

# Policy Privacy and Confidentiality

## Policy Statement

Privacy is a human right and protected by law. BeyondHousing is committed to protecting the privacy of every individual's personal information and informing individuals about privacy and confidentiality.

BeyondHousing is committed to ensuring that all personal and sensitive information collected by BeyondHousing is handled in accordance with the requirements of the Information Privacy Principles (IPPs) as contained in the *Privacy and Data Protection Act 2014 (Vic)* (the PDP Act) and is only collected and disclosed for core business reasons.

## Policy Application

This policy applies to all BeyondHousing employees and includes all permanent and casual staff, volunteers, work experience students, management, and the Chief Executive Officer (CEO). For the purposes of this document, all parties will be referred to throughout this policy as workplace participants.

## Responsibility & Authority

- The Board of BeyondHousing has responsibility for ensuring compliance with legal and regulatory requirements at a Governance level.
- This policy is operational and therefore the Chief Executive Officer (CEO) is responsible for ensuring:
  - Appropriate and effective policies and systems are in place to operationalise legal and regulatory requirements and therefore implement this policy in accordance with that responsibility.
  - All managers and workplace participants are aware of this policy.
  - Provide support for workplace participants to undertake their responsibilities under this policy.
- The CEO may delegate specific responsibility to managers or workplace participants to ensure that the objectives relating to this policy are met.
- Managers and Team Leaders are responsible to inform workplace participants about their responsibilities under this policy.
- All workplace participants are responsible to familiarise themselves with this policy and comply with its requirements.

## Policy Detail

BeyondHousing collects, uses, stores, and discloses a range of personal and health information for the purposes of providing services. For the purpose of this policy, "personal information" will refer to both personal and health information. BeyondHousing does not intentionally collect health information, but it may be collected from time to time, for example, when approving personal leave or assisting an individual to obtain disability modifications to a home.

The Office of the Victorian Information Commissioner outlines the following Information Privacy Principles (IPP), as outlined in the table below:

IPP	Title
1	Collection
2	Use and Disclosure
3	Data Quality
4	Data Security
5	Openness
6	Access and Correction
7	Unique Identifiers
8	Anonymity
9	Transborder Data Flows
10	Sensitive Information

Further information can be found here: <https://ovic.vic.gov.au/privacy/resources-for-organisations/guidelines-to-the-information-privacy-principles/> In addition to these IPP Guidelines, BeyondHousing is also required to adhere to the [Australian Privacy Principles](#)

## Collection

BeyondHousing collects personal information from work participants, potential employees, clients / individuals, contractors, donors, members of the public and other third parties.

We will:

- Only collect personal information that is necessary for specific functions of the organisation.
- Inform individuals of what personal information we are collecting and why, before asking an individual to provide information.
- As far as possible, inform an individual of how we will use their personal information and to who their information may be disclosed.
- Under reasonable circumstances, will only collect information directly from the relevant individual. However, we may also collect information about an individual from an agency, third party or publicly available source. Where reasonably practicable, BeyondHousing will notify individuals when information about them has been collected from third parties.
- Collect sensitive information where:
  - The individual has consented to the collection e.g. racial or ethnic origin
  - It is required under law
  - It is necessary to prevent or reduce a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns is physically or legally incapable of giving consent to the collection or physically cannot communicate consent to the collection.

## Use and Disclosure

- BeyondHousing will not use or share personal information about an individual except for the primary purpose for which the information was collected. In some cases, we may use or share information for a secondary purpose that an individual may reasonably expect, or with the individual's consent.
- To give workplace participants permission to share information with other services, clients will be asked to sign the client consent form.
- If a workplace participant determines that a client is not able to give informed consent, the workplace participant should contact their team leader, manager and/or the CEO or delegate to determine the most appropriate course of action. Other disclosures may be made with an individual's consent, or otherwise in accordance with the use and disclosure provisions of the Privacy Act, Privacy and Data Protection Act and Health Records Act.
- Exceptions to this include provision of information necessary to prevent a serious and imminent threat to an individual's life or the provision of information to a law enforcement agency.
- Both the Family Violence Information Sharing Scheme (FVISS) and the Child Information Sharing Scheme (CISS) allows a prescribed information sharing entity to share information:
  - In the case of FVISS for the purposed of preventing or addressing family violence
  - In the case of CISS for the purpose of the wellbeing and safety of children

## Data Quality

BeyondHousing will ensure that any personal information collected, used, or disclosed is accurate, complete, and up to date. BeyondHousing is also committed to adhering to any Data Security Standards as required by the Department of Families, Fairness and Housing (DFFH), and other State Government or Commonwealth Departments as outlined in organisational agreements.

## Data Security

BeyondHousing will take reasonable steps to protect data from misuse, loss, unauthorised access, modification, or disclosure. If it is suspected that personal information has been misused, lost, accessed without authorisation, modified, or disclosed, or where there has been an attempt to do so, and this action is likely to cause serious harm, then this will be reported as a data breach to the Australian Information Commissioner.

Beyond Housing will also:

- Take reasonable steps to destroy or de-identify personal information if it is no longer needed for any purpose as directed by the Acts.
- Ensure that an individual is informed if their information has been inappropriately handled and will take action to ensure that such a breach does not occur again.

## Openness

BeyondHousing will make this policy publicly available via the website and by the publication of privacy brochures. As part of our intake process privacy, confidentiality and data collection is discussed with clients.

## Access and Correction

Organisations who hold the personal information of individuals must make that information accessible to the person in which that information relates, unless:

- a) providing access would pose a serious threat to the safety of that person or another person;
- b) the disclosure would unreasonably breach the privacy of another person;
- c) the request is frivolous or vexatious;
- d) the information relates to legal proceedings;
- e) providing access would be unlawful;
- f) denying the request is authorised by a relevant law; or
- g) granting access would prejudice an investigation of a possible unlawful event.

BeyondHousing will:

- Take steps to confirm the identity of any individual who requests access or a correction to their information held by us, before considering the request.
- Endeavour to maintain accurate records. When an error is identified, we will correct the information promptly.
- Inform third parties (where consent to disclose has been provided) of corrections.

If BeyondHousing cannot provide access to an individual's personal information, it will identify ways, if possible, of providing sufficient information to satisfy both parties and will inform the individual in writing of why access cannot be granted in full.

## Unique Identifiers

Data analysis for research, planning and service development is conducted on de-identified information and is regulated under the *Privacy Act (Cth) 1988*.

## Anonymity

Wherever lawful and practicable, we will respect individual's right to not identify themselves in their dealings with the organisation. People may request anonymity and it can be approved by the CEO where practicable, reasonable, and appropriate.

If personal information cannot be de-identified, BeyondHousing will ensure it has robust security controls in place to ensure access is only granted to BeyondHousing employees who require access and access is only provided for the reasons in which the information was initially obtained.

## Trans-border Data Flows

BeyondHousing adheres to the requirements of the *Privacy and Data Protection Act 2014 and Health Records Act 2001* when transferring personal and health information outside of Victoria.

We will only transfer information about an individual outside of Victoria where:

- The individual has provided consent
- It is not practicable to obtain an individual's consent, but the individual would likely give it, and the transfer is for their benefit
- We reasonably believe that the recipient is subject to a law, binding scheme or binding contract that provides substantially similar protection to the *Privacy and Data Protection Act 2014* or *Health Records Act 2001*.

## Sensitive Information

Due to the nature of sensitive information, there are additional restrictions and BeyondHousing only records this if:

- consent is provided by the client
- collection is required or authorised under law
- the collection of information is necessary to prevent or lessen a threat to the life or health of any individual
- information relates to the provision of government funded welfare services
- law requires collection of this information.

## Gender Diversity and Sexuality

BeyondHousing acknowledges:

- That disclosing information of a personal nature can be a risk for individuals.

- A person who identifies as trans or gender diverse (TGD) may be hesitant to disclose TGD status due to experiences of discrimination, compromised safety, or transphobia.
- Individuals should never feel pressure to disclose TGD status.

If an individual disclosed their TGD status, workplace participants will reassure the individual that their TGD status will not be provided to a third party, unless they consent for us to do so.

### Informed Consent

When collecting information, individuals will be informed of:

- What information is collected and how it will be used and/or shared
- We will ask clients to sign a form giving their consent for us to collect, store and where necessary, share this information with other services. The consent will last for 6 months and can be withdrawn at any time.
- An explanation of informed consent (for example, BeyondHousing will not ask for consent when an individual is not reasonably able to understand the consent or the outcome of providing consent, e.g., the individual is intoxicated or under the influence of drugs).
- How we will store their information
- How to gain access to their personal information that BeyondHousing holds, and how to ask for a correction
- Any law that requires the information to be collected and/or shared
- The consequences for the individual (if any) if all or part of the information is not provided
- How a person can make a complaint about a breach of their privacy

### Family Violence and Child Information Sharing Scheme

The Family Violence Information Sharing Scheme (FVISS) authorises BeyondHousing to request, collect, use, and share relevant information to inform the assessment and management of family violence risk, without an individual's consent.

The Child Information Sharing Scheme (CISS) allows us to request, collect, use and share information with a child, a person with parental responsibility for the child or a person the child is living with, for the purpose of managing a risk to the child's safety. To share information under these schemes the request must meet the eligibility criteria outlined in the Child Information Sharing Scheme Procedure.

### Policy Breaches

- All workplace participants must report a privacy breach to the relevant Program Manager and/or the CEO
- Privacy breaches must be reported to the Department of Families, Fairness and Housing (DFFH) by the Privacy Officer (CEO) within 1 business day of the Privacy Incident occurring. The eform can be found at: [Department of Families, Fairness and Housing - Privacy Incident Report](#)
- A privacy breach that impacts a client may need to be reported as a client incident under CIMS as well as through a privacy incident report.

### Staff Training

All workplace participants are required to complete the Introduction to Privacy in the Victorian Public Sector, provided through the Office of the Victorian Information Commissioner during induction and every two years thereafter.

### The Contact Officer for privacy related matters is the CEO

The CEO can be contacted on: (03) 5833 1000 or [ceo@beyondhousing.org.au](mailto:ceo@beyondhousing.org.au)

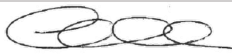
## Definitions

<b>Privacy</b>	is a right to be able to control who can see or use information about you
<b>Confidentiality</b>	is the workplace participants obligation not to disclose client or individual information to third parties unless permission has been given or is determined necessary for safety or other permissible reasons as defined in the information privacy principles.
<b>Personal Information</b>	is defined in the <i>Privacy and Data Protection Act 2014</i> as 'information or 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 be reasonably ascertained, from the information or opinion

<b>Health Information</b>	is defined in the Health Records Act 2001 as information that can be linked to an identifiable individual (including a deceased person), which concerns that individual's physical, mental, or psychological health, disability, or genetic make-up.
<b>Sensitive Information</b>	is a subset of personal information. It is defined in the <i>Privacy and Data Protection Act 2014</i> . It 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, criminal record
<b>Understanding informed consent</b>	in order to give informed consent, the individual must have adequate reasoning abilities and understands the outcomes of providing consent
<b>Transborder data flows</b>	refers to the transfer of data to someone who is outside of Victoria – either interstate or overseas. In this context, the term “data” means personal information. The flow of data must be from the organisation to a person or body who is outside of Victoria

## Related

Document Reference	Document Type
<a href="#">Charter of Human Rights and Responsibilities Act 2006 (Vic)</a>	Legislation
<a href="#">Children, Youth and Families Act 2005 (Vic)</a>	Legislation
<a href="#">Privacy and Data Protection Act 2014 (Vic)</a>	Legislation
<a href="#">Disability Act 2006 (Vic)</a>	Legislation
<a href="#">Privacy Act 1988 (Cth)</a>	Legislation
<a href="#">Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)</a>	Legislation
<a href="#">Child Wellbeing and Safety Act 2005 (Vic)</a>	Legislation
<a href="#">Health Records Act 2001 (Vic)</a>	Legislation
<a href="#">Family Violence Protection Act 2008 (Vic)</a>	Legislation
<a href="#">Freedom of Information Act 1982 (Vic)</a>	Legislation
<a href="#">Surveillance Devices Act 1999 (Vic)</a>	Legislation
<a href="#">Public Records Act 1973 (Vic)</a>	Legislation
<a href="#">Access &amp; Equity</a>	Policy
<a href="#">Advocacy</a>	Policy
<a href="#">Case Management</a>	Policy
<a href="#">Child Safety</a>	Policy
<a href="#">Code of Conduct</a>	Policy
<a href="#">Diversity</a>	Policy
<a href="#">DFFH Client Incident Management System</a>	Policy
<a href="#">Family Violence</a>	Policy
<a href="#">Homelessness Assistance</a>	Policy
<a href="#">Rights and Responsibilities</a>	Policy
<a href="#">Social Media</a>	Policy
<a href="#">Rental Agreement Management</a>	Policy
<a href="#">Information Systems and Technology</a>	Procedure
<a href="#">Engaging Clients</a>	Procedure
<a href="#">Case Management</a>	Procedure
<a href="#">Child Information Sharing Scheme</a>	Procedure
<a href="#">Family Violence Information Sharing Scheme</a>	Procedure
<a href="#">Victorian Protective Data Security Standards (VPDSS) January 2021</a>	Other
<a href="#">Australian Privacy Principles</a>	Other
<a href="#">Information Privacy Principles (Vic)</a>	Other
<a href="#">Family Violence Protection (Information Sharing and Risk Management) Regulations 2018 (Vic)</a>	Other
<a href="#">Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)</a>	Other
<a href="#">Department of Families, Fairness and Housing - - Privacy Incident Report</a>	Other
<a href="#">BeyondHousing Privacy brochure</a>	Other
<a href="#">Office of the Victorian Information Commissioner</a>	Other
<a href="#">Office of the Australian Information Commission</a>	Other

<b>Approver Name:</b>	Celia Adams (CEO)	<b>Approver Signature:</b>		<b>Approval Date:</b>	17/03/2023
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