

Privacy and Confidentiality Policy



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Endorsed by:	Operational Management Group
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1. Purpose

WHL gathers and stores personal information that is often of a highly sensitive and confidential nature.

This policy outlines WHL's legal obligations in relation to privacy and confidentiality and sets out the principles and procedures designed to ensure optimal compliance with these obligations. This policy also outlines the obligations regarding the sharing of information held by WHL and other agencies.

2. Statement of commitment

WHL is committed to:

- Protecting individual and corporate privacy in accordance with the law.
- Instituting and maintaining rigorous information management systems that protect privacy and prevent potential misuse.
- Maintaining a rigorous information sharing system that will protect the rights and welfare of victim-survivors of family violence.

3. Scope

This policy applies to all staff, volunteers, students, board members and contractors. Information that is protected by this policy includes information pertaining to:

- Renters, ex-renters, and rental applicants
- Clients of other WHL services
- Support agencies
- WHL staff, contractors, and board members
- Volunteers and students

4. Responsibilities

4.1 Board

- To be aware of this policy and its application across the organisation
- To be aware of risks associated with failure to comply with laws and regulations and government policies relating to privacy and confidentiality
- To ensure WHL is compliant with its legal and regulatory obligations in relation to privacy and confidentiality

4.2 Chief Executive Officer

- Provide advise to Board concerning privacy issues and matters
- To be aware of risks associated with failure to comply with laws and regulations and government policies relating to privacy and confidentiality
- To ensure WHL is compliant with its legal and regulatory obligations in relation to privacy and confidentiality

4.3 Operations Manager

- Oversee operation of this policy
- Approve / deny requests for access to personal information held by WHL
- Ensure that WHL complies with State and Commonwealth privacy legislation; and
- Ensure compliance with regards collection, use and disclosure of personal information

4.4 Line Managers

- Oversee the efficient implementation and operation of this policy within their program areas
- Facilitate relevant privacy training for staff
- To contribute to comprehensive risk assessment, risk management and referrals
- To contribute to information sharing with other services (as permitted by legislation)

4.5 Operational staff / students / volunteers / contractors

- To be aware of the policy and how it applies to their areas of activity and responsibility
- To apply this policy within their area of responsibility
- To maintain appropriate information record keeping where required
- To protect the privacy of and confidentiality of clients
- To engage with clients respectfully, sensitively, and safely

5. WHL's privacy & information sharing obligations

5.1 Privacy and Data Protection Act 2014 (Vic)

WHL may hold personal information about clients, renters / rental applicants, staff, volunteers, students, contractors, board members and other stakeholders.

The Information Privacy Principles (IPPs) in the Privacy and Data Protection Act bind WHL in the collection, use, storage, disclosure, and destruction of personal or sensitive information.

In broad terms, this means that WHL must:

- Collect only information it needs to properly carry out its serve and business responsibilities
- Use and disclose information only for the primary or a directly related purpose, or for another purpose with the person's consent (unless otherwise authorised by law)
- With certain expectations, ensure that the person knows why it is collected and how it will be handled
- Store it securely, protecting it from unauthorised access

- Retain it for any periods required by law
- Provide all persons with access to their own information and the right to seek collection

5.2 Health Records Act 2001 (Vic)

WHL are not a provider of health services but may hold 'health information.' WHL must abide by the Health Privacy Principles (HPPs). This means WHL must abide by the following:

- WHL require consent to collect health information.
- WHL can disclose health information where there is reasonable belief that disclosure is necessary to prevent a serious threat to an individual's life, health, safety, or welfare.
- WHL must take reasonable steps to protect the health information from misuse and loss and from unauthorised access, modification, or disclosure.
- WHL must take reasonable steps to destroy or de-identify health information if it is no longer needed for the purpose for which it was collected.

5.3 Family Violence Protection Act 2008 (Vic)

The Information Sharing Scheme in the Family Violence Protection Act provides exemptions to ordinary privacy laws in limited circumstances.

WHL is Information Sharing Entity and must provide confidential information to Risk Assessment Entities or provide written reasons for the failure to provide the information. WHL **must** disclose confidential information to a RAE that has been requested for FV assessment purpose.

WHL can disclose confidential information with consent or if WHL reasonably believes the collection, use or disclosure of confidential information is necessary to lessen or prevent a serious threat to an individual's life, health or safety or welfare.

5.4 Child Wellbeing and Safety Act 2005 (Vic)

The Information Sharing Scheme in the Child Wellbeing and Safety Act provides exemptions to ordinary privacy laws in limited circumstances.

WHL must comply with a request by an Information Sharing Entity to disclose information if the disclosure is made for the purpose of promoting the wellbeing of the child and the disclosure may assist the requesting entity to make decisions relating to children, conduct investigations, provide a service, or manage a risk to any children.

WHL can voluntarily disclose information for the same purposes.

5.5 Housing Act 1983 (Vic)

WHL participate in the Victorian Housing Register (VHR) under the Housing Act. This enables WHL to access and utilise some personal information belonging to applicants. WHL may collect or disclose relevant information to assist in determining whether an applicant is eligible or suitable for a WHL vacancy.

6. Use and disclosure of personal information

WHL will use and disclose personal information only for the primary purpose for which it was collected.

Information will be kept confidential within the organisation. Workers within WHL are able to access client information only where this is necessary and relevant to service delivery.

WHL will disclose personal information when:

- The person has provided consent; or
- The person requests the information for their own purposes or third party and has signed a consent form; or
- It is required to prevent or lessen a serious threat to the health, safety, or welfare of an individual or the public; or
- It is required by law; or
- It is required by or for a law enforcement agency

6.1 Individual privacy rights

- Individuals will be advised of the purpose of WHL collecting personal information and how it will be used and disclosed
- They will be advised of their right to access their personal information held by WHL and the process for obtaining it
- Copies of WHL forms used for the collection of personal information will be made available to all persons
- All persons will be encouraged to check WHL information forms to ensure their accuracy and to correct and update information
- At sign up, all WHL renters will be provided with information about WHL's privacy policy and their rights

6.2 Clients of WHL services

Clients may be vulnerable persons who disclose highly sensitive information in the course of their contact with WHL. It is important that clients' rights to privacy is protected at all times. WHL will ensure this by:

- Conducting face to face interviews with clients that involve disclosure of personal or sensitive information in a private meeting room
- Conducting tenancy sign ups and other tenancy meetings in the privacy of the renter's property in the presence of a support worker when safe and appropriate to do so
- Ensuring there is reasonable privacy when taking calls from clients, such as using a headset and speaking at an appropriate volume
- Providing information to renters about their privacy rights and requesting that they sign a WHL Privacy & Consent form at the commencement of their tenancy. This enables WHL to discuss tenancy related issues with support agencies, communicate with Centrelink about rent payments and provide information to maintenance contractors.

At times, it may be necessary for staff to seek verbal consent to disclose information if working with a client over the phone. If this occurs, staff will make a note of the extent of the consent on the client's file.

6.3 Support agencies

Confidential information will only be shared between WHL and relevant support agencies if the renter / client has provided consent.

There are occasions when certain information can or must be given and received without client consent. This may include where the law or a regulatory scheme requires sharing of information. For example, there may be child safety concerns or requests for information from police regarding serious safety issues. WHL will inform clients about the release of this information where appropriate and safe.

If a client has a grievance about information being accessed or disclosed without their consent, they can make a formal complaint via WHL's Complaints and Appeals Policy. They are also empowered to contact the Victorian Privacy Commissioner or the Health Service Commissioner if the information is 'health information.'

7. Storage and protection of information

WHL has information privacy and security measures in place to protect against the misuse, loss, unauthorised access or unauthorised disclosure of information and data.

Personal information for new clients is recorded and stored on electronic files, with information for renters who signed up prior to 2020 being gradually transitioned from hard copy files to electronic files.

Personnel files for staff are currently held in hard copy files and similarly being transitioned to electronic files.

Some of the security measures that WHL use to protect this information includes:

- Hard copy files are stored in locked cabinets or other secure areas that are only accessible by authorised staff
- Allocation of varying computer access levels to different staff ensuring only authorised staff have access to different electronic information
- Use of computer passwords to ensure only authorised staff have access to certain information
- Use of virus protection software and multi-factor authentication for logging onto WHL's server
- Reasonably physical security limit access to WHL's office
- A confidential shredding bin that remains locked for disposal of paper with sensitive information

For more information about the retention and destruction of information, see WHL's Records Management Policy.

7.1 Transmission and movement of personal information

The electronic transmission of personal information through email will be restricted to the minimum necessary to provide optimum service.

Care will be taken to ensure that this information is delivered only to the intended recipient.

Appropriate disclaimers and warnings will be attached to all emails containing personal information.

7.2 Requests from external agencies

Requests from external agencies for information must be directed to the Operations Manager. This might include requests from the police or a Risk Assessment Entity under the MARAM Framework

8. Breaches of privacy or confidentiality

Breaches of privacy and confidentiality will occur when WHL personnel fail to abide or comply, intentionally or recklessly, with this policy. A data breach occurs when personal information held by WHL is lost or subjected to unauthorised access, modification, disclosure, or other misuse or interference. For example, an email that contains personal information but is mistakenly sent to an unintended receiver.

Breaches might range from simple mistakes to deliberate offences.

8.1 Dealing with breaches of privacy

WHL will respond to breaches of privacy by firstly assessing the nature and seriousness of the breach. Responses might range from counselling and education to more serious procedures, including dismissal and/or legal action.

If a privacy breach is detected or alleged against an individual within the organisation, an investigation will be conducted by the appropriate Line Manager in consultation with People & Culture.

The investigation will include an assessment of the adequacy of the privacy protection system that was breached and what systemic remedies might be applied to prevent future breaches.

Depending upon the seriousness of the breach, the matter may be referred to the Operations Manager who will determine the appropriate course of action.

Allegations against any manager will be handled by the CEO. Allegations against the CEO or a Board member will be handled by the Board.

The CEO will be informed of all serious breaches and, if considered necessary, the CEO will advise the Board and in accordance with WHL Funding Agreements, may need to notify relevant funding bodies.

Legal advice may be sought.

The process will be guided by the principles of fairness and transparency.

9. Reviewing

This policy will be reviewed every two years or following change in legislation, regulation, or relevant government policy.

10. Related documents

- WHL Child Safety Policy
- WHL WHS Policy
- WHL Document Control Policy
- WHL Renter and Client Records Management Policy
- Family Violence Information Sharing Guidelines (FVISS)

- Child Information Sharing Scheme Guidelines (CISS)
- Multi Agency Risk Assessment and Management Framework (MARAM)
- DFFH Services Guidelines and Conditions of Funding
- Victorian Housing Register – Information Sharing Arrangements
- Performance Standards for Registered Housing Organisations

11. Relevant Legislation

- Privacy Act 1988 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Information Privacy Act (Vic)
- Freedom of Information Act 1982 (Cth)
- Health Records Act 2001 (Vic)
- Housing Act 1983 (Vic)
- Family Violence Protection Act 2008 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)