

**Policy Name:** Privacy

**Approved by:** Chief Executive Officer

**Date effective:** May 2019

**Due to be reviewed:** May 2022

## Section 1 – Introduction

### PURPOSE

VincentCare Victoria ABN 53 094 807 280 of 2/452 Flinders Street, Melbourne VIC 3000 (**VCV, we, us, our**) complies with the Australian Privacy Principles (**APPs**), which are part of the *Privacy Act 1988* (Cth).

VCV and its related bodies corporate are also bound by the *Privacy and Data Protection Act 2014* (Vic) (**PDPA**) and the Information Privacy Principles (**IPPs**) made under the *PDPA* and the Health Privacy Principles (**HPPs**) made under the *Health Records Act 2001* (Vic).

VCV acknowledges and recognises that the protection of individuals' privacy is important and required under the *Privacy Act* and the *PDPA*. VCV and its related bodies corporate are committed to the legal, ethical and moral obligations to protect the privacy and personal information of people in contact with VCV and its related bodies corporate.

We aim to act consistently and comply with our statutory obligations under the APPs, the HPPs and the IPPs at all times, and we will promote a culture which demonstrates a regard for the dignity of others by the manner in which information is collected, secured, used, released and disposed.

VCV reserves the right (at its discretion) to modify, amend or replace this privacy policy from time to time. The modified, amended or replaced policy will be posted by VCV to its website in place of the superseded privacy policy.

### SCOPE

We require that our staff (including our directors, employees, volunteers and students on work placement) comply with this policy in relation to any personal information they handle. We also use our best endeavours to ensure that our contractors and suppliers comply with obligations consistent with this policy in respect of any personal information we disclose or make available to them, and that they only use personal information received from us for the purpose of providing us with goods and/or services.

While we will comply with our obligations in connection with information we collect from donors and volunteers, this policy does not apply to donors.



If you have applied for social housing through our subsidiary, VincentCare Community Housing (**VCCH**), under the Victorian Housing Register (**VHR**), this policy also summarises how VCV and VCCH share your personal information with other VHR agencies.

We may collect personal information from any individual with whom we may have contact, including job applicants, volunteers, donors, representatives from current and prospective suppliers and service providers, and our clients (including tenants and applicants for social housing).

## REVIEW CYCLE

This policy will be reviewed every three years. It will be modified or replaced whenever VincentCare becomes aware that this policy no longer complies with the requirements of the organisation.

## Section 2 – Policy Statement

VCCH will be guided by medical advice in the form of an Occupational Therapist report and/or medical authorisation from a General Practitioner prior to VCCH approving any alterations or disability modifications. Such alterations and disability modifications works will only be approved by VCCH where appropriate documented evidentiary medical advice exists. Where an alteration or disability modification is deemed by VCCH to be needed by a tenant to ensure safety, accessibility or quality of life needs, VCCH will control the implementation of such alterations and modifications.

VCCH will also determine whether it will fully fund or part fund the alterations or charge tenants either fully or partly for the cost of any property alterations or disability modifications.

## Guiding principles/approach

For the purpose of this policy, **personal information** is information or opinion which identifies an individual or which could reasonably identify the individual, regardless of whether the information or opinion is in a material form or not.

We list the usual types of information we collect from individuals below:

- identity information, such as your name, date and place of birth and your age;
- contact information, such as your address, your telephone number and your email address;
- copies of your identification documents, such as your driver's licence;
- information regarding your residency status;
- information concerning your household income and assets;
- information about your housing needs; and
- demographic information (such as language spoken at home).

With your consent, we also may record conversations and communications between you and our employees. Our staff may also record personal information collected from you in the course of preparing notes, recommendations and decisions.

From time to time, we may also collect sensitive information (such as information regarding your gender, sexual orientation or ethnic origin) and/or health information (such as information regarding a person's disability or mental health condition) about you when we have your consent or when we are required or authorised by law to collect such information.

In relation to an application for priority housing under the VHR, VCCH may ask for and collect additional information about the urgency of your housing need and your support needs, including any disability or mental health condition and your housing history. VCCH may also request and collect the following types of personal information:

- information to assist us provide help and guidance to you when applying for social housing via the VHR;
- information to assist us to sign you up as a tenant in one of our properties;
- information to assist us to manage your tenancy (including, for example, information that allows us to calculate your rent); and
- information when you contact us (for example to ask for information, or to report a tenancy issue, including repairs needed on the property) or to lodge a complaint with us.

In these situations, we may ask you for details about yourself and any other members of your household so that we can provide you with a service that meets your household's needs. The types of information we may collect are listed above.

We may also collect information about you when you access and browse our website. The information we collect from such access does not generally identify you, unless you specifically complete and submit a form to us using the form we make available to you via our website.

Due to the nature of the Internet, the information we collect about you when you access and browse our website may contain information which may identify a particular individual, such as the IP address of the computer used to access our website, the Internet service provider the individual uses to connect to the Internet, the web-page directing the individual to our website and the individual's activity while accessing our website.

## **2.1 Dealing with us anonymously or pseudonymously**

Under the APPs, you have the right to deal with us on an anonymous or pseudonymous basis. This means that you do not need to provide us with personal information if and when we request that information.

However, if you choose to interact with us in this fashion, or if you do not provide us with personal information when requested, we may be unable to provide you with the services that you request we provide to you.

In particular, if you do not provide the information VCCH requests in order to make or to progress an application for social housing, then VCCH may be unable to make the application on your behalf and may be unable to respond to requests for information from VHR or other agencies.

Further, we reserve the right to request your identity from you in certain circumstances, and to verify your identity if we consider that it is appropriate or reasonable for us to do so. For example, when you request that we provide certain services to you, we may need to identify you in order to liaise with other service providers and with Government agencies in relation to the services we provide to you and the services provided to you by other service providers and by Government agencies.

Additionally, when you request access to or correction of personal information we hold about you, or when you wish to make a complaint to us about the manner in which we have handled your personal information, we reserve the right to request your identity and contact details to assist us to fulfil your request or to investigate and respond to your complaint.

If we are unable to verify your identity, or you continue to engage with us on an anonymous or pseudonymous basis, we may be unable to satisfy your request or to complete our complaints-handling process.

## **2.2 How we collect personal information**

We collect personal information only using lawful and fair means and we endeavour to collect information about an individual directly from the individual. However, there may be times where we collect information via indirect means, for example:

- when you are a member of a household of a tenant or an applicant, in which case we may collect personal information about you from another member of the household;
- when you authorise us to ask for and to collect personal information about you from another source, such as a government agency like Centrelink or your support worker; or
- if we are provided with personal information about you as part of a complaint made by another individual.

If you have applied for social housing under the VHR, then the VHR can also include your personal information that has been collected by other VHR agencies that you have dealt with.

In addition to the foregoing methods of collection, we may collect personal information about you from a variety of sources using a variety of means, including:

- a form (either physical or online) that is completed and submitted to us;
- a telephone, email or in-person inquiry or discussion about us or the services that we provide;
- a referral to us from another organisation, a medical practitioner or Government agency;
- mail correspondence, emails and other electronic means (including by accessing our website and the use of the "contact us" form on our website);
- through publicly available sources of information;
- from job applicants and staff members;
- direct contact in the course of us providing our services;
- in the course of conducting advocacy on behalf of our clients; and
- from current and prospective suppliers of goods and/or services to us.

## **2.3 Receipt of unsolicited personal information**

Generally, we will only collect personal information when we specifically request or take active steps to collect that information. However, from time to time, personal information may be volunteered to us without us requesting or taking steps to collect that information. For example, we may receive personal information about an individual when we receive misdirected mail or a job applicant applies for a job with us on his/her own initiative and not in response to an advertised vacancy.

Additionally, we may receive unsolicited personal information when we ask an individual to provide us with certain information and the individual provides us with additional information.

In such a situation, in accordance with our statutory obligations, we will determine whether we could have lawfully collected the information we receive on a volunteer basis had we taken steps to collect that information and, if not, take steps to destroy or de-identify that information (unless we are required or authorised by law to retain the information).

## 2.4 The purposes for which we collect personal information

Under the APPs, we must only use and disclose personal information for the primary purpose(s) for which we collected the information, any secondary purpose that is related to the primary purpose for which you would reasonably expect us to use the collected information and as otherwise permitted or authorised by law.

We take reasonable steps to make individuals aware of the purpose(s) for which the information we collect may be used by notifying individuals about all relevant matters at or before the time of collecting the information (including by reference to this privacy policy).

We may use and/or disclose personal information we collect about an individual for one or more of the following purposes:

- to facilitate our provision of goods and/or services to the individual and/or to a third party which may directly or indirectly benefit the individual;
- processing transactions and administering client accounts (including by processing of invoices, bills, statements of account and related financial matters necessary to enable us to provide goods and/or services under relevant contractual arrangements);
- addressing queries and resolving complaints;
- to send information updates, donation requests, marketing materials and newsletters to current and prospective supporters of and donors to us and any other individuals who have consented (either expressly or impliedly) to receive such information and provided that they have not opted out of receiving such information;
- to initiate contact with an individual if that individual has not engaged with us for an extended period of time, unless we are informed that the individual no longer wishes to be contacted by us or by anyone on our behalf;
- to improve our products and services our website and our other means of communication;
- to carry on business as a not-for-profit provider of homelessness, community, rehabilitation, family violence prevention, support, disability, financial counselling and related services to disadvantaged Australians;
- to advocate on behalf of our stakeholders and clients to Government and other organisations to improve the Government and non-Government support networks for our stakeholders and clients;
- to carry on research projects;
- to comply with our contractual obligations owed to funding agencies in relation to reporting on the outcomes of programs we undertake and which are funded by Government funding agencies; and
- to directly market us, our products and services to the wider public.

Additionally, VCCH may use the personal information it collects to provide an individual:

- with appropriate housing and services;
- relevant information about VCCH's housing and services; and/or
- to deal effectively and efficiently with your request or complaint.

We may use personal information (including some sensitive) information to generate aggregated statistical data for the purpose of reporting to Government agencies and to plan for improvements to our services. We take reasonable steps to ensure that the information we report to Government agencies is de-identified and aggregated, so that the statistical data and reports cannot be used to identify you.

We will not use and/or disclose personal information collected from you for an unrelated secondary purpose unless we first obtain your written consent or a statutory exception applies (such as it is impracticable to obtain your consent and we believe that collecting, using or disclosing the information is necessary to lessen a serious threat to the life, health or safety of any individual).

## **2.4 Disability Modifications**

Tenants or approved housing applicants with an identified and certified need for a disability modification may apply for a modified/adaptable home or to have a property modified. Major modifications require an Occupational Therapist report. Requests for modifications not requiring an Occupational Therapist Report (minor modifications) require a letter of recommendation from a General Medical Practitioner.

The National Disability Insurance Scheme (NDIS) defines home modifications as “changes to the structure, layout or fittings of the tenant’s home that are required to enable the participant to safely access and move around their home as a result of their disability”. VCCH has distinguished Home Modifications as either Minor or Major Modifications.

The NDIS will only include funding for home modifications if the property is the applicant’s primary residence

## **2.5 Applications for social housing under the VHR**

If you have a current VHR application for social housing or you are making an application to the VHR, the *Housing Act 1983* (Vic) allows us to use and to disclose your (and your household’s) personal information to VHR agencies for certain purposes, including to:

- determine whether you are eligible for social housing;
- determine whether you are eligible for priority housing;
- determine whether to allocate a tenancy in social housing to you;
- determine your health, safety and support needs and housing requirements; and
- support you to access housing that is appropriate for your needs.

This information is a summary only. For more information about how personal information in the VHR is collected, used and disclosed, please see advice on the DHHS website – <https://dhhs.vic.gov.au/publications/privacy-policy>.

## **2.6 Disclosure of personal information**

We may disclose personal information we collect from individuals to third parties but only on an as-needs basis and in order to fulfil one or more of the purposes for which the information was collected, any secondary purpose related to the primary purpose of collection, or otherwise as required or authorised by law.

We may disclose personal information to the following third parties (without limitation):

- our related bodies corporate (including VCCH);
- our agents, contractors and service providers (including, for example but without limitation), our agents, contractors and service providers in order to enable them to provide goods or perform services on our behalf, or to help us provide our goods and services to our clients and stakeholders); and
- to our professional advisers, insurers and auditors.

We may also disclose personal information in the following circumstances:

- where we are required or authorised by law or court or tribunal order, including in order to comply with a mandatory reporting requirement;
- to stakeholders in order to pursue collaborative projects and matters of common interest;
- to marketing providers, to facilitate the provision of marketing of us, our goods and our services;
- to Government departments and agencies, including for the purpose of us complying with our statutory obligations and obligations we owe to Government funding bodies under funding agreements to which we are a party; and
- to Government departments and agencies, including for the purpose of facilitating the use by those departments and agencies of information for research and other purposes.

We may disclose personal information about an individual to a third party if we consider it reasonably necessary to do so in order to identify, contact or bring legal action against a third party in order to defend an action brought against us or to enforce our legal rights.

When we engage third parties to provide goods and/or services to us (including to our related bodies corporate), we acknowledge that those third parties may have access to personal information we hold about individuals. We will use our best endeavours to ensure that those parties do not use any information we disclose to or allow access to by the third party for any purpose other than to help the third party meet its obligations they owe to us.

We may disclose your personal information in the following scenarios with respect to social housing services that are provided through VCCH:

#### Assessing your affordable rent

We may disclose your personal information to Government agencies, including Centrelink, so that the Government agency can provide us with the information we need to calculate your rent and so that your rent can be paid through Centrepay. We will not do this without your consent, but if you do not give us permission, we may not be able to give you discounted rent and you may have to make less convenient arrangements to pay your rent.

#### Sustaining your tenancy

If you have authorised us to discuss your tenancy or personal information with your key worker, case manager, carer, guardian, legal representative, health professional and/or other nominated advocate, or to make a referral on your behalf to a support agency or health centre, we will only use and disclose to them the information that is necessary for us to complete the referral or to address your support needs.



### Arranging for repairs to your home

If repairs to your home require a tradesperson to attend, we will give the tradesperson your name and phone number so that they can call you to make arrangements directly with you for gaining access to the property.

### Taking legal action

If we take legal action against you (for example, if we take legal action against you under the *Residential Tenancies Act*) we will only disclose to the Tribunal or to the Court the personal information (including sensitive information) that is necessary for us to apply for a hearing or to present our case.

### Publishing your image or story

We may include selected tenant stories and images on our website, in our annual report, in promotional material and in other published documents. We will request your written consent to use your image, story and/or other personal information in this way before using the personal information.

### Handling your complaint

It may be necessary for us to disclose your personal information to a Government agency or to another third party if we are asked to respond to or to investigate a complaint that you lodge. We will not make any disclosure without your consent, but if you do not consent, we may be unable to process your complaint.

### Reporting to Government

In most situations, we will take steps to de-identify your personal information before we disclose it to a Government agency or department.

When you apply for social housing under the VHR, personal information you provided with your application may be used to provide statistical data to Government departments to help us and them understand who is in need of housing.

In some limited circumstances, it may be necessary to disclose your personal information to a Government agency in order to satisfy our regulatory or contractual requirements. We will not make such a disclosure unless this was explained to you as a condition of accepting our housing or unless we otherwise obtain your consent.

### Meeting our broader obligations

We will disclose your personal information if we are required to by law (for example, by a court order). We may also disclose your personal information if this is necessary to lessen or to prevent a serious threat to someone's life, health or safety or to take action on suspected unlawful activity or serious misconduct. If it is necessary for us to use or disclose your personal information for such reasons, we will make a written note of this.

## **2.7 Disclosure of personal information overseas**

We may store, process or back-up personal information we hold on servers (including servers offered through third party service providers under contract to us) that are located in a jurisdiction other than Australia.

Where we enter into a contract with a host provider for the hosting of information for and on behalf of us, we will use all reasonable endeavours to ensure that the contract reserves for us



the right to control access to the personal information so hosted and to avoid the need for the host provider to access the information it hosts for us.

We may enter into contracts for the provision of hosting services with host providers located in Europe, the USA and/or other countries, as we determine from time to time at our discretion.

Except as set out above, we currently do not otherwise disclose or allow a third party located outside Australia to access personal information we hold.

Please note that we may disclose information to an overseas contact for your next of kin in case of emergency.

If you communicate with us through a social network service such as Facebook or Twitter, the social network provider and its partners could collect and hold your personal information overseas.

Except as described above, we will not disclose or transfer information outside of Victoria unless the recipient agrees to be bound by laws, standards or schemes that are similar to the IPPs or you give us permission for the disclosure or transfer of information to occur, and you are aware that by giving permission, we are not required to ensure compliance with the IPPs or equivalent.

## **2.8 Security and retention of personal information**

We take the security of all personal information in our possession seriously. We take reasonable steps to protect personal information we hold from misuse, interference and loss, and from unauthorised access, modification and disclosure.

We only hold personal information we collect from or about an individual as long as it is reasonably necessary to fulfil the purpose(s) for which the information was collected, as required by law or in accordance with our document retention policies. When the information is no longer required to be held by us, we will take reasonable steps to destroy or to de-identify the information.

We take reasonable steps to ensure that any third party to which we disclose personal information collected from or about an individual takes steps to protect the personal information so disclosed and to destroy or to de-identify the information when the information is no longer required.

When we take steps to destroy or to de-identify personal information that is no longer required for the purpose(s) for which the information was collected, we will take reasonable steps to destroy or to de-identify the information in a secure manner.

### Personal information relating to tenants and clients for social housing

We retain the personal information of former tenants for longer than the legal minimum of seven years if there is a possibility that the person may apply for housing with us again.

If we assisted you to apply for social housing under the VHR, then the information that you provided to us (to prove your eligibility for social housing) is stored on VHR's database, which is controlled by the Victorian Government's Department of Health and Human Services. Other VHR agencies can update this information at your request.

## 2.9 Quality of the personal information we hold

We take reasonable steps to ensure that the personal information we collect, use and disclose is accurate, complete and up-to-date. These include ensuring that information is recorded in a consistent format, promptly adding updated or new personal information to existing records, and regularly auditing our information to check for inconsistencies.

However, the accuracy, completeness and currency of the information we hold largely depends on the accuracy of the information supplied to us or which we collect. If at any time you discover that any information we hold about you is inaccurate, out-of-date, incomplete, irrelevant or misleading, please contact us to request correction of the information. We will handle a correction request in accordance with its statutory obligation. However, as noted above, we reserve the right to verify the identity of the person making a correction request before processing the request.

## 2.10 Accessing and correcting personal information

In accordance with the APPs, you are entitled at any time (on request to us) to access the personal information we hold about you.

When we receive a request to access and/or correct the personal information we hold about an individual, we will comply with our statutory obligations and we will respond to such a request within a reasonable period of time.

Unless it is unlawful or impracticable for us to do so, we will generally provide access to the requested information in the manner you request.

Please note that while we will not charge a fee for making an access request, we are entitled under the APPs to charge a reasonable fee to cover the costs we incur in providing access to the personal information we hold about you.

Additionally, we reserve the right to refuse access to your personal information we hold where any of the statutory exceptions to the access right exist in the particular circumstances. Where we refuse an access and/or correction request, we will explain the reasons for refusal in writing and provide details in relation to the relevant complaint process, should you not agree with the reasons we give for refusing access or correct.

Where we have refused to correct your personal information, you have the right to request that we add to our record a statement that you believe the information is incorrect and the reasons for your belief.

Given that we hold personal and sensitive information collected from many individuals, and we do not wish to interfere with the privacy of other individuals, we reserve the right to request from you information in order to verify your identity, in order to ensure that we do not inadvertently disclose personal information about an individual to you where you are not entitled to access such information.

Further, we reserve the right to redact information made available in response to an access request, in order to protect the privacy of other individuals.

Where we have corrected personal information we hold about you and we previously disclosed incorrect personal information to a third party, we will take reasonable steps to notify the third party of the correction to the personal information, if requested to do so, unless a statutory exception applies.

## 2.11 Lodging a complaint and how to contact us

If you wish to make a complaint to us about how we (or a related body corporate) handle your personal information, then the complaint should be made in writing to us and addressed to the attention of our privacy officer (details of whom are set out below).

We will promptly acknowledge receipt and will endeavour to deal with the complaint and provide a response to you within a reasonable time period following receipt (generally within 30 days of receipt).

Where the complaint requires a more detailed investigation, the complaint may take longer to resolve. If this is the case, then we will endeavour to provide you with progress reports.

We reserve the right to verify the identity of the person making the complaint and to seek (where appropriate or reasonable) further information from the complainant about the circumstances of the complaint.

Where we are required by law, we will provide our determination on the complaint to the complainant in writing.

We reserve the right to refuse to investigate or to otherwise deal with a complaint where permitted under law, where such circumstances apply. For example, without limitation, we may refuse to investigate or to otherwise deal with a complaint if we consider the complaint to be vexatious or frivolous.

If you are not satisfied with the outcome of your complaint, then you may write to us seeking an internal review of our decision. Such internal review would be completed by an officer not previously involved in the complaint.

If you still remain dissatisfied following the outcome of the internal review, you may escalate the complaint to the Office of the Australian Information Commissioner.

If you have a query in relation to this privacy policy, please contact:

The Privacy Officer  
VincentCare Victoria  
Level 2, 452 Flinders Street  
Melbourne VIC 3000

Phone: (03) 9611 9200  
Facsimile: (03) 9611 9222  
Email: [vincentcare@vincentcare.org.au](mailto:vincentcare@vincentcare.org.au)

## COMMUNICATION

VCCH will provide clear information to tenants on this policy, and will inform tenants of their rights and obligations in relation to privacy.

### Section 3 – References

#### Transparency and accessibility

This policy will be available on VincentCare's website <https://vincentcare.org.au>

### Section 4 – Governance

#### Responsibility

<b>Process Owner</b>	Deputy CEO
<b>Content Holder/s</b>	Senior Practitioner Service Design
<b>Recommending body</b>	Quality Committee
<b>Endorsed by</b>	Chief Executive Officer

#### Change history

<b>Version</b>	<b>Effective Date</b>	<b>Author</b>	<b>Change</b>
<b>1</b>	December 2017	Senior Practitioner Service Design	New policy
<b>2</b>	May 2019	Senior Practitioner Service Design	Revised to include information relating to the Victorian Housing Register (VHR) and requirements as a participating registered agency