

PRIVACY POLICY



Purpose

Affordable Community Housing Limited (ACHL) uses certain personal and health-related information about its clients (including applicants) in order to provide services to them, including assessing applications, allocating appropriate properties, managing tenancies and communicating with clients.

In doing so, ACHL is obliged to meet the requirements of the Privacy and Personal Information Protection Act, 1998 and the Health Records and Information Privacy Act, 2002 in the collection, use, storage and disclosure of personal and health information.

The Privacy and Personal Information Protection Act, 1998 broadly covers the areas of collection, use, storage and disclosure of all personal information except health records. The Health Records and Information Privacy Act, 2002 covers the areas of collection, use, storage and disclosure of health records. It applies to organisations that collect, hold or use health information and makes provision for the protection of that information.

This document outlines ACHL's policy on maintaining the privacy and confidentiality of client information, including situations where information may be provided to others

Privacy and Confidentiality Guidelines

ACHL respects the privacy of its clients and the confidentiality of information about or relating to them. Accordingly, ACHL will:

- Collect personal and health information for a proper and lawful purpose in order to provide services
- Collect personal and health information directly from the client, unless it is unreasonable or impractical to do so, or the client has consented to it being collected from someone else
- Ensure the information collected is relevant, accurate, up to date, complete and not excessive or misleading

- Inform clients what information is collected and why, how it will be used and to whom it may be given
- Not keep personal or health information for longer than necessary
- Ensure the information collected is securely stored; do all that is reasonable in the circumstances to prevent loss, unauthorised access, use, modification or disclosure and misuse.

Further, ACHL will ensure compliance with the privacy principles except:

- Where the person to whom the information relates has provided informed consent
- If lawfully authorised or required to do so under the Privacy Act by legislation, or a Privacy Code of Practice, or ACHL's Privacy Policy, and if available, supported by a Service Agreement or similar document.

ACHL will only disclose information that identifies clients to other agencies or persons:

- If the disclosure is directly related to the purpose for which the information was collected and there is no reason to believe that the person concerned would object. For example, if a client lodges an appeal to the Housing Appeals Committee, ACHL may send HAC information about the client to assist their review
- If the person to whom the information relates was informed when the information was collected that it might be disclosed in this way.
- If it is reasonably believed that the disclosure is necessary to prevent or lessen a serious and imminent threat to any person's health, safety or life.

Privacy Policy - Adopted 21st September 2010

Providing secure, affordable housing to those most in need.

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Child Protection

For child protection purposes, ACHL may also lawfully exchange certain information under Chapter 16A of the Children and Young Persons (care and Protection) Act 1998. In this situation, ACHL will only provide as much information about a client as is relevant.

Complaints

ACHL will keep confidential any information relating to a client's complaint against another tenant or against an ACHL staff member, unless the client was informed that it might be disclosed, or the client authorises the disclosure in writing or it is otherwise reasonable to do so (e.g. other conditions in this policy apply).

Personal Information

Personal information is information or opinion about a person that discloses their identity, such as written records or photographs. It can also include information about a person's ethnic or racial background, political opinion, criminal history, religious belief or sexual preference.

Health Information

Health information is personal information that specifically relates to:

- A physical or mental health disability that a client has at any time
- Express wishes about the future provision of health services to a client
- A health service provided, or to be provided, to a client.

Collecting personal and health information

ACHL will not collect information unless it is for a proper and lawful purpose. Information is collected so that various housing services can be provided. In most situations, clients will be advised why ACHL is collecting personal information and who else might receive this information. ACHL may decide not to provide this advice to clients if:

- The client does not want ACHL to give them this advice
- ACHL is not legally required to provide the advice.

Holding personal and health information

ACHL will keep client information for as long as housing services are provided to that client. While holding information, ACHL will ensure that is protected and made as secure as possible from loss, unauthorised access, use, modification, disclosure and misuse.

In some instances, legislation requires or enables ACHL to release personal information to other government agencies or 'prescribed bodies'. A prescribed body is any organisation specified in Section 248 (6), Children and Young Persons (care and Protection) Act 1998 or in Clause 7, Children and Young Persons (care and Protection) Regulation 2000.

Prescribed bodies include:

- The NSW Police Force
- A government department or a public authority (other than the Department of Community Services)
- A government school or registered non-government school or TAFE college
- A public health organisation or private hospital
- A private fostering agency or a private adoption agency
- Agencies that provide residential childcare centres or a childcare services under the Act
- The Family Court of Australia (for the purpose of Section 248 but not Chapter 16A)
- Centrelink (for the purpose of Section 248 but not Chapter 16A)
- The Commonwealth Department of Immigration and Multicultural and Aboriginal Affairs (for the purpose of Section 248 but not Chapter 16A0).
- Any other organisation that has direct responsibility for, or supervision of, the provision of healthcare, welfare, education, children's services, residential services, or law enforcement to children. (This definition includes ACHL.)

Working with the police

ACHL aims to assist the police to:

- Maintain law and order in and around ACHL properties
- Develop and implement crime prevention and community safety strategies.

Accordingly, ACHL will:

- Provide information to police when subpoenaed, unless the information is not in the public interest. In these cases, ACHL may lodge an appeal not to provide the information.
- Cooperate with the police to investigate a crime or offence alleged to have occurred within ACHL premises
- Seek information from the police if an offence is related to a tenancy matter.

Working with Centrelink

ACHL regularly asks clients to provide information about their household income as part of its process for reviewing eligibility for or entitlement to:

- Social housing
- A Private Rental Subsidy
- A rent subsidy
- A transfer or mutual exchange
- Remain living in social housing
- The Income Confirmation Scheme (ICS)

This is likely to entail sharing client information with Centrelink.

Working with NSW Department of Community Services

Community Services has the responsibility for the care and protection of children under the Children and Young Persons (Care and Protection) Act 1998. Members of the community and mandatory reporters who suspect that a child or young person is at risk of significant harm (the statutory threshold) are required to report their concerns to the Child Protection Helpline.

Community Services has the power by a notice under section 248 of the Children and Young Persons (care and Protection) Act 1998 to request existing information relating to the safety, welfare and well-being of a child, an unborn child or a young person.

ACHL staff are legally obliged to provide this information to Community Services. Community Services can only collect information that already exists; it can not require staff to collect new information or to undertake a separate assessment and report.

Staff can request information from Community Service about the safety, welfare and wellbeing of a child or young person. Community Services, however, are not required to provide any information requested. All information concerning a report will be treated in the strictest confidence by ACHL.

Client access to their information

Clients have a right to access their personal information under Freedom of Information legislation; they can also give written permission for another person to access the information on their behalf. Details are contained in the ACHL Freedom of Information Policy.