

Privacy Policy

1. PURPOSE and SCOPE

- 1.1. This Privacy Policy explains how Portway Housing manages the personal tenant information that we obtain.
- 1.2. Portway Housing is required by the Privacy Act 1988 (Commonwealth) to comply with the Australian Privacy Principles (APP's) (subject to the other provisions of the Privacy Act). The APP's regulate the manner in which personal information is handled throughout its life cycle, from collection to use and disclosure, storage, accessibility and disposal.

2. BACKGROUND

- 2.1. The Privacy Amendment (Enhancing Privacy Protection) Act 2012 was passed by both houses of Parliament in November 2012. These amendments will impact the way government entities and private sector entities handle personal information and mean that a single set of Australian Privacy Principles (APPs) will apply to the government and private sector entities regulated by the Act.
- 2.2. The Privacy Amendment (Enhancing Privacy Protection) Act 2012, which comes into force on 12 March 2014, will:
 - 2.2.1. Create a single set of Australian Privacy Principles applying to both Australian Government agencies and the private sector. These principles will replace the existing Information Privacy Principles and National Privacy Principles.
 - 2.2.2. Introduce more comprehensive credit reporting, improved privacy protections and more logical, consistent and simple language.
 - 2.2.3. Strengthen the functions and powers of the Australian Information Commissioner to resolve complaints, use external dispute resolution services, conduct investigations and promote compliance.
 - 2.2.4. Create new provisions on privacy codes and the credit reporting code, including codes that will be binding on specified agencies and organisations.
- 2.3. The Australian Privacy Principles aim to ensure that organisations that hold information about people handle that information responsibly as well as give the public greater control over the way information about them is managed.

3. DEFINITIONS

- 3.1. Personal Information: Information we may collect including names, addresses, email addresses, phone and facsimile numbers.
- 3.2. Sensitive information: Information or opinions which may include an individual's racial or ethnic origin, religious or philosophical beliefs, employment record, criminal record or health/mental health information.

- 3.3. Employee: References to 'employee' includes paid employees, volunteers and students on placement.
- 3.4. Subpoena: A subpoena is a court-issued command for an individual or organisational representative to appear before the court or to provide specific evidence e.g. a client file. Failure to comply with a subpoena without good reason can result in contempt-of-court charges. Subpoenas may also be directed at people with whom the accused individual regularly corresponds.
- 3.5. The Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and their Families (ISG): Are overarching principles and practice for all relevant government agencies and non-government organisations (NGOs) who support children, young people and their families. The ISG provides strategies to determine if sharing information is appropriate whilst considering the right to safety and wellbeing as well as the right to privacy.

4. POLICY

- 4.1. Portway Housing will comply with the APP's which regulate how we may collect, use, disclose and store personal information and how tenants may access and correct personal information held about them.
- 4.2. Portway Housing is committed to protecting tenant privacy. Portway Housing will only use the information that we collect lawfully.

5. PRIVACY PRINCIPLES

5.1. Consideration of personal information privacy

5.1.1. Principle 1: Open and transparent management of personal information.

Portway Housing collects and handles a range of personal information for the purposes of providing services or to carry out legislative functions. We also collect some personal information for planning, funding, monitoring and evaluating our services and functions, but where practicable we remove identifying details from information used for these purposes.

5.1.2. Principle 2: Anonymity and pseudonymity.

In some circumstances, Portway Housing may be able to offer clients/tenants access to services, information or products without the client/tenant having to identify themselves.

5.2. Collection of personal information

5.2.1. Principle 3: Collection of solicited personal information

We use personal information about tenants:

- 5.2.1.1. To provide services and care provision;
- 5.2.1.2. To assist employees in providing direct care services;
- 5.2.1.3. For administrative requirements;
- 5.2.1.4. To provide information to community services & health providers who provide necessary follow up and ongoing services, if required;

- 5.2.1.5. For benchmarking reporting in a de-identified form;
- 5.2.1.6. To provide data in both an identified and de-identified form to Government agencies in compliance with numerous legislative requirements.
- 5.2.1.7. Portway Housing only collects personal and sensitive information where that information is required in order to provide an appropriate service. We recognise that the nature of these services means that much of the information we handle is very sensitive. Employees will ensure access to sensitive information is restricted to only those parties who have a valid need to access. This applies to electronic and hard copy information.

5.2.2. Principle 4: Dealing with unsolicited (not requested) personal information

If Portway Housing receives unsolicited personal information the service must, within a reasonable period after receiving the information, determine whether or not the service could have collected the information under Australian Privacy Principle 3. If the service does not require the information, it must, as soon as practicable but only if it is lawful and reasonable to do so, destroy the information or ensure that the information is de-identified.

5.2.3. Principle 5: Notification of the collection of personal information

Portway Housing must take reasonable steps to notify tenants or ensure that the individual is aware that personal information is being collected about him/her using a 'Consent to Obtain or Release Sensitive information' Form.

5.3. Dealing with personal information

5.3.1. Principle 6: Use or disclosure of personal information

Portway Housing will only hold personal information about an individual that was collected for a specific purpose (the primary purpose). Portway Housing will not use or disclose the information for any other purpose (the secondary purpose) unless:

- 5.3.1.1. Third parties where the tenant consents to the use or disclosure.
- 5.3.1.2. Where required or authorised by law.
- 5.3.1.3. Portway Housing reasonably believes that the use or disclosure is necessary to lessen or prevent: a serious and imminent threat to an individual's life, health or safety; or a serious threat to public health or public safety; or

5.3.2. Principle 7: Direct marketing

Portway Housing will not use personal information about an individual, or disclose the information for the purpose of direct marketing.

5.3.3. Principle 8: Cross-border disclosure of personal information

All information will be protected if transferred outside of Australia using agreed methods.

5.3.4. Principle 9: Adoption, use or disclosure of government related identifiers

Portway Housing will not use an Australian Government identifier for any individual (e.g. Medicare numbers) as its own.

5.4. Integrity of personal information

5.4.1. Australian Privacy Principle 10: Quality of personal information

Portway Housing will take reasonable steps to ensure that personal information is accurate, complete and up-to-date.

5.4.2. Australian Privacy Principle 11: Security of personal information

Portway Housing will store and protect information from unauthorised access and use suitable physical, electronic and managerial procedures to safeguard and secure the information we collect.

5.5. Access to and correction of personal information

5.5.1. Australian Privacy Principle 12: Access to personal information

Tenants are able to access personal information that Portway Housing collects using the Client Information Management Procedure (Community Services).

5.5.2. Australian Privacy Principle 13: Correction of personal information

Tenants are able to request the amendment of personal information that Portway Housing collects using the Client Information Management Procedure (Community Services).

6. CONSENT TO USE IMAGES

6.1. Portway Housing will obtain informed consent for any images of individuals taken for promotional purposes. Portway Housing will use consent forms that contain detail about the purposes for which the photograph or video/DVD footage will be used.

6.2. In some circumstances it can be difficult to gain informed consent. In cases where it is intended to take photographs or video footage at a large event, Portway Housing may consider giving notice to people attending the function that photographs or video footage will be taken and used for specified purposes. Giving notice demonstrates respect for individual privacy and allows an attendee to make arrangements if they are sensitive to the use of their image.

6.3. Specific care should be taken in the publication of photographs or video/DVD images of children. It is recommended that the consent of the child's parent or legal guardian be sought in relation to photographs or video/DVD footage of persons under the age of eighteen.

7. PRIVACY AND RESEARCH

7.1. Any tenant research studies completed by Portway Housing employees or students on placement must comply with privacy principles and each participant is required to sign a consent form prior to participation. Participants in the study should be informed in understandable language about three main points:

7.1.1. The participant(s) should be informed about the nature of the research.

7.1.2. The participant(s) should be informed that their participation is completely voluntary and that they are free to withdraw from or not participate in the study at any time.

Consent must be made without pressure being put on the participant to engage in the study.

- 7.1.3. The potential consequences of participating or withdrawing should be presented to the participant(s). This includes risks, and limitations of confidentiality.

8. HANDLING COMPLAINTS

- 8.1. If an individual wishes to make a complaint about privacy, that person is to contact the Portway Housing Administration Officer, who will investigate the complaint by using the steps described in the Portway Housing Policy – Complaints Resolution.

9. RECORDKEEPING

- 9.1. Personal and sensitive information is managed using the Portway Housing Records Management Policy.

10. REFERENCES

- 10.1. Privacy Amendment (Enhancing Privacy Protection) Act 2012
- 10.2. Human Rights and Equal Opportunity Commission Act 1986
- 10.3. Racial Discrimination Act 1975
- 10.4. Sex Discrimination Act 1984
- 10.5. Disability Discrimination Act 1992
- 10.6. Portway Housing Records Management Policy
- 10.7. Portway Housing Complaints Resolution Policy
- 10.8. UCWPA Network Information Management Policy
- 10.9. UCWPA Information Sharing Procedure
- 10.10. UCWPA Client Information Management Procedure (Community Services)