

HR 1.1 Privacy and Information Management Policy

1. Purpose

Common Equity NSW Ltd (CENSW) is committed to ensuring the privacy and confidentiality of tenants is respected. This policy outlines the types of information that CENSW collects about individuals and how privacy obligations in relation to personal information are met.

CENSW will only use your personal information for the purpose for which you have provided it, that is for accessing and maintaining a community housing tenancy. CENSW will not use it for any other purpose and will not disclose it without your consent unless required to do so by law.

CENSW complies with its obligations under the:

- Privacy Act 1988 (Cth)
- Health Records and Information Privacy Act 2002 (NSW).
- Privacy and Personal Information Protection Act 1998 (NSW)

2. Scope

- 2.1. Applies to all staff

3. Exceptions

N/A

4. Definitions

- 4.1. **Landlord** - the person who grants the right to occupy residential premises under a residential tenancy agreement.
- 4.2. **Tenant**- the person who has the right to occupy residential premises under a residential tenancy agreement.

5. Responsibilities

5.1. Chief Executive Officer (CEO)

- 5.1.1. Oversight of process and policy
- 5.1.2. Approval of Request for Release of Personal Information

5.2. Manager

- 5.2.1. Implementation of policy
- 5.2.2. Staff competency
- 5.2.3. Monitoring
- 5.2.4. Review the policy as per schedule or when required.

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5.3. Privacy Officer

5.3.1. Management of Release of Personal Information requests

6. Procedure

6.1. Collection of information

6.1.1. CENSW collects personal information about tenants, household members and prospective tenants as needed for the purpose of assessing eligibility for community housing, providing services, maintaining tenancies and for meeting the requirements of registration as a community housing provider. Sensitive information may only be collected where this assists CENSW to better assess tenants needs, provide appropriate services and comply with Unit Level Reporting requirements to Dept of Community & Justice NSW (DCJ).

6.1.2. The types of information collected may include, but is not limited to:

- Full name, current contact details and address, sex, date of birth, nationality, languages spoken, level of education, emergency contact, relationship with household members, employment, information about disability, financial information (asset and income), tenancy information and other relevant background information.

6.1.3. CENSW will not collect information unless it is for a proper and lawful purpose. CENSW further acknowledges that where some types of information are not able to be collected 'not known' is the appropriate response.

6.1.4. To protect the privacy of individuals and ensure information held is accurate, personal information will be collected by the Co-operative or by CENSW, as far as practicable, directly from the individual themselves. Changes to information held will only be made once the accuracy of the change has been established.

6.2. Securing information

6.2.1. CENSW takes precautions to secure personal information and to protect against the loss, misuse, or alteration of the personal information it holds.

6.2.2. Several security measures to protect information are in place including:

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- Security access to the business premises; files containing personal information are kept in locked filing cabinets;
- Technology is in place to prevent unauthorised computer access via networks, for example firewalls and password protection;
- Files containing personal information will be kept in such a way that they can only be accessed by individuals authorized to do so;
- Staff receive training on protecting the privacy of personal information;
- Electronic and hardcopy files are held securely as per the legally required timeframe, and then destroyed.

6.3. Sharing information

- 6.3.1.** Minimal, basic information will be shared with the CENSW contractors and representatives for specific activities such as repairs to property, conducting condition and pest inspections, obtaining quotes and other activities conducted during the normal course of providing community housing and services.
- 6.3.2.** Information about a tenant or a tenant of a Co-operative provided to one employee of CENSW will be available to other employees of CENSW where it is required in the normal course of their duties. CENSW employees keep personal information confidential and secured and only share information relevant at the time.
- 6.3.3.** Personal information will only be shared with another Agency, if you have provided consent and/or where it is legally required. E.g. Unit Level Reporting as required quarterly by Dept of Community & Justice NSW (DCJ).
- 6.3.4.** De-identified information about CENSW tenants and Co-operative tenants is provided to Dept of Community & Justice NSW (DCJ) for the quarterly and annual data collection. Information collected through survey responses and feedback on services, is anonymised and used to plan for future needs.
- 6.3.5.** Where requests are made or authorized under law, court/tribunal order or for the purpose of legal proceedings where CENSW is a party

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6.3.6. Where CENSW reasonably believes that the disclosure is necessary to prevent serious harm to life, loss of life, or the health or safety to an individual or the public.

6.4. Access to information

6.4.1. Tenants can request access to personal information we hold about them by submitting a written request to the Co-operative Development Manager. In general,

- a request to access information held will be approved.
- original documents will not be removed from files; however, tenants will be able to make copies;
- access to information will be provided in the CENSW office in the presence of a staff member at a pre-arranged time.
- amendments will be made to ensure information held is accurate, complete and up to date.

6.4.2. In some circumstances, CENSW may deny access to information held for example if;

- Providing access would pose a serious and imminent threat to the life or health or safety of any person, or to public health or public safety or health; or
- Providing access would have an unreasonable impact upon the privacy of other people; or
- The request for access is frivolous or vexatious; or
- The information relates to existing or anticipated legal proceedings between us and the person, and it wouldn't be accessible by the process of discovery in those proceedings
- Giving access would reveal our intentions in relation to negotiations with the person and would impact those negotiations
- Giving access would be unlawful
- Denying access is required or authorised by or under an Australian law or a court or tribunal order
- We have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in and giving access would

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likely impact action in relation to the matter; or

- Giving access would be likely to impact one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- Giving access would reveal evaluative information generated by us about a commercially sensitive decision-making process.

6.4.3. We will respond to requests for access within a reasonable time. If we agree to providing access, we will usually give access in the way they requested. If we can't give access, for one of the above reasons or because we can't give the person access in the way they requested, we will try to provide access that meets the needs of the person and us.

6.4.4. We might charge a person a reasonable fee for accessing their personal information. We will tell the person about any charges when we approve their request.

6.4.5. If we refuse a request for access, we advise the person in writing and will explain the reasons for our decision and what the person can do if they aren't happy with our decision.

6.5. Privacy and our website

6.5.1. CENSW might use 'cookies' to collect data to help us to manage our website and improve our online services. 'Cookies' are small files placed on your computer when you visit a website. 'Cookies' capture how often you visit pages and other data about browsing preferences. 'Cookies' are not used to identify people but can help us to provide a more personalised online experience. Users can configure their browsers to manage, accept or reject cookies.

6.5.2. The CENSW website might also contain links to other sites. It is noted that these websites are not subject to our policies and privacy standards, and CENSW cannot guarantee the privacy practices of the websites. CENSW encourages users to read and understand the privacy policy of all websites before using them.

6.6. Resolving privacy issues and further information

6.6.1. CENSW is committed to working with people to resolve any issues or concerns about privacy. Anyone who feels that they have been affected by a decision made under this policy has a right to appeal the decision.

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- 6.6.2.** Any issues, concerns, complaints, questions and appeals relating to privacy should be directed to our Privacy Officer.

Contacting our Privacy Officer

Phone: (02) 9356 9200

Email: feedback@commonequity.com.au

Mail: Privacy Officer

PO Box Q1323

Sydney NSW 1230

- 6.6.3.** If a person receives a response to a complaint and is still unhappy, they have the option of referring their complaint to the Office of the Australian Information Commissioner (OAIC).

6.7. Recording conversations/meetings with us

- 6.7.1.** CENSW does not allow customers to record conversations and meetings with our workers. However, if requested, we may provide a written statement of agreed actions following a meeting or conversation.

7. References

- 7.1.** Privacy Act 1988 (Cth)
7.2. Health Records and Information Privacy Act 2002 (NSW).
7.3. Office of the Australian Information Commissioner (OAIC)

8. Associated Documents

- 8.1.** Code of Conduct
8.2. Tenant Handbook

9. Forms

- 9.1.** Request for Release of Personal Information
9.2. Photograph permission form

Name, Designation and Signature of Approver	Nick Sabel, CEO
Contact/Responsible Delegation	Operations Manager

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