

## HOM3.2 Privacy - Client and Tenant Policy

### Purpose

The purpose of this policy is to make clear that the protection of privacy, as defined in the Privacy Act 1988 (Commonwealth), Privacy and Data Protection Act 2014 (Vic), the Health Privacy Principles in the Health Records Act 2001 (Vic) and the Australian Privacy Principles, is a legal requirement and is relevant to all YWCA Housing's dealings.

- YWCA Housing is committed to complying with these laws and to informing clients and relevant others about privacy and confidentiality in the way described in the Privacy Principles. This includes providing information relating to:
- Collecting personal information.
- Using and disclosing information.
- Recording and storing personal information.
- The rights and responsibilities of all stakeholders in terms of accessing and correcting information.
- The lawful instances when YWCA Housing may disclose personal and health information without consent of the person concerned

### Scope

- This policy is relevant to all persons and all situations where personal and / or health information is sought from YWCA Housing.

### Definitions

**Personal Information** - Any information from which an individual's identity is apparent, or can reasonably be ascertained, regardless of the way in which it is recorded, whether the information is true or not, or whether it is an opinion.

Note: Personal information includes CCTV footage recorded at a YWCA Housing site or service.

**Health Information** - Any information or opinion about:

1. The physical, mental or psychological health of an individual.
2. A disability of an individual.
3. An individual's expressed wishes about the future provision of health services to the individual.
4. A health service provided or to be provided to an individual that is also personal information.

**Informed Consent** – Informed consent is given when a person:

- Demonstrates that they understand what he or she is consenting to, as informed by subject-specific discussions held within the last six-months, and
- Provides the consent freely.
- Informed consent cannot be given by a person who is intoxicated or otherwise unwell.

**Sensitive Information** - Sensitive information is any information about a person's experiences or circumstances that is of a private nature but is relevant to the service being provided to that person.

Sensitive information may be associated with trauma and must be treated with mindfulness and respect. Disclosing information of a personal or sensitive nature can be a risk for clients and people do not have to provide information if they choose not to.

## Policy Statement

1. YWCA Housing is committed to ensuring such information is handled and stored confidentially and securely by only allowing access to it by authorised YWCA Housing staff, students, volunteers or contractors, as appropriate.
2. YWCA Housing ensures that all clients and tenants are provided with plain language information about this policy and their rights and responsibilities in relation to privacy. This includes details of the information collected and its use, who has access to it and their access rights, including how to raise any concerns or complaints about the handling of personal information.
3. YWCA Housing takes all reasonable steps to ensure that the personal information collected is accurate, up to date and complete.
4. Wherever possible, personal information is collected directly from the individual. Where the personal information is held by a third party, YWCA Housing obtains permission before seeking this information from such sources.
5. People accessing YWCA Housing's services have the right to refuse to provide information which is not essential for service provision; however, some services have varying information requirements for service provision.
6. YWCA Housing does not sell any personal information to any third party.

YWCA Housing collects information from the following individuals and groups.

- **YWCA Clients and Tenants**
  - YWCA Housing collects personal information on or about people who access our services.
  - YWCA Housing collects sensitive and health information where necessary for providing services or is a requirement of government funding, or during activities such as outreach service delivery.
  - Additional information necessary for service provision is also collected. This includes the need for YWCA Housing to assess eligibility for entry to, or support from, specific programs or services.
- **Employees, Volunteers and Students/Interns on Placement**

- **Employees:**

YWCA Housing collects the personal information of people who seek to be, are, or have been, employed with us. This includes information about recruitment and selection, employment, terms and conditions of employment, performance, discipline and resignation.
- **Volunteers:**

YWCA Housing collects personal information of people who seek to be, are, or have worked with YWCA Housing as volunteers. This may include information about recruitment and selection, work arrangements, performance, discipline and resignation.
- **Students/Interns on Placement:**

A minimum data set is gathered from students in order to meet the requirements of the formal agreement with the student's educational institution, as well as YWCA Housing's standard employee information.
- **Donors, Partners and other Stakeholders:**

YWCA Housing collects personal information for the purposes of processing donations, fund raising, keeping supporters and donors informed of our work, raising awareness, thanking and acknowledging our donors and supporters, conducting research into supporter attitudes and desires, and for internal reporting purposes.

YWCA Housing uses and discloses information in the following ways.

- **Clients and Tenants**
  - Client and tenant information is not normally disclosed to other organisations or individuals without consent. An exception to this may be where YWCA Housing is required to do so by law, government requirements or government funding agreements.
  - YWCA Housing may use client and tenant information for the evaluation (planning and research) of its services.
- **Employees, Volunteers & Students on Placement**
  - Information about employees, volunteers or students on placement is not normally disclosed to other organisations or individuals without their consent, unless YWCA is required to do so by law, government requirements or government funding agreements.
- **Funding Bodies**
  - Some government funded programs require de-identified information and others require identified information. Wherever possible, clients and tenants are informed of YWCA Housing's requirement to pass on information and the nature of the information.
  - YWCA Housing will, from time to time, provide de-identified client data to funding sources other than government to support funding submissions. Such information

may also be used to report on the success of a funded project. Additionally, deidentified client data may be used to profile YWCA Housing's work to the broader community. In principle, informed consent will be sought wherever possible to maximise client choice to participate in such activities.

○ **Contractors**

- In a case where personal information is supplied to, or collected by contractors who perform specific tasks directly on our behalf (for example mailing houses), contractors are required to sign privacy agreements with YWCA Housing which oblige the contractors to comply with YWCA Housing's Privacy Policy, the Privacy Act and the National Privacy Principles.

• **Donors, Partners and other Stakeholders**

- From time to time, YWCA Housing will acknowledge and thank supporters and donors in our publications unless stakeholders request that this not happen.

## Accessing and Correcting Information

- Clients and tenants have a right to access all information which YWCA Housing collects and stores, and a right to correct any errors of fact, or update details as required.
- All clients and tenants are provided with information about how to access their information. Only in exceptional circumstances where YWCA Housing reasonably believes denial of access to records may lessen or prevent a serious or imminent threat to an individual's welfare, or a threat to public health and safety, will access to records be denied.
- Donors, partners and/or other stakeholders can view the information YWCA Housing holds on them and have a right to correct any errors of fact in the recorded information.
- YWCA Housing is committed to ensuring donors, partners and other stakeholders retain control over the communications we send to them. They may decline to receive publications or other communications from YWCA Housing at any time.
- Clients, tenants, donors and supporters all have a right to make a complaint regarding the handling of their personal information should they wish to do so.

## Use of YWCA Housing Information by Employees

- Employee access to and use of confidential information is limited to work-related activities. Access, use of, or disclosure for any other purpose is prohibited without proper authorisation, unless required by law. The internal systems of YWCA Housing must not be used to access information for personal benefit or interest or that of any employee's family, friends, colleagues or of any public figure.
- Breaches of confidentiality, access and disclosure of information will be treated as a serious misconduct issue. YWCA Housing considers the following to be examples of confidential information:
  - Lists of clients and contact details.

- Any financial or costing information.
- Research data or papers not publicly released.
- Information about new program and/or service development.
- Employee remuneration.
- Details of tenders.
- Marketing/communication plans.
- Intellectual property or other processes unique to the employer.
- Terms of business.

## Lodging Complaints

- All complaints regarding mishandling of personal information should be provided in writing (by letter or email).
- YWCA Housing will decide what (if any) action will be taken to resolve privacy complaints. All privacy complaints will be responded to within 30 days.

## Responsibilities

YWCA's National Housing Operations Manager has responsibility for ensuring that:

- this policy is implemented and its application monitored,
- the policy continues to comply with relevant legislation, and
- this policy is reviewed to evaluate its ongoing effectiveness.

## Appendices

N/A

## Related Information

YWCA	Policy Privacy HOM03
YWCA	Procedure Privacy and Data Breach HOM03.1
Legislation	Privacy Act 1988
Legislation	Privacy and Data Protection Act 2014 Vic
Legislation	Health Privacy Principles of the Health Records Act 2001
Legislation	Australian Privacy Principles
Standards	Housing Registrar (Vic): Performance Standards
Standards	NRSCH: Evidence Guidelines

Document Control Data	
Privacy Policy	
<b>Responsible Officer</b>	Director, National Housing
<b>Accountable Officer</b>	Accountable Officer National Housing Operations Manager
<b>Application</b>	Application YWCA staff involved in tenancy management
<b>Supersedes</b>	Supersedes [Not applicable: new policy]

Approval and Amendment history			
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Approval Date	Version	Amendments	Next review
	1.0		[2 years]