



# Aboriginal Housing Victoria (AHV)

## *Privacy Policy*

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## **1 Purpose of this policy**

The purpose of this privacy policy is to outline the practices adopted by Aboriginal Housing Victoria (AHV) for the management of personal information. It is designed to give individuals an understanding of the types of personal information AHV collects, and how it is used, stored, disclosed and able to be accessed.

The policy also outlines how individuals can correct their personal information which is 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 information can do so by contacting Denise Michie – Privacy Officer at:

Email: [denise.michie@ahvic.org.au](mailto:denise.michie@ahvic.org.au)

Telephone: 0408178805

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](http://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; tenants and other clients and their family members; applicants for employment with AHV; members of the public; suppliers; and contractors.

## **3 Context**

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

## **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 tenants 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 and acronyms

Aboriginal person	Aboriginal and Torres Strait Islander person
AHV	Aboriginal Housing Victoria
APP	Australian Privacy Principles
IT	Information Technology
OAIC	Office of the Australian Information Commissioner
SDM	AHV’s housing services electronic record system.

## 6 Privacy Act 1988 (Cth)

AHV meets its legislative obligations under the Commonwealth *Privacy Act 1988* (the Act), and is bound by the Australian Privacy Principles (APPs). The Act governs how AHV collects, uses, stores and discloses the personal information of individuals, and how they may access or correct their information.

Personal information broadly means information or an opinion about an individual, whether true or not, which could reasonably lead to the identification of the individual in the particular circumstances. Personal information can include name or address details, dates of birth, telephone numbers, email addresses, financial information such as banking details, or photographic or video material. An individual’s name does not have to be included in information for it to constitute personal information. The test is whether the information considered as a whole would enable the individual to be identified.

A special category of personal information is known as “sensitive information”, and can include information about race or ethnicity, political opinions or membership, religious or philosophical beliefs, professional or trade association or union membership, sexual preferences or practices,

criminal records, health information and genetic/biometric information such as fingerprints. There are additional obligations for the management of sensitive information required by the Act.

## **7 What types of personal information does AHV collect?**

AHV collects the personal information of employees, members of the public, suppliers, contractors, tenants and their family members. The type of personal information collected will depend on the nature of the individual's relationship or interaction with AHV and its staff. AHV will only collect personal 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.

## **8 How does AHV collect personal information?**

AHV collects personal information by way of several channels or methods. Personal 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 Act.

Personal 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 tenants are collected when they interact with AHV, so that appropriate financial and business records can be maintained. Personal 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 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).

“Collection statements” are:

- included on all forms that AHV uses to collect personal information;
- displayed on our website at the point of collection; or
- relayed via telephone when individuals provide their personal information to us.

AHV must notify individuals of the following:

- identity and contact details held;
- where and in what circumstances personal information may be collected from another source;
- whether the collection is required or authorised by law or a Court/Tribunal order;
- the purposes for which personal information is collected;
- the main consequences if some or all of the information is not collected; and
- to whom the personal information is usually disclosed.

AHV must also advise individuals of its Privacy Policy, which contains information about:

- how to access and seek correction of personal information;
- how to make a complaint about a possible privacy breach;
- how complaints will be handled; and
- whether personal information is likely to be disclosed to overseas recipients and, if it is practicable to do so, in which countries they are located.

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.

## **9 How does AHV use personal information?**

When AHV holds personal 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 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 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 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 information may also be used by AHV in obtaining legal advice, and participating in legal proceedings.

## **10 When does AHV disclose personal information, and who can access it?**

Circumstances where personal 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 information of tenants and their family members provided during application processes, for the purposes of fulfilling tenant requests, providing personalised services, maintaining accounts and records, reference checking, and liaising with government departments.

Personal 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 Act, 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 information. Personal information can only be disclosed for the particular purpose for which it was collected (known as the “primary purpose”), unless certain exceptions apply.

Personal 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 information may also be disclosed for tenancy application assessment, and the administration of rental agreements. Tenant names and contact details may be provided to our bank, as part of its Tenant Management System, with the tenant’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 information may also be disclosed by AHV in obtaining legal advice, and participating in legal proceedings.

## **11 Management of personal information by AHV**

AHV is required to take reasonable steps to ensure that the personal 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 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 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 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 information has occurred.

Governance mechanisms employed by AHV to ensure the appropriate management of personal 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 information will be handled, or where a significant change to information handling procedures is proposed.

## **12 Requests to access or update/correct personal information**

### **12.1 Access requests**

Requests made by individuals to access their personal 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 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 information, however the charges must not be excessive, and must not apply to the making of the request. Requests for access to personal information can be made using the dedicated form on our website, or by contacting our Privacy Officer directly.

## **12.2 Requests to update or correct**

If AHV holds personal 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 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 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 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 information can be made by contacting our Privacy Officer directly. Requests will usually be met or responded to within 30 days.

## **13 Complaint Management**

All complaints concerning breaches of the Act and APPs 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, and will investigate complaints concerning:

- mishandling of personal information;
- security breaches;

- allegations of breaches of the Act and the APPs; and
- any matters which are referred from the Office of the Australian Information Commissioner (OAIC).

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 information is received, AHV’s Privacy Officer will take immediate steps to contain the breach, which may involve securing or quarantining personal information or AHV files which contain the personal information. A preliminary assessment will be conducted and any necessary actions taken. These actions may include notifying the individual(s) whose personal 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 the investigation. All investigations will determine whether or not there appears to have been a breach of AHV’s obligations under the Act. 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 Office of the Australian Information Commissioner (OAIC). The findings of the AHV investigations will be made available to the OAIC.

## 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