement, board members, donors and volunteers must all be made aware of, and follow, this policy. This is a requirement of SPCHG's Code of Conduct.

This policy does not apply to the personal information belonging to people who work or volunteer at SPCHG, which is covered under *spchg staff record policy pcsn final 14dec17*.

If a person has applied for social housing under the Victorian Housing Register (VHR), this policy also summarises how SPCHG shares personal information with other VHR agencies.

### 3. PRINCIPLES

- SPCHG will ensure that official information it holds and manages will be accurate and up-to-date, available when required, and only be accessed by the right people.
- Information management will be rigorous and consistent, in accordance with documented policies and procedures
- Information management will be transparent
- Information management will be as simple as possible
- Processes will be audited to ensure compliance
- This privacy policy will be updated when information handling practices change. Updates will be publicised on SPCHG's website.

### 4. BACKGROUND INFORMATION

SPCHG collects personal information from renters, clients, applicants and others, so that SPCHG can provide housing and services.

In Victoria, there are two main laws that protect information privacy rights:

- *The Privacy and Data Protection Act 2014 (Vic) (PDP Act)*
- *The Health Records Act 2001 (Vic)*

### **THE PRIVACY AND DATA PROTECTION ACT 2014 (VIC)**

The PDP Act is a Victorian law that protects the privacy of personal information when it is handled by Victorian public sector organisations, including Victorian government departments, local councils,



## PRIVACY POLICY

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statutory offices, government schools, universities and TAFEs. The PDP Act can also protect personal information when it is handled by private or community sector organisations who are carrying out functions for or on behalf of a Victorian public sector organisation. The PDP Act is administered by the Office of the Victorian Information Commissioner.

### **THE HEALTH RECORDS ACT 2001 (VIC)**

The Health Records Act 2001 (Vic) is a Victorian law that protects health information that is held by public and private health service providers in Victoria. This includes doctors, hospitals and pharmacists, as well as any other organisation that holds your health information, such as fitness centres and employers. The *Health Records Act 2001*(Vic) is administered by the [Health Complaints Commissioner](#).

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- Family Violence Protection Act 2008 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Information Privacy Act 2000 (Vic)

In addition, SPCHG takes part in the Victorian Housing Register (VHR). The Housing Act 1983 (Vic) allows [us](#) in some circumstances to share the personal information of applicants for social housing with other agencies registered with the Victorian Housing Register.

## **5. COLLECTING PERSONAL INFORMATION**

Generally personal information is collected to help provide and tailor a service to an individual– for example:

- to provide case management as part of Youth Housing Support Program
- to aid in applying for social housing via the VHR
- to sign up as a renter
- to manage tenancies, for example to calculate rent and to undertake maintenance requests
- to investigate a complaint
- for data required by government and funding bodies

In these situations, staff will ask for details about the individual and any other members of the individual's household so that [staff](#) can provide a service that meets the household's needs. This information may include the following information about the individual or household member:

- identity (name, date of birth) and copies of identification documents
- contact details (address, phone, email etc)
- demographic data
- formal notes of conversations and communication between the individual and [SPCHG](#) staff.

[SPCHG staff](#) will collect the minimum personal information needed for the particular function or activity [being](#) carried out.

### **5.1. COLLECTING SENSITIVE INFORMATION AND HEALTH INFORMATION**

[SPCHG will](#) only collect *sensitive information* (such as about sexual identity or orientation, racial or ethnic origin) and *health information* (such as about a person's disability or mental health condition) if that information is directly required for a particular purpose. Specific permission will be obtained. .



## PRIVACY POLICY

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If SPCHG staff assist an individual to apply for priority housing under the VHR, information will need to be collected about the urgency of housing need, and support needs, such as any disability or mental health condition and housing history.

### 5.2. INDIRECT COLLECTION

All effort will be made to collect personal information only directly from the individual themselves. However, there are some situations where personal information might be collected from other sources, for example:

- If an individual authorises another service to provide information to SPCHG;
- If SPCHG is given personal information as part of a complaint brought by another person;
- In the case of multi-person households, in which case personal information may be collected from another member of the household;
- Where a person has applied for social housing under the VHR, then the VHR can also include personal information that has been collected by other VHR agencies;
- In some instances a third party may provide information. If this is the case, the staff member must take reasonable steps to ensure that this has been consented to.

## 6. COMMUNICATING SPCHG'S PRIVACY POLICY

It is important that privacy practices are simple, open and transparent. The policy is:

- written in simple language;
- published on SPCHG's website;
- a simplified version is outlined in the "Your Rights to Privacy" brochure which is available in the office foyer at all times and on the website; and provided to all new renters and clients (with verbal explanation and discussion).

During any interview, including an intake interview, a private space will always be used for obtaining personal information. In obtaining personal information, staff will locate a space in which possible over-hearing by third parties, apart from other staff members, is not possible. When collecting or discussing personal information, staff members must ensure that either they move to a space that lends privacy or conduct the discussion at a more suitable time. If none of this is possible on a particular day staff may request the individual provide consent so that other staff can be in the room while the interview is occurring.

## 7. USING AND DISCLOSING AN INDIVIDUALS PERSONAL INFORMATION

### 1. Clients of Youth Housing Support Program

Clients of the Youth Housing Support Program are required to provide significant personal information including name, date of birth, housing history, income, family situation, dependents names and dates of birth, language, known health conditions. This information is recorded on both paper files and computer data base. It will be stored in locked situations and on computers requiring passwords. It will be de-identified for the purposes of providing required data to government.

It will only be provided to other agencies with specific permission of the client except in emergencies and in situations described in legislation relating to child safety or family violence.

### 2. Becoming a renter of SPCHG

To sign up as a renter, SPCHG requires name, date of birth, proof of identity, Centrelink number if relevant. Information is stored in paper files and on computer database. It will be stored in locked situations and on computers requiring passwords. It will be de-identified for the purposes of



## PRIVACY POLICY

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providing required data to government. Correspondence between SPCHG and a renter will be stored on file as will copies of legal notices and accompanying information.

Information kept on file will only be provided to other agencies with specific permission of the client except in emergencies and in situations described in legislation relating to child safety or family violence.

### Assessing affordable rent

SPCHG staff may disclose personal information to Centrelink so that Centrelink can provide the information needed to calculate rent and to enable rent to be paid through Centrepay. SPCHG staff will not do this without the consent of the individual, but if permission is not granted, SPCHG may not be able to offer discounted rent and it could make the payment of rent less convenient.

### Sustaining tenancies

If an individual has authorised staff to discuss their tenancy or personal information with a support worker, case manager, carer, guardian, legal representative, health professional or other nominated advocate, or to make a referral on their behalf to a support agency or health centre, staff will only disclose to them the information that is necessary to complete the referral or to address the support issue.

### 3. Case Planning within SPCHG

Information will be shared as needed within the SPCHG staff team purposes of program planning, vacancy allocations, case planning, crisis management, staff debriefing, staff supervision. Information will remain confidential within the staff team.

### 4. Case Planning involving other organisations

The organisation will share the minimum necessary information with external agencies, and with informed consent of the individual, for the purposes of collaborative case planning.

### 5. Applications for social housing under the Victorian Housing Register (VHR)

If an individual has a current VHR application for social housing or is making an application to the VHR, the Housing Act 1983 (Vic) allows SPCHG, as a registered agency, to use and disclose personal information to VHR agencies for certain purposes, including to:

- determine eligibility for social housing;
- determine eligibility for priority housing;
- determine the allocation of social housing to an individual;
- determine an individual's health, safety and support needs and housing requirements; and
- support an individual to access housing that is appropriate to their needs.

This information is a summary only. For more information about how personal information in the VHR is collected, used and disclosed, please see advice on the [DHHS website](#).

### 6. Information Sharing Scheme

- Family Violence Information Sharing Scheme
- Child Information Sharing Scheme
- Multi-Agency Risk Assessment and Management Framework

If there is believed to be a serious threat of family violence or concerns for child safety, SPCHG staff are obligated under the *Family Violence Protection Act 2008 (Vic)* and *Children, Youth and Families Act 2005 (Vic)* to share information in order to assess or manage risk of family violence. SPCHG staff will always seek consent where appropriate and required by law, unless an individual is under



## PRIVACY POLICY

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serious threat. For more information on this, refer to <https://www.vic.gov.au/information-sharing-schemes-and-the-maram-framework>

### 7. Arranging for repairs to a unit / property

If repairs are required to a unit, SPCHG will give the tradesperson the individuals' name and phone number so arrangements can be made directly with the renter to gain access to the property.

### 8. Taking legal action

If SPCHG staff take legal action against an individual (for example, under the Residential Tenancies Act), staff will only disclose to the Tribunal or Court the personal information (including sensitive information) that is necessary to apply for a hearing and to present the case.

### 9. Publishing an image or story

SPCHG uses selected renter stories and images on the organisation's website, in the annual report, in promotional material, and in other published documents. Personal stories and images will never be published in any form without renter written consent. In order to use images, stories and personal information, a media consent form must have been signed. If consent has not been obtained, SPCHG will ensure that the individual cannot be identified from the image or information published.

### 10. Handling complaints

It may be necessary to disclose personal information to a government agency or other party if asked to respond to or investigate a complaint that is lodged. Renters or clients connected to a complaint will only be identified with their permission.

### 11. Reporting to government

Government requires community housing and homelessness agencies to report about who is being assisted. Information provided to government is de-identified (no names provided).

When an individual applies for social housing under the VHR, personal information provided with the application may be used to provide statistical data to government departments to help SPCHG and the government understand the demographic of people housed.

In some limited circumstances it may be necessary to disclose an individual's personal information to a government agency to satisfy the organisation's regulatory or contractual requirements. SPCHG will not make such a disclosure unless this was explained to the individual as a condition of accepting housing or unless consent is obtained.

### 12. Meeting SPCHG's broader obligations

SPCHG will disclose personal information if required by law (for example, by a court order). Staff can also disclose personal information if this is necessary to lessen or prevent a serious threat to someone's life, health or safety or to take action on suspected unlawful activity or serious misconduct.

#### 7.1. DISCLOSURE OF PERSONAL INFORMATION OVERSEAS

There would normally be no situation in which SPCHG staff would disclose personal information to an overseas recipient. The only likely exception is where an individual has provided an overseas contact for next of kin in case of emergency.

It is recognised, however, that if an individual communicates with SPCHG through a social network service such as Facebook or Twitter, the social network provider and its partners could collect and hold an individual's personal information overseas.



## PRIVACY POLICY

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### 7.2. QUALITY OF PERSONAL INFORMATION

To ensure that the personal information collected is accurate, up-to-date and complete:

- information is recorded on standard forms, in a consistent format;
- Updated or new information is added promptly;
- Files and data bases are audited to check for inaccuracies.

SPCHG reviews the quality of personal information before it is used or disclosed.

### 8. REPERCUSSION OF NOT PROVIDING PERSONAL INFORMATION

If SPCHG does not receive specific personal information, this can limit the organisation's ability to:

- assist in applying for social housing;
- make an offer of housing;
- undertake maintenance
- provide affordable rent; or
- act on a request or complaint.
- provide services that are appropriate to personal needs; or
- make the modifications to a home to meet personal needs.

### 9. EXCEPTIONAL CIRCUMSTANCES AND DUTY OF CARE REQUIREMENTS

There are circumstances under law where the staff member or the organisation may disclose information, or may be required to disclose information. These include:

1. to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare;
2. to lessen or prevent a serious threat to public health, public safety, or public welfare;
3. at the request of a law enforcement agency in the prevention, detection, investigation or prosecution of a crime;
4. at the request of a national security agency in investigating a security matter.

### 10. WRITTEN CONSENT

If extensive or sensitive personal information needs to be provided to an external government authority (ie: Centrelink) or to another community agency, written and informed consent will be obtained.

An **"Information Exchange Consent Form"** must be completed by the renter or client.

The Consent Form identifies the type of information to be disclosed and the purpose for doing so, information as to whom the information is being given, the date and the signatures of staff member/witness and that of the service user.

**Withdrawal of Consent**– withdrawal of consent may be sought in writing in the appropriate "Withdrawal of Consent" Form.

### 11. DATA SAFETY

SPCHG takes steps to protect the security of people's personal information. Personal information in electronic form is stored on a secure computer server within the main office, and is only accessible by SPCHG staff using our password-protected network. Personal information is recorded in a customised software program that requires an additional password to access.



## PRIVACY POLICY

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Renter and applicant paper files are kept in lockable filing cabinets that can only be accessed by SPCHG personnel who have a right to do so. Files are only removed from the cabinet when staff are currently working on them.

Personal information is destroyed in a secure manner when it is no longer needed. Previous SPCHG renter personal information is retained for longer than the legal minimum of seven years if there is a possibility that the person might apply for housing or access SPCHG services again.

If SPCHG staff assist an individual to apply for social housing under the VHR, then the information that is provided (to prove eligibility for social housing) is stored on the VHR's database, which is controlled by Homes Victoria. Other VHR agencies can update this information only at the request of the applicant.

### **12. ACCESS TO PERSONAL RECORDS AND SEEKING CORRECTIONS**

All individuals have a right to view or access the personal information that the organisation has on file, and to seek corrections if believed to be necessary. Individuals will be informed of this right verbally and through the organisation's "Protecting Your Rights to Privacy" Brochure.

The request to access or correct personal records must be made to the CEO or Acting CEO, using the 'request for access to or change of records' form. The CEO must respond within 14 days either in writing or verbally. If the request for access or correction is denied, reasons will be provided in writing.

Where access is granted, and where case notes, case files, or personal records contain information about other service users/individuals, such identifiable information will be erased or deleted from the contents in order to protect the other individual's privacy.

If there is disagreement between the individual and the organisation about the information's accuracy and content, the individual can request to have a statement attached to the information stating their belief that the information is not accurate, complete or up to date.

#### **12.1. DENIAL OF ACCESS**

In accordance with the Privacy and Data Protection Act 2014, the organisation may deny access or refuse request to correct personal information in the following circumstances:

- providing access would pose a serious threat to the life or health of any individual;
- providing access would pose an infringement on the rights to privacy of other individuals;
- the organisation believes on reasonable grounds that the request for access appears to be based on a frivolous or vexatious intent;
- the information is connected to current legal proceedings between the organisation and the individual; and the information is subject to legal professional privilege;
- providing access is unlawful and/or denial is required or authorised by law;
- providing access would negatively impact on an investigation of possible unlawful activities;
- providing access is likely to prejudice the activities of a law enforcement agency;
- a law enforcement agency requests that access be denied on the basis that access would impact on Australia's security.

### **13. UNIQUE IDENTIFIERS OF RENTERS AND CLIENTS**

A unique identifier is a number or code assigned to an individual in order to identify the person, and





## PRIVACY POLICY

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used for the purposes of the organisation's operations.

The use and disclosure of another organisation's unique identifiers is permissible in the following circumstances:

- where use or disclosure is needed to meet the obligations towards the other organisation;
- use or disclosure is in the public interest;
- use or disclosure is consented to by the individual.

For the purposes of identifying a renter/client, SPCHG will not use unique identifiers that have been previously assigned by other agencies (ie: Centrelink number).

### 13.1. NATIONAL DATA COLLECTION AGENCY (NDCA) SHIP DATA

In the case of the Youth Housing Support Program, the Government requires that the program complies with the data requirements of the - National Data Collection Agency (NDCA) SHIP data- and to assign all clients with an identifying code, which does not reveal their name.

The young person can decline to be included in the SHIP Data Collection and as such only non-identifying information may be included in the SHIP/SHOR database.

### 13.2. CENTRELINK

In the case of the Housing Program, Centrelink Customer Reference Numbers are required and kept on file, for two purposes:

- verifying with Centrelink an individual's tenancy status and amount of rent paid
- By signing a Centrepay deduction form, renters are consenting to the exchange of information between Centrelink and the organisation.

## 14. PRIVACY BREACH

Under the Privacy and Data Protection Act 2014, a "privacy breach" is any "act or practice that interferes with the privacy of an individual by being contrary to or inconsistent with one or more of the Information Privacy Principles or any relevant code of practice".

If a renter or client believes the organisation has breached their privacy rights, the organisation's complaints procedure will be followed. If this mechanism does not afford a resolution, they are encouraged to contact and/or lodge a formal complaint with the Office of the Victorian Information Commissioner (ph: 1300 006 842) or the Health Services Commissioner (ph: 8601 5200).

## 15. FORMS

Forms relevant to consent within SPCHG

- Media Consent Form
- Centrepay Form
- Request For Access To Or Change Of Records
- Information Exchange Consent Form
- Consent Form - For The Exchange Of Client Information
- Consent Withdrawal Form
- AIHW Consent Form
- Outcome Star Online System Consent



**16. DEFINITIONS**

<b>Applicant</b>	A person who applies for social housing via the VHR
<b>Consent</b>	includes express consent (given explicitly, either orally or in writing) and implicit consent (where in the circumstances it can reasonably be inferred). It requires four key elements: <ul style="list-style-type: none"> <li>• the individual is adequately informed before giving consent</li> <li>• the individual gives consent voluntarily</li> <li>• the consent is current and specific, and</li> <li>• the individual has the capacity to understand and communicate their consent.</li> </ul>
<b>Disclosing</b>	“Disclosing” personal information means giving information to someone else or allowing someone else to have access to it.
<b>DFFH</b>	The Victorian Department of Families, Fairness and Housing
<b>Health information</b>	includes personal information about a person’s current or previous health or disability, or about their expressed wishes for future provision of health services to them, or about a health service provided or to be provided to them
<b>Informed Consent</b>	means that the person understands what they are consenting to, consent is provided freely, consent is specific to the issue in discussion, and consent is current and/or provided recently. Consent is not given if an individual is intoxicated.
<b>Personal information</b>	means information or an opinion about an identified person, or a person who is reasonably identifiable, whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.
<b>Sensitive information</b>	includes: health information (as defined); personal information about a person’s race or ethnicity, political opinions or affiliation, religious beliefs or affiliation, membership of a trade union or professional association, sexual orientation or practices, or genetic or biometric information.
<b>Social housing</b>	Both public housing (housing owned and managed by DHHS) and housing owned, controlled or managed by participating registered agencies (that is, registered housing agencies that participate in the VHR)
<b>VHR</b>	The Victorian Housing Register, the statewide common application for people seeking social housing, which can be accessed via [CHO], DHHS, the mygov portal or designated support providers