

PRIVACY AND INFORMATION SECURITY

Policy and Procedure

QA REFERENCE	M't P&P No 39
DATE INTRODUCED	29 03 2019
DATE LAST REVIEWED	29 03 2019
DATE NEXT REVIEW	29 03 2021
REVIEW RESPONSIBILITY	Chief Financial Officer
SIGNATURE OF APPROVAL	<p>.....</p> <p>Gary Simpson, Chief Executive Officer</p>
REFERENCES –	
Relevant Legislation	<ul style="list-style-type: none"> • Housing Act 1983 (Vic) Part VIII Division 5 Subdivision 2 (Dispute Resolution) • Performance Standards for Registered Housing Agencies • DHHS Victorian Housing Register Operational Guidelines • <u>Guidelines for Registered Housing Agencies published by DHHS</u> • Residential Tenancies Act 1997 • Housing Act 1983 (Vic)
Other relevant MASP Policies	<ul style="list-style-type: none"> • Accessibility Modifications • Allocations MASP Properties • Being a Good Neighbour • Bond Management • Code of Conduct and Conflicts of Interest • Complaints and Appeals • Eligibility • Inspections • Maintenance and Repairs • Property Damage by tenant • Rent Arrears Management and Evictions • Rent Setting and Collection
FORMS & TEMPLATES	

Purpose

This policy sets out how MASP collects, uses and discloses your personal information.

Scope

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

MASP'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 MASP, which is covered under [name of appropriate HR policy];
- personal information collected from people who are not using MASP's services, including donors and people who use MASP's website.

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

Policy Statement

MASP collects personal information from tenants, applicants and others, so that MASP 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 (Cwlth);
- 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, MASP 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 tenant 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 household's needs. 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 household income and assets;
- information about your housing needs;
- demographic information (such as 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.

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 are a member of a household of a tenant or an applicant, in which case we can collect personal information about you from another member of the household;
- 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 [DHHS 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), 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 tenant stories and images on our website, in our annual report, 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 the image 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 within our main office, and is only accessible by MASP staff using our password-protected network. Most personal information is recorded in a customised software program that requires an additional password to access.

Tenant and applicant paper files are kept in lockable filing cabinets that can only be accessed by MASP 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 MASP 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 DHHS. 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 relevant unit manager.

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 MASP's Privacy Officer. The Privacy Officer will then make a recommendation to the Chief Executive Officer (CEO), and the CEO will make a final decision. If you remain unsatisfied 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: enquiries@oaic.gov.au

Fax: +61 2 9284 9666

Post: GPO Box 5218, Sydney NSW 2001

Commissioner for Privacy and Data Protection

Phone: 1300 666 444

Email: privacy@cpdp.vic.gov.au

Post: PO Box 24014, Melbourne VIC 3001

How to contact us

You can contact the MASP Privacy Officer as follows:

Email: info@masp.org.au

Telephone: 03 50216500

By mail: PO Box 1686 Mildura Vic 3500

Definitions

In this policy:

Applicant	A person who applies for social housing via the VHR
Consent	<p>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 key elements:</p> <ul style="list-style-type: none">• the individual is adequately informed before giving consent• the individual gives consent voluntarily• the consent is current and specific, and• the individual has the capacity to understand and communicate their consent.
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 MASP, DHHS, the mygov portal or designated support providers
VHR Agency	Means: <ul style="list-style-type: none">• a registered housing agency under the Housing Act 1983 (Vic);• DHHS; and• a designated service provider (as defined in the Housing Act 1983).

Transparency and accessibility

This policy will be available on the MASP website www.masp.org.au

Privacy Statement

Scope

MASP collects, holds, uses and discloses personal information to enable us to provide housing and other services for our tenants and applicants. This statement is a summary of how we handle personal information. Our Privacy Policy provides more detail on how we comply with privacy laws

Collecting your personal information

Generally we collect personal information about you to help us provide a housing or related service to you. We try to only ask for and collect the information we need. If you don't give us this information, we may not be able to provide you with the service you want.

We generally only collect sensitive information about you when we have your consent.

We try to only collect your personal information directly from you, but in some situations we collect your personal information from other sources to enable us to carry out our legal duties.

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

Using and disclosing your personal information

We use your personal information to help us provide you with appropriate and affordable housing services, or to deal effectively with your request or complaint, or to generate de-identified data for internal or government reporting.

We only disclose personal information 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 for. In some situations, we disclose your personal information for a different ("secondary") purpose. Our main privacy policy explains these situations.

Accessing and correcting your personal information

You can ask for access or correction by contacting us, and we will respond within 30 days. We will take reasonable steps to correct information we agree is incorrect.

How to make a privacy complaint

If you make a written complaint to us about how we have handled your personal information, we will respond within 30 days to explain what action we will take. If you disagree with our response, you can ask for a formal review by MASP's Privacy Officer, or you can appeal to the Office of the Australian Information Commissioner.