

## Privacy and Information Sharing Policy

### Purpose

The purpose of this policy is to set out how St Kilda Community Housing (SCH) collects, uses and discloses your personal information and how SCH protects the security of the personal information collected.

### Scope

This policy applies to anyone who uses SCH's services.

SCH's staff, contractors, students on work placement, board members and volunteers must all follow this policy.

This policy does not apply to:

- the personal information belonging to people who work or volunteer at SCH, which is covered under Records Management Policy.
- personal information collected from people who are not using SCH's services, including people who use SCH's website.

If you have applied for social housing under the Victorian Housing Register (VHR), this policy also summarises how SCH shares your personal information with other VHR agencies.

### Policy Statement

SCH collects personal information from residents, applicants and others, so that SCH can provide housing and services.

Commonwealth and Victorian laws set out how we must manage your personal information to protect your privacy. Our detailed legal obligations are set out in:

- the Australian Privacy Principles in the **Privacy Act 1988** (Cwth);
- the Information Privacy Principles in the **Privacy and Data Protection Act 2014** (Vic); and
- where your personal information is also health information, the Health Privacy Principles in the **Health Records Act 2001** (Vic).

In addition, SCH 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 VHR agencies.

We want our privacy practices to be open and transparent. To achieve this, our privacy policy is written in simple language; we publish this policy on our website, along with a Privacy Statement that summarises this policy in simple terms; and we provide the Privacy Statement when collecting personal information face-to-face.

We will update this privacy policy when our information handling practices change. Updates will be publicised on our website.

### Collecting Your Personal Information

Generally, we ask for, and collect personal information about you to help us provide a service to you – for example:

- to help you apply for social housing via the VHR.

- to sign you up as a resident in one of our properties.
- to manage your tenancy, for example to calculate your rent; and
- when you contact us, for example to ask for information, or report a tenancy issue (such as repairs needed on your home) or lodge a complaint with us.

In these situations, we ask you for details about yourself and any other members of your household so that we can provide you with a service that meets your needs and can confirm your eligibility for our service. This information usually includes the following information about you and members of your household:

- identify (name, date of birth) and copies of identification documents.
- contact details (address, phone, email etc);
- your residency status.
- evidence of your income and assets.
- information about your housing needs.
- demographic information (e.g. language spoken at home and country of birth).
- records of conversations and communication between you and our staff.
- personal information recorded in notes, recommendations and decisions made by our staff.

If you do not give us this information, this can limit our ability to:

- assist you to apply for social housing.
- make an offer of housing to you.
- provide you with an affordable rent; or
- act on your request or complaint.

We always try to only ask for and collect the personal information we need for the particular function or activity we are carrying out.

### **Collecting Sensitive Information and Health Information**

We generally 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) about you when we have your consent.

If we assist you to apply for priority housing under the VHR, then we will need to ask for and collect additional information about the urgency of your housing need and your support needs, such as any disability or mental health condition and your housing history.

You do not have to provide this sensitive information or health information to us, but if you do not tell us about your current circumstances or your health condition or disability, we may be unable to:

- assist you to make the right kind of application for social housing.
- offer you housing that suits your specific needs.
- provide services that are appropriate to your needs; or
- make the modifications to your home that you would like.

Our legal obligations for health information are set out in the Health Privacy Principles and the **Health Records Act 2001** (Vic).

### **Indirect Collection**

We try to only collect your personal information directly from you. However, there are some situations where we collect your personal information from other sources, for example:

- when you authorise us to ask for and collect personal information about you from another source, such as Centrelink (to enable us to calculate your rent) or your support worker (to help us match you with suitable housing or to help you sustain your tenancy with us); or
- if we are given personal information about you as part of a complaint brought by another person.

If you have applied for social housing under the VHR, then the VHR can also include your personal information that has been collected by other VHR agencies that you have dealt with.

### **Anonymity**

Where possible, we will allow you to interact with us anonymously or using a pseudonym.

However, for most of our functions and activities we usually need your name and contact information and enough information about the particular matter to enable us to properly handle your enquiry, request, complaint or application, or to act on your report.

### **Using and Disclosing Your Personal Information**

We use your personal information to help us provide you with appropriate housing and services or relevant information about this housing and services, or to deal effectively with your request or complaint.

We also use personal information (including some sensitive information) to generate statistical data for reporting to government bodies and to plan for improvements to our services. We take care to ensure that our statistical data and reports cannot be used to identify you.

“Disclosing” personal information means giving your information to someone else or allowing someone else to have access to it. We take care to protect your personal information and we only disclose it when it is necessary, and we have the right to do so.

We generally use or disclose your personal information only for the primary purpose it was collected. In some situations, we disclose your personal information for a different (“secondary”) purpose. This section of the policy also sets out some common secondary purposes.

Common situations in which we disclose personal information include:

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

If you have a current VHR application for social housing or are making an application to the VHR, the **Housing Act 1983** (Vic) allows us to use and disclose your (and your household's) personal information to VHR agencies for certain purposes, including to:

- determine whether you are eligible for social housing.

- determine whether you are eligible for priority housing.
- determine whether to allocate a tenancy in social housing to you.
- determine your health, safety and support needs and housing requirements; and
- support you to access housing that is appropriate to your 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 [VHR website](#)

## **2. Assessing your affordable rent**

We may disclose your personal information to Centrelink so that Centrelink can provide us with the information we need to calculate your rent and so that your rent can be paid through Centrepay. We will not do this without your consent, but if you do not give us permission, we may not be able to give you a discounted rent and you may have to make less convenient arrangements to pay your rent.

## **3. Sustaining your tenancy**

If you have authorised us to discuss your tenancy or personal information with your support worker, case manager, carer, guardian, legal representative, health professional or other nominated advocate, or to make a referral on your behalf to a support agency or health centre, we will only disclose to them the information that is necessary for us to complete the referral or to address your support issue.

## **4. Arranging for repairs to your home**

If repairs to your home require a tradesperson to attend, we give the tradesperson your name and phone number so they can call you to make arrangements directly with you for gaining access to the property.

## **5. Taking legal action**

If we take legal action against you (for example, under the *Residential Tenancies Act 1997*), we will only disclose to the Tribunal or Court the personal information (including sensitive information) that is necessary for us to apply for a hearing or to present our case.

## **6. Publishing your image or story**

We include selected resident stories and images on our website, in our annual reports, in promotional material, and in other published documents. We will ask for your written consent to use your image, story or other personal information in this way. If we are unable to obtain your consent, we will ensure that you cannot be identified from any images or information we publish.

## **7. Handling your complaint**

It may be necessary to disclose your personal information to a government agency or other party if we are asked to respond to, or investigate, a complaint you lodge. We will not make any disclosure without your consent, but if you don't consent, we may be unable to process your complaint.

## **8. Reporting to government**

In most situations we de-identify your personal information before we provide it to a government department or agency.

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

In some limited circumstances it may be necessary to disclose your personal information to a government agency to satisfy our regulatory or contractual requirements. We will not make such a disclosure unless this was explained to you as a condition of accepting our housing or unless we otherwise obtain your consent.

#### **9. Meeting our broader obligations**

We will disclose your personal information if we are required to by law (for example, by a court order). We can also disclose your 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. If it is necessary for us to use or disclose your personal information for such reasons, we will make a written note of this.

#### **Disclosure of Personal Information Overseas**

There would normally be no situation in which we would disclose your personal information to an overseas recipient. The only likely exception is where you have provided an overseas contact for your next of kin in case of emergency.

If you communicate with us through a social network service such as Facebook or Twitter, the social network provider and its partners could collect and hold your personal information overseas.

#### **Quality of Personal Information**

To ensure that the personal information we collect is accurate, up-to-date and complete, we record information in a consistent format, we promptly add updated or new personal information to existing records, and we regularly audit our data to check for inconsistencies. We also review the quality of personal information before we use or disclose it.

#### **Storage and Security of Personal Information**

We take steps to protect the security of the personal information we hold. Personal information in electronic form is stored on a secure computer server and is only accessible by SCH staff using our password-protected network. Most personal information is also recorded in a customised software program that requires an additional password to access.

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

We destroy personal information in a secure manner when we no longer need it. We retain the personal information of previous SCH tenants for longer than the legal minimum of seven years if there is a possibility that the person might apply for housing with us again.

If we assisted you to apply for social housing under the VHR, then the information that you provided to us (to prove your eligibility for social housing) is stored on the VHR's database,

which is controlled by the Department of Families, Fairness and Housing (DFFH). Other VHR agencies can update this information at your request.

### **Accessing and Correcting Your Personal Information**

You have the right to ask for access to personal information that we hold about you, and to ask that we correct any errors in that personal information. You can ask for access or correction by contacting us, and we will respond within 30 days. We will usually agree to your request for access and take reasonable steps to correct information we agree is incorrect.

There are some situations where we have the right to reject your request, or to give access but not in the way or to the extent that you asked for – for example, if your request is frivolous or vexatious; or giving access would seriously threaten someone else's health or safety or have an unreasonable impact on their privacy; or there is a law that requires us not to.

We will ask you to prove your identity before we give you access to your information or correct it, and we will try to make the process as simple as possible. If we refuse to give you access to, or correct, your personal information, we must notify you in writing setting out the reasons.

If we make a correction and we have disclosed the incorrect information to others, you can ask us to tell them about the correction. We must do so unless there is a valid reason not to.

If we refuse to correct your personal information, you can ask us to add to it a statement that you believe the information is incorrect and why.

### **How to make a Privacy Complaint**

If you want to complain to us about the way we have handled your personal information, you should give us your privacy complaint in writing (by letter or email). If you need help lodging a complaint, you can contact us.

If we receive a privacy complaint from you, we will decide what (if any) action we should take to resolve your complaint. The decision will generally be made by the Housing Manager in consultation with the Chief Executive Officer (CEO) or delegate.

We will promptly let you know that we have received your privacy complaint, and we will respond to your complaint within 30 days.

If you disagree with our response, you can ask for a formal review by SCH's Privacy Officer. The Privacy Officer will then make a recommendation to the CEO and the CEO will make a final decision. If you remain dissatisfied with our response, you can refer your complaint to the Commonwealth or Victorian government agency responsible for privacy law:

### **Office of the Australian Information Commissioner**

Phone: 1300 363 992

Email: [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

Fax: +61 2 9284 9666

Post: GPO Box 5218, Sydney NSW 2001

### **Office of the Victorian Information Commissioner**

Phone: 1300 006 842

Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Post: PO Box 24274, Melbourne VIC 3001

### How to contact us

You can contact SCH as follows:

Email: [admin@stkch.org.au](mailto:admin@stkch.org.au)

Telephone: (03) 9534 1809

By mail: 116 St Kilda Rd, St Kilda VIC 3182

### Definitions in this policy

Applicant	A person who applies for social housing via the VHR
Consent	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 main 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>
Health information	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.
Personal Information	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.
Sensitive information	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,
Social housing	Both public housing (housing owned and managed by DFFH) and housing owned, controlled or managed by participating registered agencies (that is, registered housing agencies that participate in the VHR).
VHR	The Victorian Housing Register, the state-wide common application process for people seeking social housing, which can be accessed via SCH, DFFH, the myoga portal or designated service providers.

VHR agency	<p>Means:</p> <ul style="list-style-type: none"> <li>• a registered housing agency under the Housing Act 1983 (Vic);</li> <li>• DFFH; and</li> <li>• A designated service provider (as defined in the Housing Act 1983 (Vic))</li> </ul>

### Related Policies

Records Management Policy  
Complaints and Appeals Policy

### Legislation and Standards

Privacy Act 1988 (Cwth)  
Privacy and Data Protection Act 2014 (Vic)  
Health Records Act 2001 (Vic)  
Housing Act 1983 (Vic)  
Performance Standards for Registered Housing Agencies  
DFFH Victorian Housing Register Operational Guidelines

### Version control

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