

PROGRAM POLICY: PRIVACY REQUIREMENTS FOR CO-OPS WITH LANDLORD RESPONSIBILITIES

Policy number	PPOL023	Version	v2.0
Drafted by	Program Development Coordinator	Approved by Board on	26 September 2018
Responsible Person	Program Development Manager	Scheduled review date	26 September 2023

1. PURPOSE

This policy sets out how landlords within the CEHL Housing Program will collect, retain, use and disclose the personal information of tenants and prospective tenants.

2. POLICY CONTEXT

Where a co-op acts as landlord, the co-op has privacy obligations placed on it by the Privacy and Data Protection Act of 2014. CEHL Housing Program member co-ops must ensure that tenant's and prospective tenant's privacy is maintained with respect to disclosure within the co-op and to third parties.

The Performance Standards for Registered Housing Agencies require any landlords within the CEHL Housing Program to have a privacy policy that complies with the Information Privacy Principles contained in the Privacy and Data Protection Act of 2014.

3. POLICY STATEMENT AND PRINCIPLES

3.1 STATEMENT

Landlords within the CEHL Housing Program are committed to the proper collection, storage, use and disclosure of personal information in accordance with Commonwealth and Victorian privacy legislation.

3.2 PRINCIPLES

a. Collecting personal information

- i. Landlords will only ask for and collect personal information needed for the particular function or activity being carried out.
- ii. This can include the following personal information for all occupants of the household:
 - name
 - date of birth
 - contact details
 - residency status
 - evidence of household income from all sources

- evidence of assets owned by the household
 - information about housing needs, such as number of bedrooms, access and mobility requirements, and desired locations
 - information considered by member co-ops when assessing applications for membership, in accordance with the Member Selection Program Policy
 - demographic information, such as language spoken at home and country of birth
 - records of conversations and communication between CEHL staff and Program participants
 - where it relates to housing needs or engagement in the CEHL housing Program, information about health or disability
 - information about legal action taken against any household occupant resulting in the end of a previous tenancy or co-op membership in the Program, including legal orders for repayment of debt owed.
- iii. Landlords may also ask tenants to update previously collected information so that it is current.
- iv. Individuals may refuse to provide or update information requested, however, this may negatively restrict the landlords ability to provide housing services, including:
- landlords ability to make an offer of housing
 - consideration of a rental reduction or subsidy
 - landlords ability to effectively resolve or act on an issue or complaint.
- v. Communication with landlords can take place without revealing identity, where it is practical and lawful to do so, however, this may limit the actions that a landlord can take.
- vi. When a landlord collects personal information, it will include a privacy collection statement (Appendix 2), which is available on the CEHL website.

b. Collecting sensitive information

- i. Landlords only collect sensitive information with consent or when otherwise allowed by privacy legislation.
- ii. Most commonly, the sensitive information collected relates to health or disability that is relevant to housing needs or a tenant's ability to comply with tenancy obligations. For example:
- information about disabilities, to inform landlords consideration of property modifications
 - information about health, to inform support needs of tenants to maintain their tenancies
 - information about support services that tenants use to help maintain their tenancies.
- iii. It is not obligatory to provide additional or sensitive information to landlord, but if this information is not provided, landlords may be unable to offer housing that suits the specific needs or take actions to support a tenancy if it is at risk.

c. Contractors and suppliers

Landlords maintain a database of suppliers, customers and other contacts with whom it engages in financial transactions. In order to process financial transactions with contractors and suppliers landlords obtain the following information: contact's name, address, telephone number, email address, ABN, GST registration and information regarding the contractor's insurance.

d. How personal information is collected

- i. Landlords will, wherever practicable, collect personal information directly from the individual it relates to.
- ii. There may, however, be situations where landlords collect personal information from other sources, for example:
 - where a tenant or prospective tenant provides consent for personal information to be shared between the landlord and with a 3rd party
 - when another person acts as the individual's legal guardian or financial administrator
 - if a landlord is given personal information about a tenant or household occupant as part of a tenancy complaint.

e. How personal information is held

- i. When storing personal information (electronic or hard-copy), landlords will:
 - take reasonable steps to protect personal information held from misuse, loss, unauthorised access, modification or disclosure
 - destroy or permanently de-identify information no longer required
 - regularly review the information to ensure that it remains accurate, complete, up to date and relevant to the purpose for which it is kept.
- ii. Landlords will destroy personal information in a secure manner when it is no longer needed.
- iii. Landlords are legally required to retain some personal information of previous co-op tenants for a specific amount of time, depending on the information.

f. How personal information is used and disclosed

- i. Landlords generally use or disclose personal information only for the primary purpose for which it was collected.
- ii. In some situations, landlords disclose personal information for a different ("secondary") purpose, for example arranging for repairs to a home, or seeking support for a tenant whose housing is at risk.
- iii. Wherever possible, landlords will seek consent before disclosing personal information.
- iv. Landlords will only disclose information without consent if there is reasonable belief of a serious and imminent threat to the tenant's health, safety or welfare.
- v. Landlords do not disclose personal information to overseas recipients unless the overseas recipient is a legal guardian or a person authorised by the tenant to receive information.

g. Accessing and correcting personal information

- i. If an individual asks to see personal information that a landlord holds about them, the landlord will:
 - allow the individual to see their personal information as soon as practicable (and within 30 days) after they make the request
 - take reasonable steps to correct personal information if the individual notifies the landlord of the information to be corrected
- ii. Landlords have the right to reject an individual's request, or to limit access to the information, if:
 - legislation prevents the landlord from doing so
 - the request is frivolous or vexatious
 - giving access would seriously threaten someone else's health or safety or have an unreasonable impact on their privacy.
- iii. Individuals are entitled to access their private information held by the landlord, with the exception of personal factual notes made during interaction with tenants and stakeholders which are important to the landlords operations and are deemed by law as confidential and not required to be disclosed unless by subpoena.
- iv. If a landlord refuses to give access to, or correct, personal information, the landlord must notify the person making the request in writing, setting out the reasons for the refusal.
- v. If a landlord refuses to correct an individual's personal information, the individual can ask the landlord to add it to a statement that the individual believes the information is incorrect and why.

h. Breaches

- i. Landlords must "take reasonable steps" to protect the security of personal information, throughout its entire lifecycle (from collection to disposal).
- ii. Landlords must review their processes and practices to minimise human error as a cause of privacy breaches and have safeguards in place to protect against said breaches.
- iii. An "eligible data breach" arises when the following three criteria are satisfied:
 - there is unauthorised access to, or unauthorised disclosure of, personal information, or a loss of personal information, that a landlord holds
 - this unauthorised access or disclosure is likely to result in serious harm to one or more individuals and;
 - a landlord has not been able to prevent the likely risk of serious harm with remedial action.
- iv. Landlords will inform the CEHL Privacy Officer if a privacy breach occurs and the Privacy Officer will determine whether the privacy breach is eligible for reporting to the Commissioner
- v. In the event of an "eligible data breach", CEHL is required to provide notice to the Office of the Australian Information Commissioner (Commissioner) and affected individuals.

4. SCOPE

4.1 This policy applies to all co-ops that act as landlords.

5. PROGRAM REQUIREMENTS

5.1 This policy is consistent with:

- a. International Co-operative Principles:
 - Voluntary and Open Membership
 - Democratic Member Control
 - Autonomy and Independence
 - Education, Training and Information
 - Co-operation among Co-operatives
 - Concern for Community
- b. Program Principles:
 - Working Together
 - Member Support and Development
 - Changing Needs.

6. RELATED PROGRAM POLICIES

6.1 All Program Policies should be considered in conjunction with this policy.

7. LEGAL AND OTHER REQUIREMENTS

- 7.1 This policy has been written to accord with CEHL's obligations under the following legislation:
- a. Privacy Act 1988 (Cwlth) and amendments
 - b. Privacy and Data Protection Act 2014 (Vic)
 - c. Health Records Act 2001 (Vic).

8. DEFINITIONS

- 8.1 **Health information** includes personal information about a person's current or previous health or disability, or about their expressed wishes for future provision of health services to them, or about a health service provided or to be provided to them.
- 8.2 **Personal information** means any information that can be connected to an identity, including names and addresses, other personal details, and information and opinions about a person.
- 8.3 **Sensitive information** includes: health information; personal information about a person's race or ethnicity, political opinions or affiliation, religious beliefs or affiliation, membership of a trade union or professional association, sexual orientation or practices, or genetic or biometric information.

9. BOARD AUTHORISATION

Signature _____ Date of approval 26 / 09 / 2018

Name

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