

## Purpose

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.

This policy explains how we comply with our legal obligations to protect the privacy of personal information, and the 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.

## Scope

This policy is relevant to all activities of Pacific Link Housing for data collection, recording, security and access and applies to all employees, directors, contractors and volunteers. At PLH we collect personal information from applicants, tenants, and members of tenants' households, job applicants, staff, directors, volunteers and others including contractors, visitors and others that come into contact with our organisation.

## 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 must also comply with the Notifiable Data Breaches Scheme from February 2018.

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. We also communicate through our smartphone app and tenant portal.

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

<p>Collecting information</p>	<p>We only collect personal information that is relevant or necessary for PLH to conduct its business and activities. The kinds of personal information we collect is largely dependent upon whose information we are collecting and why we are collecting it, however in general terms we may collect:</p> <ul style="list-style-type: none"> <li>• Personal information including names, addresses and other contact details. Dates of birth, next of kin details, financial information, Centrelink information, photographic images from property inspections and from CCTV (see below) and household member details.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Sensitive information (particularly in relation to providing appropriate housing services and our work health and safety obligations) including where relevant religious beliefs, government identifiers, nationality, country of birth, languages spoken at home, family court orders and criminal records.</li> <li>• Health information (particularly in relation to providing appropriate housing services and complying with our work health and safety obligations) including medical records, disabilities, individual health care plans, and counselling reports.</li> </ul> <p>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>Property development</li> <li>Community development</li> <li>Tenant support referral services</li> <li>Tenant education, employment and other opportunity programs</li> <li>Employee management including ensuring work health and safety.</li> </ul> <p>We collect information in a way that respects your privacy. Where possible we collect personal information directly from you by using specifically designed forms and we often also receive personal information by email, letters, notes, over the telephone, in face to face meetings and through financial transactions. We may also collect personal information from other people with your consent (e.g. referring agencies, service providers including health service providers and partner agencies) or independent sources (e.g. a telephone directory), however we will only do so where it is not reasonable and practical to collect the information from you directly.</p> <p>Sometimes we may be provided with your personal information without having sought it through our normal means of collection. We refer to this as “unsolicited information”. Complaints about individuals are considered to be unsolicited information. Where we collect unsolicited information we will only hold, use and/or disclose that information if we could otherwise do so had we collected it by normal means.</p> <p>We may collect information from the Police when preparing a case before the NSW Civil and Administrative Tribunal (NCAT) 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 according to our <i>Monitoring and Surveillance Policy</i>, and at several property</p>
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	<p>locations - refer <i>CP21 CCTV Surveillance at PLH Properties Policy</i>.</p> <p>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>
<p>Security of information</p>	<p>We store personal information in a variety of formats including on databases, third party databases, in hard copy files and on personal devices including laptop computers, mobile phones, cameras and other recording devices. The security of your personal information is of importance to us and we take all reasonable steps to protect the personal information we hold about you from misuse, loss, unauthorised access, modification or disclosure. These steps include:</p> <ul style="list-style-type: none"> <li>• Restricting access to information on our databases on a need to know basis with different levels of security being allocated to staff based on their roles and responsibilities and security profile.</li> <li>• Ensuring all staff are aware that they are not to reveal or share personal passwords.</li> <li>• Ensuring where sensitive and health information is stored in hard copy files that these files are stored in a secure filing room or locked cabinets.</li> <li>• Implementing physical security measures to our office to prevent break-ins or unauthorised access.</li> <li>• Implementing security systems, policies and procedures, designed to protect personal information storage on our computer networks.</li> <li>• Developing and implementing human resources policies and procedures, such as email and internet usage, working from home, confidentiality and document security policies, designed to ensure that staff follow correct protocols when handling or transmitting personal information.</li> <li>• Personal information we hold that is no longer needed is destroyed in a secure manner, deleted or de-identified as appropriate, in accordance with legislative requirements.</li> <li>• Engaging third parties under contract terms that require them to restrict access to information and ensure adequate security measures are implemented.</li> </ul> <p>Our website may contain links to other websites. We do not share your personal information with those websites. Information may also be provided by you through social media platforms. We are not responsible for the privacy practices of other websites or social media platforms and we advise you to check their privacy policies.</p>
<p>Data Breaches</p>	<p>Under the Notifiable Data Breaches (NDB) scheme PLH is required to notify particular individuals and the Australian Information Commissioner (AIC) about 'eligible data breaches'. A data breach is eligible if it is likely to result in serious harm to any</p>

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	<p>of the individuals to whom the information relates. An eligible data breach arises when the following three criteria are satisfied:</p> <ol style="list-style-type: none"> <li>1. there is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information,</li> <li>2. this is likely to result in serious harm to one or more individuals and</li> <li>3. PLH has not been able to prevent the likely risk of serious harm with remedial action.</li> </ol>
<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 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 written 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, such as government agencies, our service providers, agents, contractors, partner support agencies, business partners and other recipients, 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 updating your Centrelink payment deductions for rent), or</li> <li>• Under other legal authority (for example in dealings with NCAT or in response to a subpoena).</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. Due diligence will be conducted and 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 body).</p>

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	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.
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	We will use our best endeavours to ensure that the personal information we collect, hold and use is relevant, accurate, current, complete, and not misleading.

**Our Privacy Officer**

To request access to your information, request correction of 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 may 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.

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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 or vulnerable persons.

### **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 solely 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.

### **Requesting Information from Police**

PLH has a ‘record of understanding’ (ROU) with NSW Police that enables community housing providers to access police records in respect of a tenant or PLH property. The purpose of any referral for ‘ROU’ information is to determine whether a breach of a tenant’s lease has occurred. This may include, for example, alleged use of premises for illegal activity or antisocial behaviour.

Where it is reasonable in the circumstances, PLH will make use of the ROU to determine whether a breach of the lease has occurred. All requests must be approved by management and information received is treated as confidential, unless required to be disclosed by law or for use in the NCAT.

### **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:

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- 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 Manager, Housing & Maintenance Services or Housing Team Leader 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 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.

*Craig Brennan*

Craig Brennan, CEO 21 September 2018