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AUTHORISED BY: BAH Board

## PRIVACY AND INFORMATION SHARING POLICY

### 1. PURPOSE

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

### 2. SCOPE

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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 VHR agencies when applications for social housing are made to the Victorian Housing Register (VHR).

### 3. PRINCIPLES

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

Commonwealth and Victorian laws establish how we must manage personal information to protect client's 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.

#### 4. COLLECTING PERSONAL INFORMATION

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BAH collects personal information to help it to: Assist potential tenants apply for social housing via the VHR

- To sign up tenant in one of BAH's properties
- Manage tenancies and calculate rent
- To assist tenants in reporting of issues and lodging complaints. BAH will ask for the necessary details in order to provide tenants 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 tenants 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.

In order to assist people in applying for priority housing under the VHR then BAH will need to ask for and collect additional information about the urgency of the 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 tenant household
- When tenants authorise BAH to ask for and collect personal information from another source, such as Centrelink (to enable BAH to calculate your rent) or support workers (to help BAH match tenants with suitable housing or to help sustain their tenancy)

- If BAH is given personal information about a tenant 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 using a pseudonym.

However, for most of our functions and activities BAH will usually need names and contact details and enough information about the particular matter to enable it to properly handle the enquiry, request complaint, application, or to act on any report.

#### **Collecting information through the website**

BAH's website enables tenants 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 your email addresses and other contact details.

#### **Collecting information through 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 tenants to communicate with it. BAH will only collect personal information from these sites in order to communicate back to the individual or the wider public.

## **5. USING AND DISCLOSING TENANT PERSONAL INFORMATION**

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BAH will use personal information to:

- Provide tenants 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 it is necessary, and it has the right to do so.

BAH will generally use or disclose personal information only for the primary purpose it was collected. In some situations, BAH may disclose personal information for a different (“secondary”) purpose. This section of the policy also 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 the health, safety and support needs and housing requirements; and
- 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 DHHS website.

<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 and if permission is denied BAH may not be able to provide a discounted rent, and tenants may have to make less convenient arrangements to pay their rent.

#### **Sustaining a tenancy**

When BAH has been authorised to discuss tenancy 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 tenant’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 tenant’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 tenant (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 tenant 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 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 BAH to use or disclose personal information for such reasons, it will make a written note of this.

## **6. DISCLOSURE OF PERSONAL INFORMATION OVERSEAS**

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There would normally be no situation in which BAH would disclose personal information to an overseas recipient. The only likely exception is where a tenant 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.

## 7. QUALITY OF PERSONAL INFORMATION

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In order 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.

## 8. STORAGE AND SECURITY OF PERSONAL INFORMATION

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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 a number of 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 tenants 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 DHHS. Other VHR agencies can update this information at the request of their applicant.

## 9. ACCESSING AND CORRECTING YOUR PERSONAL INFORMATION

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BASH will be committed to holding accurate and up-to-date personal information. All clients, tenants 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 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 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 you with a written notice that sets out the reasons for our decision and mechanisms available to you 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 your personal information, you can ask BAH to add to it a statement that you believe the information is incorrect and why.

## 10. HOW TO MAKE A PRIVACY COMPLAINT

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Complaints about how BAH has handled personal information, can be made by providing your privacy complaint 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 your 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 you 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 you 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](mailto: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](mailto:enquiries@oaic.gov.au)

Fax: +61 2 9284 9666

Mail: GPO Box 5218, Sydney NSW 2001

**Commissioner for Privacy and Data Protection**

Phone: 1300 666 444

Email: [privacy@cpdp.vic.gov.au](mailto:privacy@cpdp.vic.gov.au)

Post: PO Box 24014, Melbourne VIC 3001

**11. DEFINITIONS**

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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 it circumstances it can reasonably be inferred). It requires four key 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>
DHHS	The Victorian Department of Health and Human Services
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 DHHS) 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 statewide common application for people seeking social housing, which can be accessed via BAH, DHHS, the mygov portal or designated support providers
VHR Agency	Means: <ul style="list-style-type: none"> <li>• A registered housing agency under the Housing Act 1983(VIC)</li> <li>• DHHS</li> <li>• A designated service provider (as defined in the Housing Act 1983)</li> </ul>

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12. RELATED DOCUMENTS, STANDARDS AND LEGISLATION

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BAH Privacy and Information Security Policy  
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

13. MONITORING AND REVIEW

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

14. TRANSPARENCY AND ACCESSIBILITY

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