

## PACIFIC LINK HOUSING

### Privacy and Confidentiality Policy

#### Introduction

Privacy is important because the people we deal with at Pacific Link Housing (PLH) expect us to handle their personal information properly.

**Personal information** means information or an opinion about an individual whose identity is apparent or can reasonably be ascertained.

We have a legal obligation to protect the privacy of personal information, and we also have funding arrangements which require us to ensure the privacy and confidentiality of the information we collect. PLH recognises that even a simple breach of privacy could potentially have serious consequences.

#### Privacy Principles

PLH must comply with the Federal *Privacy Act 1988*, as well as NSW privacy laws (the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*). Both the Federal and NSW Privacy Commissioners may investigate our conduct, even if no privacy complaint has been made.

PLH uses Short Message Service (SMS) messaging to communicate important information. Consent for receipt of SMS messages that we send to tenants, contractors, landlords and real estate agents is inferred from our existing relationship with them, as permitted under the Spam Act 2003.

The following information explains how PLH protects the privacy of its clients and other stakeholders, in compliance with the Australian Privacy Principles.

Collecting information	<p>We only collect personal information that is relevant or necessary for PLH to conduct its business and activities. Our business and activities include:</p> <ul style="list-style-type: none"> <li>Allocation of housing</li> <li>Tenancy management</li> <li>Asset management</li> <li>Property management</li> <li>Community development</li> <li>Employee management including ensuring work health and safety.</li> </ul> <p>We collect information in a way that respects your privacy. At the time of collection, we explain specifically why we are collecting your information and how it will be used, and what choices you may have about how we use or disclose it.</p>
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	<p>‘Sensitive’ personal information is only collected with your express consent, or where required by law. Sensitive personal information means information about your ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, sexuality or criminal record.</p> <p>We may collect information from the Police when preparing a case before the Consumer Trader or Tenancy Tribunal (CTTT) for any serious breach of an agreement by our tenant. Refer <i>Sharing Information with Police</i>.</p> <p>We operate CCTV systems in our office and at Dunbar Way Estate, that are marked with signs, which record images 24/7.</p>
<p>Security of information</p>	<p>Personal information is stored in secure and protected premises.</p> <p>Personal information is not visible in public areas.</p> <p>Information is destroyed securely.</p> <p>All paid and voluntary employees sign a confidentiality agreement at the commencement of their employment.</p>
<p>Using information</p>	<p>We only use the information we collect for its intended purpose or a directly related purpose, unless an exception applies.</p> <p>An example of a ‘directly related purpose’ is that our tenancy records may be accessed by a registration, audit or evaluation team, assessing our performance.</p> <p>Personal information is only accessed or shared within PLH on a ‘need to know’ basis.</p> <p>If we don’t need it, unsolicited information is either destroyed or de-identified.</p>
<p>Disclosing information to third parties</p>	<p>Personal information that is collected on the Housing Pathways application form will be held on ‘HOMES’, a state-wide database that is accessible by staff from all social housing providers across NSW.</p> <p>Information about you is not disclosed to family members or others claiming to be your authorised representative without first checking that we have your consent to provide the person with the information, or that they are your legal guardian.</p> <p>Generally, we will only disclose your information to a third party either:</p> <ul style="list-style-type: none"> <li>For the purpose for which it was collected (for example, to add you to the state-wide waiting list for social housing, or to arrange for our maintenance contractors to conduct repairs on your home), or</li> <li>With your consent (for example in a referral to a support service), or</li> <li>Under other legal authority (see some examples below).</li> </ul> <p>Where personal information is being provided to third parties, care is taken to ensure that they treat the information with the same level of protection and security that PLH is required to provide. Written undertakings from the third party may be necessary.</p> <p>Where practicable, your information is first de-identified (for example, before reporting to our board of directors or a funding</p>

	<p>body).</p> <p>There are additional restrictions on disclosing health information outside NSW, or any personal information outside Australia. We do not routinely store or send personal information outside NSW, without first getting the tenant's consent.</p>
Access to your information	<p>You have a general right to see the information about you that we hold and use. However, there are rules and procedures on what you can access, when we can refuse to give you access, and your right to appeal.</p> <p>You have a general right to request that we amend data that is not accurate, up to date, incomplete, or misleading. Where we refuse to comply with your request, you have a number of rights including a right to appeal.</p>
Ensuring information quality	<p>We must ensure that the personal information we collect, hold and use is relevant, accurate, current, complete, and not misleading.</p>

## Our Privacy Officer

To request access to your information, request correction or your information, make a privacy complaint or make an enquiry about PLH and your privacy, please contact our Privacy Officer:

The Company Secretary  
Pacific Link Housing  
PO Box 1888  
GOSFORD NSW 2250  
02 4324 7617  
info@pacificlink.org.au

## Use and Disclosure of your personal information

Relevant information collected about you or your household when you apply for social housing may be used or disclosed if necessary to improve our tenancy services. For example, if you have disclosed a mental health condition, we may seek to assist you by referring you to relevant local services. If you have a history of behaviour that is intimidating or aggressive, we make take additional measures to protect the safety of our employees when managing your tenancy.

If your tenancy with PLH is terminated due to an unsatisfactory tenancy, information about your tenancy history may be accessible to other social housing providers in NSW. This could affect your ability to be offered social housing in NSW in the future.

We may disclose information, including CCTV recordings, to **Police** where it is reasonably believed there is a serious and imminent threat to the life, health or safety of an individual; or the information is reasonably necessary for law enforcement purposes; or so as not to hinder a police investigation into a serious indictable offence or a missing person.

We may disclose information to **other emergency service providers including mental health services** where it is reasonably believed there is a serious and imminent threat to the life, health or safety of an individual.

We may disclose information to **Centrelink** when required from PLH in relation to certain matters, including social security payments and the issue of concession cards.

We may be authorised or required by law to disclose information to **other Commonwealth or State/Territory agencies, courts, tribunals or statutory authorities**. Where a law is specified in a formal, written notice, PLH needs to provide the information requested.

**Child protection:** PLH is a “mandatory reporter” and a “prescribed body” in relation to the NSW State Government’s *Keep Them Safe* plan and under the *Children and Young Persons (Care and Protection) Act* (1998). Where we observe that children are at risk or are being abused, our employees are required by law to report the matter to the NSW State Government. We can also be required to provide any relevant information about a PLH tenant or social housing applicant to other prescribed bodies who are working toward protecting children at risk.

## Understanding Confidentiality

The information provided to us as part of an application for social housing, matters relating to a tenancy, or if you make a complaint about our services, will be treated confidentially.

However confidentiality cannot be maintained by one person, but will be observed within the employee’s team and within PLH as a whole. We limit access to information within PLH on a ‘need to know’ basis, and we only disclose outside PLH as explained above.

## Sharing Tenant Information with NSW Police

From 10 October 2011, a Record of Understanding (ROU) between the NSW Police Force (“Police”) and registered community housing providers has taken effect. This sets out the circumstances and procedures for requesting, sharing and storing information about tenants. As a participating provider under Housing NSW Pathways program, PLH will only share information about tenants under the agreed terms of the ROU. The ROU will be reviewed annually by the Police and Housing NSW. The Police have the right to terminate the ROU at any time without notice.

## Requesting Information from Police

Information may only be requested from Police by PLH for use in the preparation of submissions to the Consumer, Trader and Tenancy Tribunal.

Information will only be released by Police:  
where it supports reduction or prevention of crime or anti-social behaviour in around community housing properties, or  
as part of pro-active strategies in co-ordination with support agencies working with troubled or unsupervised adolescents or persons seeking to overcome alcohol or illicit drug use.

The Housing Manager who is preparing the CTTT submission must complete the ROU Information Request Form and forward it to the Executive Housing Manager (EHM) for approval. The EHM will obtain CEO approval prior to faxing or emailing the request to the Police.

Information will only be released to PLH staff who “need to know” that is have a direct involvement in the matter. It does not include staff merely because it would be convenient for them to know or because of their rank or level of authorised access. Any PLH staff accessing Police information must have signed the Deed of Confidentiality.

The Police will not provide information if there is an operational reason, unacceptable risk to safety or obtaining a conviction may be compromised. Police COPS reports will only be provided if a subpoena is issued. Information provided by the Police will be faxed or emailed only to the PLH CEO.

## **Information Requests From Police**

Information on tenants and access to properties may be requested by Police, only for a police officer’s official duties, in relation to:

- an investigation of an alleged criminal offence, or
- an emergency that poses an imminent threat to life or property, or
- the routine exercise of community protection functions.

The release of information or access to the Police must have the approval of the EHM and CEO.

## **Secure Storage of Information**

To meet the strict confidentiality requirements around information provided by Police, any information received must be stored as follows:

- In a robust, locked filing cabinet, where the key is accessed only by the CEO and Executive Housing Manager. No Police information is to be stored in the general tenant files.
- Electronic copies must be stored in computers which are password protected. No Police information is to be stored in the tenancy database.