

Baptcare Affordable Housing Policy

Document Information

Date:	21 March 2023	
Document Author:	Peter Andrews	Privacy and Information Sharing Policy
Document Owner:	Cliff Barclay	
Contact details:	cbarclay@baptcare.org.au	
Document type:	Policy	

Overview

Purpose

This policy establishes how Baptcare Affordable Housing (BAH) collects, uses, discloses and stores personal information.

Who Does It Apply To?

This policy applies to all users of BAH services, including staff, contractors, students on work placement, volunteers and board members. This policy also summarises how BAH shares personal information with other Victorian Housing Register (VHR) agencies when applications for social housing are made to the VHR.

Definitions

- a) Personal information – The Privacy Act 1988 defines personal information as ‘Information or an opinion about an identified individual, or an individual who is reasonably identifiable, and:
- Whether the information or opinion is true or not; and
 - Whether the information or opinion is recorded in a material form or not.’

Personal information usually includes information about a person’s private or family life, including the person’s name, signature, home address, email address, telephone number, date of birth, medical records, bank account details and employment details.

- b) Sensitive information – The Privacy Act 1988 defines sensitive information as personal information or an opinion that relates to an individual’s racial or ethnic origins; political opinions or membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a Trade Union; sexual preferences or practices; or criminal record.
- c) Health information – The Health Records Act 2001 (Vic) defines health information as personal information or opinion that is collected by a health service or another service provider, that relates to an individual’s health (physical, mental and psychological), or disability, or future preferences about a health service to be provided to him/her.
- d) Data Breach - A data breach is a security violation, in which sensitive, protected or confidential data is copied, transmitted, viewed, stolen, altered or used by an individual unauthorised to do so. Other terms are unintentional information disclosure, data leak, information leakage and data spill.
- e) Consent – In the context of this policy, consent refers to the individual’s agreement to BAH’s request to disclose information to a third party. This consent is explicitly sought, and the granting of it is recorded in a form that is dated and includes the details of the third party. Valid consent is consent that is voluntary, informed, and where the person consenting has the capacity to make the decision.

Policy

Overview

Principles

BAH collects personal information from renters, applicants and others, so that it can provide housing and other services.

Commonwealth and Victorian laws establish how we must manage personal information to protect clients' privacy. BAH's detailed legal obligations are set out in:

- The Australian Privacy Principles in the Privacy Act 1988 (Cwlth)
- The Information Privacy Principles in the Privacy and Data Protection Act 2014 (Vic); and
- Where relevant, the Health Privacy Principles in the Health Records Act 2001 (Vic)

As BAH is a Participating Registered Agency with the Victorian Housing Register (VHR) the Housing Act 1983 allows us in some circumstances to share the personal information of applicants for social housing with other VHR agencies.

BAH is committed to the principles of openness and transparency and accountability. To achieve this, we undertake the following:

- Our Privacy and Information Sharing Policy is written in simple language
- The Policy is published on our website, in addition to our brochure Privacy of Your Information
- To provide copies of the brochure when collecting personal information face-to-face.

BAH will update this policy when our information handling practices change. All updates will be published on our website.

Collecting Personal Information

BAH collects personal information to help it to:

- Assist potential renters to apply for social housing via the VHR
- Sign up renters for BAH's properties
- Manage rental agreements and calculate rent
- Assist renters in reporting of issues and lodging complaints.

BAH will ask for the necessary details to provide renters with the services they require. This information may include the following:

- Name, date of birth and copies of identification documents

- Addresses, phone numbers and email details
- Residency status
- Evidence of household income and assets
- Information about the housing need
- Demographic information (such as language spoken at home and country of birth)
- Records of conversations and communication between renters and staff
- Personal information recorded in notes, recommendations and decisions made by staff.

Collecting sensitive information and health information

BAH will only collect sensitive information (such as about racial or ethnic origin) and health information (such as about a person's disability or mental health condition) when we have consent.

To assist people in applying for priority housing under the VHR, BAH will need to ask for and collect additional information about the urgency of their housing and support needs, such as any disability or mental health condition and the relevant housing history.

Applicants will be advised that they do not have to provide this additional or sensitive information to BAH but should be made aware that if BAH is unaware of particular needs its capacity to respond appropriately will be limited.

Indirect collection

BAH endeavours only to collect personal information directly from the person themselves. However, there are some circumstances where personal information can be collected from other sources, for example:

- BAH can collect personal information from another member of the renter's household
- When renters authorise BAH to ask for and collect personal information from another source, such as Centrelink (to enable BAH to calculate rent) or support workers (to help BAH match renters with suitable housing or to help sustain their rental agreement)
- If BAH is given personal information about a renter as part of a complaint brought by another person.

Unsolicited personal information

When BAH receives unsolicited personal information, BAH will destroy or de-identify the information as soon as practicable, if it is lawful and reasonable to do so.

If the information is considered reasonably necessary for, or directly related to, BAH functions and activities, then it may not be destroyed.

Anonymity

Where possible BAH will allow people to interact with us anonymously or by using a pseudonym.

However, for most of our functions and activities BAH will usually need names, contact details and other relevant information to enable proper handling of enquiries, requests, complaints, applications, or to act on any reports.

Collecting information though the website

BAH's website enables renters and stakeholders to make comments and to give feedback about BAH's services. In order to respond appropriately, BAH may collect some personal information, such as email addresses and other contact details.

Collecting information though other social media and email

BAH may also collect information when people engage with it via social media and email. BAH uses social networking sites such as Twitter, Facebook and YouTube to communicate with the general public more broadly and to enable its renters to communicate with it. BAH will only collect personal information from these sites to communicate back to the individual.

Using and Disclosing Renter Personal Information

BAH will use personal information to:

- Provide renters with appropriate housing and services
- Deal effectively with requests and complaints.
- To generate statistical data for reporting to government bodies and to plan for improvements to its services.

BAH will take care to ensure that statistical data and reports cannot be used to identify individuals.

BAH will take care to protect all personal information and will only disclose it when necessary, and it has the right to do so.

BAH will generally use or disclose personal information only for the primary purpose for which it was collected.

In some situations, BAH may disclose personal information for a different ("secondary") purpose. This section of the policy sets out some common secondary purposes.

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

For current VHR applications for social housing, the Housing Act 1983 (Vic) allows BAH to use and disclose the applicant's and their household's personal information to VHR agencies for certain purposes, including to:

- Determine whether they are eligible for social housing
- Determine whether they are eligible for priority housing
- Determine whether to allocate a tenancy in social housing to them
- Determine their health, safety and support needs and housing requirements

- Support the applicant 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 Housing Victoria website:

<https://www.housing.vic.gov.au/privacy> or <https://fac.dhhs.vic.gov.au/victorian-housing-register>

Assessing the affordable rent

BAH may disclose personal information to Centrelink so that Centrelink can provide it with the information needed to calculate rent and to enable rent to be paid through Centrepay. This will not be done without consent. If permission is denied, BAH may be unable to provide a rebated rent, and renters may have to make less convenient arrangements to pay their rent.

Sustaining a rental agreement

When BAH has been authorised to discuss rental agreements or personal information with support workers, case managers, carers, guardians, legal representatives, health professionals or other nominated advocates, or to make a referral on a renter's behalf to a support agency or health centre, BAH will only disclose to them the information that is necessary for it to complete the referral or to address the support issue.

Arranging for home repairs

When repairs to a home require a tradesperson to attend, BAH will give the tradesperson the renter's name and phone number so that they can call them to make arrangements for gaining access to the property.

Taking legal action

When BAH takes legal action against a renter (for example, under the Residential Tenancies Act 1997) BAH will only disclose to the Tribunal or Court the personal information (including sensitive information) that is necessary for it to apply for a hearing or to present our case.

Publishing an image or story

BAH may include selected renter stories and images on its website, in its annual report, in promotional material and in other published documents. BAH will ask for written consent to use a person's image, story or other personal information in this way. When BAH is unable to obtain consent, it will ensure that individuals cannot be identified from the image or information published.

Handling a complaint

In order to process a complaint, it may be necessary to disclose personal information to a government agency or other party. BAH will not make any disclosure without consent. If consent is not given, BAH may be unable to process a complaint. When this occurs, BAH will notify the complainant of this outcome.

Reporting to government

In most instances, BAH will de-identify personal information before it provides it to a government department or agency.

When people apply for social housing under the VHR, personal information they have provided with their application may be used to provide statistical data to government departments to help BAH and the government understand the kinds of people that need housing.

In some limited circumstances it may be necessary for BAH to disclose personal information to a government agency to satisfy its regulatory or contractual requirements. BAH will not make such a disclosure unless this was explained as a condition of accepting housing, or unless BAH has obtained consent.

Meeting BAH's broader obligations

BAH will disclose personal information if required by law (for example, by a court order). BAH can also disclose personal information if this is necessary to reduce or prevent a serious threat to someone's life, health or safety or to take action on suspected unlawful activity or serious misconduct. If it is necessary for BAH to use or disclose personal information for such reasons, it will make a written note of this.

Disclosure of Personal Information Overseas

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

When anyone communicates with BAH through a social network service such as Facebook or Twitter, the social network provider and its partners could collect and hold personal information overseas.

Quality of Personal Information

To ensure that the personal information BAH collects is accurate, up to date and complete, BAH will record information in a consistent format. It will promptly add updated or new personal information to existing records and regularly audit data to check for inconsistencies.

BAH will also review the quality of personal information before it is used or disclosed.

Storage and Security of Personal Information

BAH will take all reasonable steps to protect personal information under its control from misuse, interference and loss as well as from unauthorised access, modification or disclosure.

BAH will protect personal information in different ways including storing paper records in lockable filing cabinets that can only be accessed by staff who have a right to do so, and using professional software programs with password restricted access.

BAH also has policies in place relating to the archiving, destruction and storage of personal information. BAH will destroy personal information in a secure manner when it is no longer needed. However, we may retain the personal information of previous BAH renters for longer than the legal minimum of seven years if there is a possibility that the person may apply for housing again.

When BAH assists applications for social housing under the VHR, then the information that is provided to us (to prove eligibility for social housing) is stored on the VHR's database, which is controlled by DFFH. Other VHR agencies can update this information at the request of their applicant.

Accessing and Correcting your Personal Information

BAH is committed to holding accurate and up-to-date personal information. All clients, renters and stakeholders have the right to ask for access to personal information that BAH holds about them, and to ask that BAH corrects any errors in that information. BAH will respond to any request for access or correction within 30 days and will usually agree to the request and take reasonable steps to correct information it agrees is incorrect.

There are some situations where BAH has the right to reject a renter's request, or to give access but not in the way or to the extent that has been asked for, for example:

- if the request is frivolous or vexatious
- if giving access would seriously threaten someone else's health and safety or have an unreasonable impact on their privacy
- or there is a law that requires us not to.

All requests for access and/or correction are subject to verification of identity.

If there are any reasons why BAH is unable to provide access to, or correction of, personal information (as prescribed by the Privacy Act 1988) BAH will provide a written notice that sets out the reasons for our decision and mechanisms available for the renter to lodge a complaint.

If BAH makes a correction and has disclosed the incorrect information to others, the affected person can ask BAH to tell them about the correction. BAH must do so unless there is a valid reason not to.

If BAH refuses to correct personal information, the client can ask BAH to keep on file a statement that the client believes the information is incorrect and why.

How to make a privacy complaint

Complaints about how BAH has handled personal information can be made in writing by letter or email. People needing assistance to lodge a complaint are encouraged to contact BAH.

If BAH receives a privacy complaint, it will decide what action (if any) it should take to resolve the complaint.

BAH will promptly acknowledge the receipt of all privacy complaints and will respond to the complaint within 30 days.

People who disagree with BAH's response can ask for a formal review by BAH's Privacy Officer. The Privacy Officer will then make a recommendation to the CEO, and the CEO will make a final decision. People who remain unsatisfied with BAH's response can refer their complaint to the Commonwealth or Victorian government agency responsible for privacy law.

BAH Privacy Officer:

Phone: (03) 9831 2222
Email: privacy@baptcare.org.au
Mail: Privacy Officer, PO Box 230, Hawthorn VIC 3122

Office of the Australian Information Commissioner:

Phone: 1300 363 992
Email: enquiries@oaic.gov.au

Complaints:

<https://www.oaic.gov.au/privacy/privacy-complaints>

Fax: +61 261235145
Mail: GPO Box 5288, Sydney NSW 2001

Office of the Victorian Information Commission:

Phone: 1300 006 842 (1300 00 OVIC)
Website: <https://ovic.vic.gov.au/about-us>
Email: enquiries@ovic.vic.gov.au
Post: PO Box 24274 Melbourne VIC 3001

Rights and Responsibilities

Renters' rights and responsibilities are protected under the Residential Tenancies Act and other Acts of parliament.

It is important for renters to know and understand their rights and that along with rights come responsibilities. At the beginning of their rental, renters are given a series of documents including a 'Rights and Responsibilities' booklet. This booklet describes both the renter's and the rental provider's rights and responsibilities.

Information and support can also be obtained through Consumer Affairs Victoria and the Tenants Union of Victoria.

Consumer Affairs Victoria

1300 55 81 81
www.consumer.vic.gov.au

Tenants Union of Victoria

1800 068860
www.tenantsvic.org.au

Policy Review

This policy will be reviewed every two years, or as required based on changes in authorising legislation.

This policy will be available on the BAH website: www.baptcare.org.au/services/housing/affordable-housing

Related Documents

- Baptcare Privacy Policy
- Baptcare Privacy – Data Breach Reporting Procedure
- BAH Complaints and Appeals Policy
- Residential Tenancies Act 1997 (Vic)
- Housing Act 1983 (Vic)
- Privacy Act 1988 (Cwlth)
- Privacy and Data Protection Act 2014 (Vic)
- Health Records Act 2001 (Vic)
- Victorian Housing Registrar Performance Standards
- DHHS Victorian Housing Register Operational Guidelines

Revisions and History

Next Review Date:	March 2024	
Revision History	Section	Commencing
Policy no. 1.7, v.1-v5.1 v.5.2	Updating of Residential Tenancies Act	17/06/2021 21/3/2023

This policy will be reviewed every two years or earlier if the legal, regulatory and contractual environment requires.

Document Control

Copies of this document and any subsequent version shall be distributed electronically.

Printed copies of this document are deemed uncontrolled.

This policy will be available on the BAH website: www.baptcare.org.au/services/housing/affordable-housing

Document file name:	Privacy and Information Sharing Policy
Document file location:	[File location hyperlink address TBC]