

# Privacy Policy

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## Introduction

This policy applies to personal information collected, controlled and/or managed by Housing Trust. Housing Trust takes privacy very seriously and only collects personal information that it requires by lawful and fair means.

Housing Trust handles the personal information of all customers in an open, accountable, transparent and responsible manner in compliance with its obligations under all applicable Australian laws, including the Privacy Act 1988 (Cth).

The term ‘**customer**’ in this policy means any person that the Housing Trust provides a service to, employs and/or deals/engages with for its business functions and activities.

The term ‘**Personal Information**’ in this policy means any information from which a customer’s identity is apparent or can be reasonably ascertained. When we use this term it also includes ‘**Sensitive Information**’.

The term ‘**Sensitive Information**’ means information or an opinion about an individual’s 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 orientation or practices, or criminal record that is also personal information, or health information or, genetic information about an individual, or certain biometric information.

Information which is publicly available, in any domain, is not considered private or confidential and is excluded from this policy.

## Scope

The requirements under this policy applies to, but is not limited to, employees, directors, officers, volunteers, student placements, suppliers, contractors or consultants employed or engaged by Housing Trust (hereafter referred to as workers).

Employees	Directors & Officers	Contractors (including employees of contractors)	Volunteers & Student Placements	Suppliers	Consultants
✓	✓	✓	✓	✓	✓

## Purpose

This policy is intended to provide information on:

- How Housing Trust collects information
- Why Housing Trust needs customers' personal information
- How Housing Trust stores and protects personal information
- How customers can find out what information is held and how this can be amended
- How Housing Trust can disclose personal information
- How Housing Trust handles information security incidents which includes data breaches
- How customers can make a privacy complaint

## How Housing Trust collects information

Personal information is collected directly from customers unless it is unreasonable or impractical to do so. Housing Trust gathers this information through correspondence such as forms and/or emails that customers submit to us (in writing and digitally), by recording information provided via phone calls, face-to-face meetings, via our website as well as through CCTV security cameras in our office and in common areas of complexes under Housing Trust management.

Housing Trust use social networking services including but not limited to Facebook, Instagram, Twitter, Google and LinkedIn to communicate with the public about our organisation. When customers communicate with us via these platforms we do not collect personal information. Social networking services also handle your personal information for its own purposes. These services have their own privacy policies. Customers can access the privacy policies for these services on their websites.

In some cases Housing Trust may collect personal information from external sources. The people or organisations that may provide us with information include, but are not limited to:

- Housing NSW
- Centrelink
- Law enforcement agencies
- Support agencies
- Previous landlords and
- Tenancy databases

Housing Trust only collects information from external sources if it is impractical to collect it directly from our customers and when we are permitted to do so.

Customers have the option to remain anonymous or to use a pseudonym when dealing with Housing Trust. If a customer chooses to remain anonymous or to use a pseudonym, we may only be able to provide the customer with limited information or services. An anonymous complaint may mean that Housing Trust are unable to communicate the resolution to the complainant or are unable to request further information required to investigate the complaint.

## Why Housing Trust needs customers' personal information

When Housing Trust collect personal information we will, where appropriate and where possible, explain to customers why we are collecting the information and how we plan to use it.

Personal information will only be used:

- To help identify the services customers may need
- Assist in the delivery of those services
- Assess eligibility for assistance and/or employment with us
- Manage and administer assistance and/or employment with us and
- To meet our legal and regulatory obligations.

Housing Trust will only share personal information to give effect to these purposes.

If a customer does not provide Housing Trust with personal information when prompted, we may be unable to contact the customer or provide any services to the customer.

When customers provide Housing Trust with personal information they consent to Housing Trust handling their personal information in accordance with this Privacy Policy.

Housing Trust may ask for a range of personal information, limited to what we need to assist us in providing customers with relevant services. The information we request could include, but is not limited to:

- name
- date of birth
- address
- contact details
- income, assets, liabilities
- bank details
- health information
- proof of identification
- criminal records
- ethnicity
- housing history and
- government identifier

## How Housing Trust stores and protects personal information

Housing Trust will take every reasonable and practical precaution to safeguard the security, integrity and privacy of personal information. We hold personal information in a combination of secure computer storage facilities, paper-based files and other formats. We update personal information when customers advise us.

Security measures to protect personal information from misuse, loss, unauthorised access, modification or improper disclosure include but are not limited to:

- Periodically reviewing and updating security safeguards
- Physical, electronic, and procedural safeguards including but not limited to password protection, office access protection, confidential disposal of records
- Secure server and closed network environments
- Limited access to personal information where only relevant employees require a customer's personal information to carry out his / her normal line of duties are provided with access to these records
- Management of access privileges, and regular review of the privileges

- Employees sign confidentiality and code of conduct agreements which reflect the commitment to the privacy and protection of our customers' information. Training is provided to employees on the importance of maintaining the confidentiality of personal information and the privacy of individuals.
- Personal information is only retained as long as necessary and when no longer required the information will be de-identified or securely destroyed (provided that we are not required by an Australian Law to retain the information)
- Information is not disclosed overseas

When Housing Trust report to the National Regulatory System Community Housing (NRSCH) [Community Housing Registrar], and other stakeholders personal information is de-identified by a Statistical Linkage Key (SLK). While formulated from basic identifying information, data used to create an SLK cannot be reconstituted to identify a customer. The SLK protects customers' private and confidential information.

### **How customers can find out what information is held and how this can be amended**

Housing Trust will take reasonable steps to ensure that personal information is accurate, complete, up-to-date, relevant and not misleading. These steps include maintaining and updating personal information promptly and in a consistent format when we are advised by customers that their personal information has changed, and at other times as necessary.

It is the customer's responsibility to inform Housing Trust of any corrections or changes to personal information and this can be done by a phone call to the office, in person, email, writing to Housing Trust and/or via the Housing Trust's website: [www.housingtrust.org.au/contact-us/](http://www.housingtrust.org.au/contact-us/) (refer to how you can contact us about privacy under the heading Making a Privacy Complaint later in this policy). We will notify you when the information is corrected.

Customers have the right to request access to the personal information Housing Trust holds about them, and request for any inaccurate, out-of-date or incomplete personal information to be corrected.

If a customer would like to request access to the personal information held by Housing Trust, this request must be made in writing and specify what information is required and for what purpose by completing *Housing Trust's Request for Access to Personal Information held by Housing Trust (Form 107016)*. It is mandatory that Housing Trust verify a customer's identity. Housing Trust do not charge a fee for access to personal information.

There are some situations where we are allowed to refuse and/or limit access to personal information. For example if the information is commercially sensitive, for legal reasons or if it has a privacy impact. If that happens customers are informed in writing.

## How Housing Trust can disclose your personal information

Where reasonable and practicable to do so, Housing Trust will collect a customer's personal information only from the customer. However, in some circumstances we may be provided with information by third parties such as Centrelink. In such a case we will take reasonable steps to ensure that you are made aware of the information provided to us by the third party.

Housing Trust ensures that the third party is also bound by the Privacy Act and has an obligation to keep personal information confidential and to take reasonable steps to keep the personal information secure from misuse, interference, loss, unauthorised access, modification or disclosure.

Housing Trust may disclose customers personal information to government investigative agencies including but not limited to the Minister's Office, Ombudsman's Office, Ageing and Disability Commissioner, Children's Guardian, our service providers, agents, contactors, partner support agencies, business partners and other recipients from time to time, only if one or more of the following apply:

- Consent has been provided
- It is reasonably expected for us to use or disclose personal information in this way
- We are authorised or required to do so by law. For example under the Privacy and Personal Information Protection Act 1998, Section 24 Exemptions relating to investigative agencies
- If it is reasonably believed that disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety
- Where another permitted general situation or permitted health situation exception applies
- Disclosure is reasonably necessary for a law enforcement related activity

Housing Trust and NSW Police may also exchange information under the guidelines of the Record of Understanding to:

- Maintain law and order in and around Housing Trust properties
- Investigating and responding to complaints about a tenancy
- Determining whether a breach of a Residential Tenancy Agreement has occurred
- Supporting an application to the NSW Civil & Administrative Tribunal (NCAT)
- Develop and implement crime prevention and community safety strategies

Housing Trust will also provide information to police when subpoenaed, unless the information is not in the public interest - in these cases, Housing Trust may lodge an appeal not to provide the information.

Housing Trust will not hold personal information for use or disclosure for the purpose of direct marketing.

## How Housing Trust handles Information Security Incidents including data breaches

It is Housing Trust's responsibility to have an ongoing obligation to take reasonable steps to handle personal information in accordance with the thirteen (13) Australian Privacy Principles (APPs). This includes protecting personal information from misuse, interference and loss, and from unauthorised access, modification or disclosure.

A data breach occurs when personal information that Housing Trust holds is subject to unauthorised access or disclosure, or is lost. A data breach may be caused by, but not limited to:

- Malicious action (by an external or insider party)
- Human error, or
- A failure in information handling or security systems.

Individuals whose personal information is involved in a data breach may be at risk of serious harm, whether that is harm to their physical or mental well-being, financial loss, or damage to their reputation. Housing Trust will effectively respond to any data breaches or suspected data breaches to endeavour to successfully reduce or remove the risk of harm to customers which aligns with legislative requirements and community expectations.

In the event of an eligible data breach (a breach that is likely to result in serious harm to any of the individuals to whom the information relates), Housing Trust must notify the Office of the Australian Information Commissioner (OAIC) and affected individuals and under specific circumstances relevant funding bodies such as the Department of Communities and Justice (DCJ), if:

- a) It has reasonable grounds to believe that an eligible data breach has occurred; or
- b) It is directed to do so by the OAIC. For instance, if a data breach is reported directly to the OAIC by an affected individual and/or if the OAIC disagrees with Housing Trust's assessment that the incident is not an eligible data breach.

Should an information security incident including a data breach occur, Housing Trust will:

- Initiate an assessment
- Investigate and evaluate the breach
- Put a remedial action plan in place
- Following closure of the incident, review the incident and take action to prevent future incidents

Refer to *Housing Trust's Information Security Incident Procedure*

## Making a Privacy Complaint

If you are concerned that Housing Trust has not complied with this Privacy Policy including the Australian Privacy Principles, you can make a complaint under the *Housing Trust's Complaints Policy* which is available on our website [www.housingtrust.org.au](http://www.housingtrust.org.au)

Housing Trust's management will investigate all complaints regarding a possible breach of privacy law:

- The complaint will be reviewed independently and will consider all information available at the time of the complaint
- Once the investigation is completed, you will be formally advised of the outcome. The response will explain the reason(s) for any decision.
- Housing Trust's response will include information on how to make a complaint to an external body
- Housing Trust expects its procedures will deal fairly and promptly with your complaint.
- If a complainant is not satisfied with Housing Trust's response or the manner in which Housing Trust has dealt with the complaint, the individual may make a formal written complaint to the Office of the Australian Information Commissioner (OAIC), the regulator responsible for privacy in Australia [www.oaic.gov.au](http://www.oaic.gov.au)
- A referral to OAIC should be a last resort once all other avenues of resolution have been exhausted.

Housing Trust can be contacted about this Privacy Policy or about personal information generally by:

- Email: [privacy@housingtrust.org.au](mailto:privacy@housingtrust.org.au)
- Phone: (02) 4254 1166
- Address: Level 7, 5 Bridge Street, CONISTION NSW 2500
- Postal: PO Box 1, CONSTITON NSW 2500

If practical, customers can contact us anonymously (i.e. without identifying themselves) or by using a pseudonym. However, if a customer chooses not to identify themselves, we may not be able to provide the information or assistance that would otherwise be received if it is not practical to do so.

## Changes to our privacy and information handling practices

This Privacy Policy is subject to change at any time. Please check our Privacy Policy on our website [www.housingtrust.org.au/about-us/policies/](http://www.housingtrust.org.au/about-us/policies/) regularly for any changes.

## Reference or Related Documents

### Internal

1. Code of Conduct Policy
2. Information Security Incident Procedure
3. Records Management Policy
4. IT Acceptable Use Policy
5. Cyber Security Policy
6. Remote Access and Device Policy
7. Disaster Recovery and Business Continuity Plan
8. Complaints Policy
9. Appeals Policy
10. Form:107016 Request for Access to Personal Information held by Housing Trust

### External

1. Privacy Act 1988 (Cth)
2. Privacy and Personal Information Protection Act 1998
3. Privacy Amendment (Notifiable Data Breaches) Act 2017
4. Australian Privacy Principles
5. Office of the Australian Information Commissioner (OAIC)
  - [www.oaic.gov.au/privacy/privacy-complaints](http://www.oaic.gov.au/privacy/privacy-complaints)
6. OAIC Data Breach Response Process
  - <https://www.oaic.gov.au/privacy/guidance-and-advice/data-breach-preparation-and-response>
7. Key Privacy Obligations for DCJ Contractors
  - <https://www.dcj.nsw.gov.au/content/dam/dcj/dcj-website/documents/about-us/access-to-information/key-privacy-obligations-for-dcj-contractors.pdf>

## Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	New Policy	01.12.2014	Approved for release by Quality and Performance Manager
V 2.0	Reviewed Policy	14.09.2017	Approved for release by Quality and Performance Manager
V 3.0	Reviewed and updated to include Notifiable Data Breach Scheme (NDBS) and reference to Notifiable Data Breach (NDB) Response Plan. Approved by the Board 02.09.2019	16.09.2019	Approved for release by Margo Emmerik Chief Financial Officer
V 4.0	CCTV information in Housing Trust residential common areas and Policy V3.0 reviewed by Colin Biggers & Paisley Pty Ltd	15.10.2019	Approved for release by Margo Emmerik Chief Financial Officer
V 5.0	Scheduled review. No material changes. Data breach expanded to Information Security Incident Updated reference documents: - Information Security Incident Procedure - Form 301010 Information Security Incident Report - Form 301011 Assessment & Review of Information Security Incident	23.09.2022	Approved for release by Miranda Serkinic People, Performance & Capability Manager