

Privacy and Confidentiality Policy

PRIVACY AND CONFIDENTIALITY POLICY

Policy category	Probity	Group Application	BHC
Drafted by	PM - Ops	Version	V2.0
Delegated updates	COO	Last approved	May 2021
Responsible person	CEO	Scheduled review date	May 2024

Purpose

The purpose of this policy is to ensure Brisbane Housing Company Limited and each of its related entities (each BHC) comply with legislative requirements in accordance with the *Privacy Act 1988 (Cth)* and any other relevant privacy legislation or code governing the way in which BHC manages personal information.

Application

This policy applies to all employees of BHC, as well as directors and other officeholders, contractors, consultants, volunteers and people undertaking work experience or vocational placements. This policy applies in respect of applicants for tenancies, tenants, residents and owners/investors across all BHC portfolios.

Principles

BHC is committed to ensuring that privacy and confidentiality are respected and upheld in matters relating to BHC.

BHC acknowledges an individual's right to privacy and will ensure that the collection, storage, use and disclosure of personal and organisational information is managed in a safe, secure, ethical and responsible manner.

Individuals also have a right to know how their information and privacy is managed by BHC and to be provided with information on how to make a complaint about a possible breach of privacy.

Policy

As a minimum, BHC will collect, store, use and disclose personal information in accordance with the Australian Privacy Principles (APPs) contained in the *Privacy Act 1988 (Cth)*. BHC will also uphold the Information Privacy Principles (IPPs) contained in the *Information Privacy Act 2009 (Qld)* when delivering services on behalf of the Queensland Government or otherwise required by the Queensland Government to do so in a particular context.

This Privacy and Confidentiality Policy will be made available on BHC's website at www.bhcl.com.au.

Collection of Personal Information

BHC will only collect solicited personal information for the purposes that are directly related or reasonably necessary to the functions or activities of the organisation. BHC will collect personal information in a fair, lawful and non-intrusive way. Personal information is defined in section 6 of the *Privacy Act 1988 (Cth)* as "information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not."

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The *Privacy Act 1988* (Cth) applies to records of personal information. A "record" includes a photograph, video image or picture of a person. If an individual can be identified in an image then the image is "personal information" and the collection, use and disclosure of the image is governed by the *Privacy Act 1988* (Cth).

BHC collects solicited personal information from applicants, tenants, residents and members of tenants/residents' households, job applicants, staff, volunteers, directors and other officeholders. BHC also collects solicited information from investors, property owners and prospective buyers.

Solicited personal information will generally be collected directly from the individual with their consent through the use of standard forms, over the internet, via email, or through a telephone conversation.

Solicited consent may be express or implicit and generally means that the:

- Individual is adequately informed before giving consent;
- Individual gives consent voluntarily;
- Consent is current and specific; and
- Individual has the capacity to understand and communication their consent.

BHC will keep a record of how the consent of the person is obtained.

In some circumstances BHC may need to collect personal information from third parties (such as referring agencies, service providers, etc.) to enable service provision or to carry out a required activity. Indirect collection of an individual's personal information will only occur where the individual might reasonably expect it.

Individuals will be told the purpose for collection of information about them, the organisations or types of organisations to which BHC usually discloses personal information of that kind, any law that requires the personal information to be collected (if applicable), any consequences for the individual if all or part of the information is not provided to BHC and the processes for them to gain access to information about them held by BHC.

Use and Disclosure

BHC will only use or disclose information for the purpose it was collected (primary purpose).

The kind of information typically collected includes name, address, date of birth, age, contact details such as phone numbers and email addresses, as well as electronic information from the use of the BHC website and any other websites administered by BHC.

Subject to that constraint, BHC may disclose personal information it collects to various entities, including:

- Third party service providers which assist BHC in its business activities. (Some service providers might not be required to comply with BHC's Privacy and Confidentiality Policy. For example, BHC may pass on an individual's contact details to a maintenance contractor so they can arrange a time with a resident to make a repair. However, BHC will not pass on contact details to a support service without the individual's consent);
- Related entities, to facilitate internal business processes;
- Other organisations with whom BHC has affiliations, so that those organisations may provide individuals with information about services and various promotions; and
- Undertaking of statistical reporting.

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BHC will not use or disclose the information for another purpose (a secondary purpose) unless the individual consents to the use or disclosure, or the use or disclosure is:

- Required or authorised by or under an Australian law or a court/tribunal order;
- Necessary to lessen or prevent a serious threat to any individual's life, health or safety, or to public health or safety and it is unreasonable or impracticable to obtain the consent of the individual whose personal information is to be used or disclosed;
- Necessary in order for BHC to take appropriate action in relation to a reasonable suspicion of unlawful activity or serious misconduct, that relates to the entity's functions or activities;
- Reasonably necessary to assist any organisation or person to locate a person who has been reported as missing;
- Reasonably necessary for establishing, exercising or defending a legal or equitable claim; or
- Reasonably necessary for a confidential alternative dispute resolution (ADR) process. This permitted general situation only applies where the parties to the dispute and the ADR provider are bound by confidentiality obligations.

Direct Marketing

BHC may use an individual's personal information to provide them with information about BHC's products and services (e.g. Elevate and Arbor promotional material, The Bugle newsletter, etc.).

Individuals can opt out of direct marketing communications at any time by:

- Using the unsubscribe option available (where relevant); and/or
- Contacting BHC through the following channels:

Online Form	Available at www.bhcl.com.au
Post	Attention: Feedback GPO BOX 544 Brisbane QLD 4001
Email	feedback@bhcl.com.au
Telephone	(07) 3307 3000 – member of staff to advise caller of options to submit written opt out request

Data Quality

BHC will take reasonable steps to ensure personal information collected, used or disclosed is accurate, complete and up to date.

On an ongoing basis BHC will maintain and update personal information when it is advised by individuals or when it becomes aware through other means that their personal information has changed.

Access and Correction

BHC will allow an individual access to their personal information held by BHC, however there may be circumstances when BHC will refuse these requests (refer to APP 12.3 for exceptions to access).

If an individual upon accessing their personal information advises BHC that the personal information is inaccurate, incomplete or out of date, BHC will take reasonable steps to correct the information, as relevant.

Data Security

BHC will take all reasonable measures to ensure that personal information is stored safely and securely to protect it from misuse, loss, unauthorised access, modification, or disclosure, including

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electronic and physical measures.

Only BHC officers or employees with a relevant job or service responsibility to access personal information will be allowed such access. Personal information will not be generally accessible by all BHC staff.

Accidental or Unauthorised Disclosure

BHC will take seriously and deal promptly with any accidental or unauthorised disclosure of personal information.

BHC is subject to the Notifiable Data Breaches Scheme (NDB Scheme) under the *Privacy Act 1988* (Cth) and will act in accordance with the requirements of the NDB Scheme and the guidance of the OIAC in assessing and responding to suspected notifiable data breaches. Where a breach of personal information is assessed to have the potential to cause serious harm to any individuals whose information was involved, BHC will notify the OAIC and affected individuals. BHC will review all data breach incidents and implement actions to endeavour to prevent future breaches.

Anonymity

Wherever reasonably practicable and lawful to do so, BHC will allow individuals to engage with the organisation on an anonymous basis.

Sensitive Information

BHC may collect and hold sensitive information. Sensitive information is personal information that includes information or an opinion about an individual's:

- Racial or ethnic origin;
- Political opinions or associations;
- Religious or philosophical affiliations;
- Trade union membership or associations;
- Sexual orientation or practices;
- Criminal record;
- Health or genetic information; and
- Some aspects of biometric information.

BHC will ensure sensitive information will not be collected unless:

- Prior consent is given by the individual;
- It is required by law; or
- It relates to the provision of housing and health services, or if it determines that it is reasonable and desirable to do so (for example in the interests of a relevant individual for health and safety reasons or to assist BHC to understand the needs of its tenant base, i.e. surveys).

Complaints

If an individual or organisation has a complaint about any privacy matters with BHC, the complaint will be dealt with through the BHC Complaints and Feedback Policy and reviewed where necessary by the CEO.

If the individual/organisation is not satisfied with the BHC response, BHC will advise the individual/organisation that they may refer their complaint to the federal Office of the Australian Information Commissioner (OAIC). The contact details for the OAIC can be found via its website located at www.oiac.gov.au.

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Overseas Disclosures

BHC does not ordinarily disclose personal information to overseas parties. However, in the unlikely event that BHC knowingly discloses personal information overseas, such as storing information with a “cloud service provider” which stores data outside of Australia, it will only do so in accordance with the APPs. This means BHC will take reasonable steps to ensure the information is kept secure and the overseas recipient complies with the APPs or is subject to a law or binding scheme which provides similar protection as the APPs. In such instances BHC will obtain the consent of the individual (in some cases this consent will be implied).

Government Service Agreements

Where BHC has entered into a service agreement with a government agency, BHC will comply with any additional privacy obligations stipulated in the service agreement (i.e. this may include restrictions on transferring personal information outside of Australia, right to information obligations and specified data retention timeframes).

Destruction of information

Where personal information is no longer needed, it will be destroyed in a timely and appropriate manner in accordance with the relevant minimum retention requirements provided in BHC’s Data Retention Guidelines (e.g. records relating to taxation matters are to be kept for a minimum of 5 years, employee service history records are to be kept for a minimum of 7 years after the date of separation, notifiable work health and safety incidents are to be kept for 80 years). Record retention requirements stipulated in contractual agreements take precedence over BHC’s Data Retention Guidelines.

Where unsolicited personal information is provided to BHC that is not required by BHC to meet its obligations and perform its duties under relevant legislation and funding agreements, this information will be deidentified and destroyed in a timely and appropriate manner (provided it is lawful and reasonable to do so).

Review

The Privacy and Confidentiality Policy is reviewed periodically.

Related Documents, Policies & Procedures

- Anti-Discrimination Policy
- Australian Privacy Principles (APPs)
- Code of Conduct
- Complaints and Feedback Policy
- Conflicts of Interest Policy
- Data Retention Guidelines
- *Information Privacy Act 2009* (Qld)
- Information Privacy Principles (IPPs)
- *Privacy Act 1988* (Cth)
- Retirement Villages Complaints and Feedback Policy
- SDA Incident Management Policy
- Video Surveillance Policy
- Whistleblowing Policy

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DOCUMENT CHANGE HISTORY

Version Number	Approved by	Date	Description of Change
1.0	Board	February 2014	New Policy
2.0	Board	May 2021	Significant update – comprehensive review completed. Strengthened alignment with APPs re. collection, use and disclosure of personal information, sensitive information and destruction of information. New sections included for direct marketing, accidental or unauthorised disclosure, overseas disclosures and government service agreements. Policy format updated.