



Aboriginal Housing Victoria (AHV)

Privacy Policy

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1 Purpose of this policy

AHV is bound by the *Privacy Act 1988* (Cth) (Privacy Act), including the Australian Privacy Principles (APPs). As a contracted service provider to the Victorian Government, AHV also complies with the *Privacy and Data Protection Act 2014* (Vic) and the Victorian Information Privacy Principles and the *Health Records Act 2001* (Vic) and the Health Privacy Principles.

The purpose of this privacy policy is to outline the practices adopted by Aboriginal Housing Victoria (AHV) for the management of personal information (which includes sensitive information) and health information.

The policy also outlines how individuals can correct their personal and health information which are held by AHV, how to make a complaint about a possible breach of privacy, and how complaints will be handled.

Individuals who wish to contact AHV about information privacy or their personal and health information can do so by contacting Jennie Bentley – Privacy Officer at:

Email: jennie.b@ahvic.org.au

Telephone: 0499 699 008

Mail: 125-127 Scotchmer Street, North Fitzroy VIC 3068

To promote transparency and ease of access to information on AHV services, AHV policies are publicly available and can be accessed via AHV's website www.ahvic.org.au.

Individuals who would like to request a copy of this policy in an alternate form, for example suitable for the vision impaired, or individuals with limited English literacy, may do so by contacting our Privacy Officer. AHV will take reasonable steps to provide the policy in an appropriate form.

2 Scope

This policy applies to AHV staff, renters and other clients and their family members, applicants for employment with AHV, members of the public, suppliers and contractors.

3 Context and Values

AHV aims to provide appropriate, affordable and secure housing assistance for low-income Aboriginal people living in Victoria.

Aboriginal cultural values underpin AHV's values. Our values provide an ethical framework within which all decisions are made and our services are delivered. Our values guide how we relate to our

clients, each other and to the Aboriginal and non-Aboriginal community, and are also the guiding principles for this policy:

Respect and support for Aboriginal identity and culture and for our renters and stakeholders

Striving for excellence through leadership in Aboriginal housing and best practice service delivery

Integrity, trust and honesty in all our business activities

Collaborative relationships with our community, renters, government and stakeholders

Kindness, compassion, courtesy and dignity in our relationships with our clients, our stakeholders and with each other

AHV highly values its employees and volunteers. AHV respects a Representative's right to an impartial review of any decisions or actions relating to employment, promotion and working conditions that they believe are inconsistent with AHV values, and/or the principles outlined in AHV's Human Resources policies, including AHV's recruitment policies and processes.

4 Cultural Statement

The First Nations people of Australia have the oldest continuous cultures in the world. AHV celebrates and takes pride in the rich and spiritual culture, values and practices of Australia's First Nations people. We celebrate the significant contribution made by Aboriginal and Torres Strait Islander people and culture to the enrichment of Victorian society, and, we acknowledge and respect the special place of Victorian traditional owners as Victoria's First Nations peoples.

As an Aboriginal Community Organisation we acknowledge that our legitimacy is derived from the strong relationships we have with Victoria's Aboriginal communities and our success is through achievement of our shared vision and aspirations.

Our vision is that **Aboriginal Victorians secure appropriate, affordable housing as a pathway to better lives and stronger communities.**

We believe that achievement of our vision is through the provision of housing services which enhance the dignity of our clients and renters and which respects and celebrates their cultural beliefs, values and practices.

Our policies and procedures are designed so that our practice and service delivery is in accord with this cultural statement.

5 Definitions

Personal information	Personal information is defined in the Privacy and Data Protection Act as information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act applies.
Sensitive information	<p>Sensitive information is a subset of personal information. It is defined in the Privacy and Data Protection Act. It means information or an opinion about an individual's:</p> <ul style="list-style-type: none"> • racial or ethnic origin • political opinions • membership of a political association • religious beliefs or affiliations • philosophical beliefs • membership of a professional or trade association • membership of a trade union • sexual preferences, orientation or practices • criminal record <p>that is also personal information.</p>
Health information	<p>Health information is defined in the Health Records Act. Where information is health information and so is not caught by the Privacy and Data Protection Act, then the law is different in some aspects. The Health Records Act defines health information as:</p> <ul style="list-style-type: none"> • information or an opinion about: <ul style="list-style-type: none"> – the physical, mental or psychological health (at any time) of an individual; or – a disability (at any time) of an individual; or – an individual's expressed wishes about the future provision of health services to him or her; or – a health service provided, or to be provided, to an individual that is also personal information (see definition of personal information under the <i>Health Records Act 2001</i> below); or • other personal information collected to provide, or in providing, a health service; or • other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or • other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants— • the definition does not include health information, or a class of health information or health information contained in a class of documents, that

	<p>is prescribed as exempt health information for the purposes of the Health Records Act generally or for the purposes of specified provisions of that Act.</p> <p>Personal information is defined in the Health Records Act as information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information about an individual who has been dead for more than 30 years.</p>
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6 What types of personal and health information does AHV collect?

AHV collects the personal and health information of employees, members of the public, suppliers, contractors, renters and their family members. The type of personal and health information collected will depend on the nature of the individual’s relationship or interaction with AHV and its staff. AHV will only collect personal and health information where it is reasonably necessary for, or directly related to, one or more of its functions or activities.

Personal information collected can include names, Aboriginality, dates of birth, gender details, financial and banking details, and address/contact details including email addresses. Personal and business details of contractors and suppliers are also collected.

Additional personal information concerning employees (including prospective employees) which is collected can include job applications, work histories, curriculum vitae, details of salary and wages, training records, performance assessments, counselling details, Aboriginality and personnel records. Sensitive information is sometimes collected when appropriate, such as criminal record check details for recruitment and employment purposes.

Health information collected can include incident and accident reports, first aid records, workers compensation claims and documents, rehabilitation and attendance records, medical or other health service provider records, medical histories and other assessments for insurance or employment purposes. Information about third parties is sometimes collected in the context of insurance claims.

7 How does AHV collect personal and health information?

AHV collects personal and health information by way of several channels or methods. Personal and health information can be collected when individuals telephone AHV or interact verbally, or make contact by mail or email. It is also collected when individuals access our website or use it to communicate with us. In most cases AHV collects information directly from individuals. Where information is collected from a third person or organisation, it is dealt with according to the requirements of the privacy legislation.

Personal and health information can be collected when individuals use our website, or make enquiries or complaints. It is collected when applications for tenancy are made, whether they are successful or

not. Our website uses “Cookies” which collect user information and data for statistical and analytic purposes. We also use a closed circuit television system in our offices for security monitoring purposes.

Personal and business details of suppliers, contractors and renters are collected when they interact with AHV, so that appropriate financial and business records can be maintained. Personal and health information of job applicants and employees is also collected during the application process (whether or not they are successful) and during the period of employment, which may also include sensitive information. Health information can be collected when circumstances require that first aid be administered, for administering sick leave or carers leave, or where injury or insurance claims arise.

When personal and health information is collected, AHV takes reasonable steps in the circumstances to notify the individual (either at or before the time of collection, or as soon as practicable thereafter) of the following information:

- AHV's identity and how to contact it;
- the fact that the individual is able to gain access to the information;
- the purpose for which the information is collected;
- to whom AHV usually discloses information of that kind;
- any law that requires the particular information to be collected;
- the main consequences (if any) for the individual if all or part of the information is not provided.

AHV is required to use its best endeavours to offer individuals the option of not identifying themselves, or using a pseudonym, when they interact with us. This requirement does not apply if we are required by law or authorised by a Court or Tribunal to only deal with individuals who have identified themselves, or where it is impracticable to deal with individuals in this manner.

8 How does AHV use personal and health information?

When AHV holds personal and health information, it can only be used for the particular purpose for which it was collected (known as the “primary purpose”), unless certain exceptions apply. Personal and health information can be used for secondary or other purposes where:

- consent has been obtained; or
- it is reasonably expected to be used for a related purpose; or
- required or authorised by law or a Court/Tribunal order; or
- reasonably necessary for enforcement purposes conducted by or on behalf of an enforcement body; or

- certain “permitted general situations” exist.

Permitted general situations include:

- serious threats to the life, health or safety of any individual; or
- public health or safety; or
- suspected unlawful activity or serious misconduct; or
- missing person investigations; or
- legal or equitable claims; or
- alternative dispute resolution processes.

AHV uses personal and health information provided by tenancy applicants for the purposes of providing personalised services, maintaining accounts and records, reference checking, liaising with government departments, and assessing and evaluating the use of our website.

Personal and health information is used for tenancy application assessment and the administration of rental agreements. Other uses include complaint management, rent reviews, security purposes, and administration of job applications and employment, which may include criminal record checking and employment screening. Personal and health information may also be used by AHV in obtaining legal advice, and participating in legal proceedings.

9 When does AHV disclose personal and health information, and who can access it?

Circumstances where personal and health information may be disclosed broadly include:

- compliance with statutory obligations;
- arranging for disability modifications;
- insurance, progressing insurance claims; and
- meeting occupational health and safety obligations.

AHV may disclose personal and health information of renters and their family members provided during application processes, for the purposes of fulfilling renter requests, providing personalised services, maintaining accounts and records, reference checking, and liaising with government departments.

Personal and health information may be given to government agencies and other individuals/organisations, including Victoria Police, the Department of Human Services, Centrelink, WorkSafe Victoria, loss adjusters, security companies, insurance companies, community service organisations and health service providers.

It will only be disclosed to third parties where permitted by the privacy legislation, and only disclosed to AHV staff where necessary for the performance of their duties, and where they are authorised to access it.

In most circumstances, AHV is restricted in how it may disclose personal and health information. Personal and health information can only be disclosed for the particular purpose for which it was collected (known as the “primary purpose”), unless certain exceptions apply.

Personal and health information can be disclosed for secondary or other purposes where:

- the individual provides consent; or
- it is reasonably expected to be disclosed for a related purpose; or
- required or authorised by law or a Court/Tribunal order; or
- reasonably necessary for enforcement purposes conducted by or on behalf of an enforcement body; or
- “permitted general situations” as described above, exist.

Personal and health information may also be disclosed for tenancy application assessment, and the administration of rental agreements. Renter names and contact details may be provided to our bank, as part of its Renter Management System, with the renter’s consent on the relevant form.

Other circumstances where it may be disclosed include complaint management, security purposes, and administration of job applications and employment, which may include criminal record checking and employment screening. Personal and health information may also be disclosed by AHV in obtaining legal advice, and participating in legal proceedings.

10 Management of personal and health information by AHV

AHV is required to take reasonable steps to ensure that the personal and health information it collects, holds, uses and discloses is accurate, up to date and complete, with reference to the purpose for which it is collected, used or disclosed. Information held by AHV is subject to regular reviews and audits for this purpose. Where it is determined that it is no longer necessary or legally required for AHV to hold and store personal and health information, reasonable steps are taken to de-identify or destroy the information.

AHV stores information using a combination of physical files and a secure electronic document management system, SDM and Windows File Server. Security and access protocols are maintained in order to implement reasonable steps to ensure that personal and health information is protected from misuse, interference, loss, unauthorised access, modification and disclosure. Internal access controls and protocols ensure that only authorised staff can access personal and health information in circumstances where they are required to do so in the performance of their duties. Our IT system

allows electronic file access to be tracked and audited to ensure that only authorised access to personal and health information has occurred.

Governance mechanisms employed by AHV to ensure the appropriate management of personal and health information include maintaining a designated privacy officer role, our internal privacy compliance manual, audit programs, staff bulletins and training programs. AHV is committed to conducting a Privacy Impact Assessment for any new project where personal and health information will be handled, or where a significant change to information handling procedures is proposed.

11 Requests to access or update/correct personal and health information

11.1 Access requests

Requests made by individuals to access their personal and health information held by AHV will generally be granted, unless certain limited circumstances apply. Those circumstances may include where:

- it is reasonably determined that granting access would pose a serious threat to the life, health, safety of an individual or to public health and safety;
- granting access would have an unreasonable impact on the privacy of other individuals;
- the request is frivolous or vexatious;
- legal proceedings are on foot;
- AHV is required to deny access by law or access would be unlawful;
- commercial negotiations or decision making processes may be prejudiced;
- unlawful activity or serious misconduct is suspected; or
- enforcement related activities may be affected.

AHV responds to requests to access personal and health information within a reasonable period (usually seven days), and gives access to the information in the manner requested where it is reasonable and practicable. If access is refused due to one of the above exceptions, AHV will take reasonable steps to negotiate an outcome that meets the needs of AHV and the individual, including using an independent third party if appropriate.

If access is refused, AHV will give the individual written advice setting out the reasons for refusal, and how to complain about the refusal. Where the refusal relates to commercial negotiations, the reasons for refusal may include an explanation of the nature of the commercially sensitive decision.

AHV may require that reasonable charges be paid in respect of granting access to personal and health information, however the charges must not be excessive, and must not apply to the making of the

request. Requests for access to personal and health information can be made using the dedicated form on our website, or by contacting our Privacy Officer directly.

11.2 Requests to update or correct

If AHV holds personal and health information about an individual, and is satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading (having regard to the purpose for which it is held), or the individual requests that AHV correct the information, then AHV will take reasonable steps to correct the information.

When AHV corrects personal and health information that it previously disclosed to a third person/organisation, and the individual requests that AHV notify the third person/organisation of the correction, then AHV will take reasonable steps to give that notification unless it is impracticable or unlawful to do so. Should AHV refuse to correct personal and health information as requested, it will provide the individual with written advice setting out the reasons for refusal, and how to complain about the refusal.

When AHV refuses to correct personal and health information as requested, and the individual requests AHV to add a statement to their record that the information is inaccurate, out of date, incomplete, irrelevant or misleading, then AHV will take reasonable steps in the circumstances to add the statement to the record in a manner that will make it apparent to users of the information. AHV will respond to requests to correct/update or add a statement within a reasonable period after the request is made, and will not charge the individual for the making of the request, the correction, or the adding of the statement.

Requests to update or correct personal and health information can be made by contacting our Privacy Officer directly. Requests will usually be met or responded to within 30 days.

12 Complaint Management

All complaints concerning a privacy incident (breach) will be examined, and in most circumstances they will be investigated by AHV's Privacy Officer. Complaints should be submitted in writing directly to the Privacy Officer via the contact details on section 1 of this policy. AHV follows dedicated procedures for identifying and reporting privacy breaches, and for receiving and responding to complaints.

AHV's Privacy Officer maintains a complaint register concerning:

- mishandling of personal and health information;
- security breaches;
- allegations of privacy incidents (breach); and

- any matters which are referred from the Office of the Australian Information Commissioner (OAIC), Office of the Victorian Information Commissioner (OVIC) or Victorian Health Complaints Commissioner (HCC).

Complaints will be quickly acknowledged, and will be dealt with within a reasonable amount of time, depending on complexity. Complainants will receive updates on the progress of their complaint if the investigation takes longer than expected. Less complex complaints can usually be dealt with within 30 days, however more complex complaints may take longer to resolve.

Where a notification of a breach of privacy or a complaint about the handling of personal and health information is received, AHV's Privacy Officer will take immediate steps to contain the breach, which may involve securing or quarantining personal and health information or AHV files which contain the personal and health information. A preliminary assessment will be conducted and any necessary actions taken. These actions may include notifying the individual(s) whose personal and health information is the subject of the breach/complaint.

Where the preliminary assessment finds that the matter is complex or of a serious nature, independent investigators and/or legal advisors may be retained to assist with an investigation. All investigations will determine whether or not there appears to have been a breach of AHV's obligations under the privacy legislation. At the conclusion of the investigation, recommendations may be made as to changes to information handling practices and protocols within AHV. The complainant will be informed of the outcome of the investigation, any relevant findings, and any actions taken as a result.

If the complainant is not satisfied with the investigation or the outcome, they may make a further complaint to the relevant regulator - OAIC, the OVIC or the HCC.

13 Sending information outside of Victoria and overseas

AHV adheres to the requirements of the privacy legislation when transferring personal and health information outside of Victoria and overseas.

The only circumstances in which personal and health information may be transferred or stored outside of Victoria or overseas is when the transfer or storage meets one (or more) of the following criteria:

- AHV reasonably believes that the recipient of the information is subject to a law, binding scheme or binding contract that provides substantially similar protection to the Privacy and Data Protection Act or Health Records Act;
- the individual has provided consent to the transfer;
- the transfer is necessary for the performance of a contract between the individual and AHV, or for the implementation of pre-contractual measures taken in response to the individual's request;

- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between AHV and a third party;
- the transfer is for their benefit of the individual, and it is impracticable to obtain the individual's consent to the transfer, but if it were practicable to obtain consent the individual would be likely to give it;
- AHV has taken reasonable steps to ensure that information which it has transferred will not be held, used or disclosed by recipients inconsistently with the Information Privacy Principles or Health Privacy Principles; or
- in the case of health information, the transfer is required or authorised by law.

14 Policy log

Version	Approval date	Approved by	Changes	Review Date
1	April 2015	AHV Board	Policy creation	2016
2	December 2018	AHV Board	Update of contact details and consistency of format with other policy documents	2020
3	5 August 2021	AHV Board	Comprehensive review	August 2024