




PRIVACY, CONFIDENTIALITY AND INFORMATION MANAGEMENT POLICY

Policy Number	CO15
Version	2
Date	September 2020
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1. Purpose

This policy supports Access 2 Place Housing (A2P) to collect, store and manage personal information in accordance with the [Privacy Act 1988 \(Cth\)](#); and other relevant regulatory compliance requirements.

2. Context

A2P is an 'APP Entity' as defined in the [Privacy Act 1988 \(Cth\)](#) with an obligation to act in accordance with the Australian Privacy Principles (APPs).

The APPs are the cornerstone of the [Privacy Act 1988 \(Cth\)](#) privacy protection framework and apply to any organisation or agency the Act covers.

There are 13 [Australian Privacy Principles](#) and they govern standards, rights and obligations in relation to:

- the collection, use and disclosure of personal information,
- an organisation or agency's governance and accountability,
- integrity and correction of personal information,
- the rights of individuals to access their personal information.

3. Scope

This Policy applies to all A2P employees (including board members, contractors and volunteers).

4. Risk

Without an A2P *Privacy, Confidentiality and Information Management Policy*, there is a risk that A2P employees may be unaware of privacy legislation requirements and contravene the privacy rights of individuals.

5. Policy Detail


5.1 General Policy

A2P is committed to protecting the privacy and confidentiality of all personal information that is collected, stored and managed on behalf of the organisation.

A2P will ensure that persons dealing with A2P understand the organisational practices in relation to the management of personal information.

A2P will only collect information in order to conduct business. A2P collects personal information for the purposes of:

- Assessing applicant and tenant eligibility (initial assessment and ongoing reviews).
- Reporting purposes.
- Promoting the services and activities of A2P to the wider community.
- Recording events to maintain a historical record of A2P.

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- Financial information
- General employment details (e.g. name, address, phone number, emergency contact)
- Acknowledging the achievements and accomplishments of tenants, employees, volunteers and board directors.
- Performance review information

This policy should be read in conjunction with:

- The *A2P Managing-Sharing Information and Policy Reference Tool*.
- the [Information Sharing Guidelines for Promoting Safety and Wellbeing](#) and other relevant legislation. More information is available from the Department of Premier and Cabinet [here](#).
- The *A2P Information Sharing Guidelines Appendix* and the *A2P Supported Decision Making and Consent Policy* (in development).

5.2 Consent to Collect and Use Personal Information

A2P will obtain written consent¹ for the collection and use of information considered personal under the [Privacy Act 1988 \(Cth\)](#).

A2P will clearly explain when collecting and managing personal information:

- The kinds of information that will be collected and held;
- Why this information is held;
- Who will have access to this information;
- How this information will be secured;
- How this information will be used;
- How an individual can access and amend information;
- How to make a complaint if an individual feels that A2P has breached privacy obligations.

5.3 Withdrawal of Consent to Collect and Use Personal Information

Individuals have the right to modify or withdraw their consent in writing at any time.

5.4 Supporting Tenants To Be Informed of Their Privacy Rights

All tenants will be given a copy of the *A2P Tenant Fact Sheet: Privacy and Your Personal Information* as part of the New Tenant Welcome Pack.

A2P will maintain a Privacy Notice on the A2P website.

¹ Written consent will be recorded using the A2P Authority to Exchange Information Form and the Registration of Interest Form.

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5.5 Information Sharing

To support an ongoing commitment to maintaining privacy and confidentiality, A2P will share information in accordance with the [Information Sharing Guidelines for promoting Safety and Wellbeing \(ISG Guidelines\)](#). Staff are required to refer to the A2P *Information Sharing Guidelines Appendix* which supports A2P to be cognisant of, and act in accordance with, the ISG Guidelines.

5.6 Supported Decision Making and Consent

A2P has a *Supported Decision Making and Consent Policy* (in development) that provides direction regarding determining capacity and consent; and how to navigate situations where there is a guardian or administrator making decisions on behalf of a tenant or applicant.

5.7 NDIS Code of Conduct

A2P will act in accordance with the National Disability Insurance Scheme (NDIS) Code of Conduct, in particular Section 2 'Respect the privacy of people with disability'. In essence, this section of the NDIS Code of Conduct requires A2P to acknowledge that privacy is a human right and reinforces the need to comply with Commonwealth and State privacy laws in all matters relating to an NDIS participants personal information and privacy.

Section 2 of the NDIS Code of Conduct also identifies that there are certain circumstances where NDIS providers should disclose information about a person without consent from the person involved. This might include mandatory reporting requirements on child protection matters, and obligations to report incidences of violence, exploitation, neglect and abuse, and sexual misconduct to the NDIS Commission and police.

5.8 Types of Personal Information Collected


A2P may collect the following types of Personal Information:

- Contact details, including name, email, address and telephone numbers;
- Details regarding conversations and interactions;
- Relevant information provided to A2P from other agencies and/or professions (e.g. Centrelink records, medical information, Occupational Therapy reports);
- Tax file number, banking information, and superannuation information;
- Employment history; and
- Any other relevant information provided to A2P as necessary to deliver services.

5.9 Use and Disclosure

Personal information will only be used or disclosed for the purpose (primary purpose) it was collected and in accordance with the Privacy Principles under the [Privacy Act 1988 \(Cth\)](#).

A2P may, from time to time, be required to use and/or disclose personal information for another purpose (secondary purpose) where it would be reasonably expected, or if compelled by law, including:

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- Release of information with the person's consent for the personal information to be used and/or disclosed for a secondary purpose.
- Release of information without the person's consent or knowledge only in those instances where failure to disclose would result in serious risk of harm or injury and/or contravene the Act.

5.10 Quality Assurance and Access to Information

A2P will take reasonable steps to ensure personal information is accurate, complete, up-to-date and relevant to the function for which it was taken.

A2P will refuse to disclose personal information to a third party where the information is not directly related to the services required or may lead to serious risk of harm or injury.

A2P employees can only access a tenant's personal information if it is necessary to perform their duties.

Individuals have the right to access personal information A2P holds about them, subject to the exceptions allowed by law.

Individuals have the right to seek a correction to personal information A2P holds about them, subject to the exceptions allowed by law.

A2P may deny a request to access or correct personal information where allowed under the Australian Privacy Principles, if required to do so by law, or where the information may relate to existing or anticipated legal proceedings. A2P will make reasonable efforts to provide individuals with the reasons for a refusal in writing.

5.11 Image Consent

A2P will use all images to portray individuals and A2P in a valued and positive way.

A2P will obtain consent from individuals, using *the A2P Image Consent form*, before using images where the person's identity is clear or can reasonably be worked out from the image.

Individuals under the age of 18 years and adults unable to make an informed decision or make their decision known, require consent to be given by their parent or legal guardian.

Once consent is granted, this consent applies to all images of the individual.


A2P will not share or sell any images to any third party for commercial/marketing purposes and will not release any images unless required to do so by law.

Where an individual withdraws consent, A2P will not use the image(s) for any future use. A2P is not required to withdraw images currently in use unless it contravenes legislation.

5.12 Images Recorded by Employees or Volunteers

All images taken by employees and volunteers on behalf of A2P are owned by A2P.

Images must be downloaded onto A2P computers as soon as possible and deleted from the recording device, such as camera or phone.

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5.13 Events

Before taking photos or videos of people at events, A2P will endeavour to make sure that individuals understand that they are being photographed and why. Where people under the age 18 years are involved, consent will need to be given by a guardian.

A2P will inform adults and young people that they are being photographed at an event, this may through any or all of the following:

- Displaying signs at the event.
- Advertising in the publicity for the event.
- Talking individually with the person concerned.
- If practical, making an announcement.

Where possible, A2P will give people an opportunity to opt out of having a photograph taken.

Guest speakers at A2P events will be asked for written consent for A2P to use their information and/or recordings.

5.14 Security

A2P will take appropriate measures to keep personal information secure. A2P holds personal information in a combination of hard copy and electronic files. A2P uses commercially reasonable physical, technical and administrative measures to protect the security of the Personal Information that is collected or received.

Where information is no longer required, A2P will take reasonable steps to ensure that it is stored securely, or de-identified, or destroyed appropriately and completely.


Despite taking appropriate measures to protect information used and collected by A2P, no data security measures can guarantee 100% security all the time. A2P cannot guarantee the security of any information transmitted via the internet and such transmission is at an individual's own risk. The A2P website may contain links to other websites and A2P is not responsible for the privacy practices or content of such websites.

5.15 Information Management

5.15.1 Record Creation and Capture

A record is information (including data in computer systems) that is created or received while carrying out organisational transactions and kept as evidence. Examples are (but not limited to): tenancy records, minutes of meetings, contracts, complaints, personnel records, emails, annual report, drafts, Registration of Interest form, Housing Needs Assessment, lease agreement, Centrelink consent forms, bond receipts, income statements, inspection sheets.

Records in any format created, received or maintained by employees in the course of carrying out an A2P service or function, must be captured. This includes paper records and digital formats such as emails, word documents, spreadsheets, databases, web pages, digital photographs, scanned versions of paper documents and incoming mail.

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Records must be captured as per the record keeping system, in section 6.5.1 of this policy, to ensure they are locatable, and that access and movement can be tracked. Records should not be stored on local or network drives, floppy disks or USBs.

Digital records will be captured in the relevant departmental Drive (e.g. Management, Policy system, Personnel) to secure them against unauthorised access, alteration or deletion, to preserve their authenticity and to ensure that appropriate employees have access to them as long as the records are required.

5.15.2 Recordkeeping System

Records will be collated and maintained for ongoing reference (for example, purchasing records are maintained in purchasing files and employee records are maintained in employee files). The appropriate systems will be used to register, capture and track hardcopy or digital files and documents whether received, generated or acted upon by A2P employees.

Users of the record keeping systems are responsible for:

- Capturing official records.
- Recording the movement of records in these systems.
- Ensuring the accuracy of information entered.

5.15.3 Maintenance and Monitoring

A2P will appropriately maintain, store and preserve records for as long as the record is required. The location of physical records will be recorded and updated with each movement of the record.

5.16 Record Retention

To support an ongoing commitment to maintaining privacy and confidentiality, A2P will retain records in accordance with the *A2P Record Retention Policy*.


5.17 Identifiers

A2P will not adopt any identifiers, or use or disclose an identifier that has been assigned by a government agency, unless allowed by the Australian Privacy Principles set out in the [Privacy Act 1988 \(Cth\)](#).

5.18 Transparency

A2P aims to ensure all stakeholders are aware of the *A2P Privacy, Confidentiality and Information Management Policy* and its purpose. The A2P Privacy Statement is posted on the A2P website and individuals can request a copy of the *A2P Privacy, Confidentiality and Information Management Policy*.

A2P may change the *A2P Privacy, Confidentiality and Information Management Policy* from time to time. Any updated versions of this Policy will be posted on the website. If changes are made to this Policy that substantially affect A2P practices with regard to personal information that has

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previously been collected, A2P will endeavour to provide the stakeholders(s) with notice in advance of such change by highlighting the change on the A2P website, or where practical, by emailing relevant individuals.

5.19 Consent to Transfer Information Outside Australia

A2P does not disclose personal information to organisations in other countries.

5.20 Anonymity

A2P will ensure that individuals have the option of dealing anonymously or by pseudonym, unless

- A2P is required or authorised by law or a court or tribunal order to deal with identified individuals, or
- It is impracticable for A2P to deal with individuals who have not identified themselves.

A2P will ensure that individuals are made aware that they have the opportunity to deal anonymously or by pseudonym.

5.21 Complaints or Enquiries

A2P welcomes questions or complaints regarding privacy, confidentiality and information management; or if individuals believe that A2P has wrongfully disclosed personal information or breached the *A2P Privacy, Confidentiality and Information Management Policy*. Individuals are encouraged to contact A2P on the general office phone number or lodge a complaint in writing to the head office.

If individuals are not satisfied with the A2P response, they are entitled to contact the [Office of the Australian Information Commissioner](#) and/ or [lodge a privacy complaint](#) with them.


Where a complaint is made, employees are required to act in accordance with the *A2P Dealing with Complaints Policy*.

5.22 Employee Obligations

Through the course of their duties, employees may be given access to confidential information and operating systems within A2P. Employees must treat this information with absolute confidentiality in line with this Policy.

To ensure A2P is compliant with the Privacy Act 1988 (Cth) there are specific expectations that employees are to adhere to. These include that employees:

- must only use confidential information to perform their duties,
- must keep confidential all information that is considered confidential, specifically personal and sensitive information,
- must comply with all of A2P's information security policies and protocols,
- may only disclose confidential information to persons who are aware that the confidential information must be kept confidential and who need to know for the purpose of fulfilling their duties within A2P (and only to the extent that each needs to know)

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- must not use or attempt to use confidential information in any manner, or for any purpose, other than for the purpose determined by A2P
- must return confidential information to A2P immediately on request and in any event upon termination of employment
- must notify A2P immediately of any suspected or unauthorised access, use or disclosure of Confidential Information.
- must abide by the Privacy, Confidentiality and Information Management Policy and associated procedures and

The Employee's obligation of confidentiality regarding the private and sensitive information obtained through the course of their duties continues after the termination of their employment.


Where an employee was found to have breached the obligations set out as part of this policy, disciplinary action will be considered.

5.23 Responsibilities

CEO	<ul style="list-style-type: none"> • Ensure A2P policies and procedures comply with the Privacy Act 1988 (Cth) and Freedom of Information Act 1991 (SA).
Operations Manager	<ul style="list-style-type: none"> • Provide advice, support and training in this policy and related procedures to ensure employees are adequately trained and are aware of their responsibilities. • Support the creation, capture, storage and monitoring of records by employees. • Monitor adherence to this policy.
All Employees	<ul style="list-style-type: none"> • Act in accordance with this Policy, the Information Sharing Guidelines Appendix and the Supported Decision Making and Consent Policy. • Consult with the Operations Manager when unclear or concerned that the privacy of an individual may be potentially breached by a particular action or decision.
ITC Provider	<ul style="list-style-type: none"> • Ensure that infrastructure and systems are in place to support the capture, maintenance, authenticity, access and disposal of digital records and their metadata for as long as required.

6. Procedure

This Policy informs the *Privacy, Confidentiality and Information Management Procedure* (to be developed).

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7. Case Studies

Case Study 1: Image Consent - When not to share

An A2P staff member visited Dawn Smith at her property for a routine property inspection. At the time of the inspection, Dawn was gardening and the A2P staff member saw a good photo opportunity for the A2P Facebook page.

The A2P staff member asked Dawn if she would agree to a photo being taken of her gardening and posted on the A2P Facebook Page. Dawn verbally agreed to having her photo taken but said she wanted to think about whether or not she wanted it to be posted on the A2P Facebook page. The A2P staff member took a great action shot of Dawn doing her gardening at her A2P property and it was agreed that in a few days time the staff member would check in with Dawn about posting the photo on the A2P Facebook page.

When back at the office, the A2P staff member wasn't sure if verbal permission was appropriate consent to post the photo on the A2P Facebook page and decided to check with the A2P Information Sharing Guidelines Appendix before posting. The A2P staff member saw that Dawn needed to give her permission in writing before the image could be shared on the A2P Facebook page.

To gain written permission, Dawn was sent an A2P Image Consent Form. When Dawn received the consent form, she rang the office and advised that she has thought about it and no longer wanted the photo to be posted on A2P's Facebook page. The staff member thanked Dawn for informing A2P of her decision. The A2P staff was unsure what to do with the image and decided to check with the Privacy, Confidentiality and Information Management Policy to see what they should do with the image. After reading the policy, it was clear A2P did not have consent to keep the image, so the image was deleted.

Case Study 2: Image Consent -When to share

An A2P staff member visited Dawn Smith at her property for a routine property inspection. At the time of the inspection, Dawn was gardening and the A2P staff member saw a good photo opportunity for the A2P Facebook page.


The A2P staff member asked Dawn if she would agree to a photo being taken of her gardening and posted on the A2P Facebook Page. Dawn verbally agreed to having her photo taken. The A2P staff member before taking the photo, asked Dawn to complete the A2P Image Consent Form and offered to explain the contents of the form to Dawn. Dawn signed the form and posed for the picture.

The A2P staff member took a great action shot of Dawn doing her gardening in her A2P property. Upon return to the office the A2P staff member scanned the Image Consent into the Tenant Drive and saved the form to Dawn's tenant file and filed the hard copy in her tenant folder.

The A2P member then posted the photo to the A2P Facebook page.

Case Study 3: Tenant Request to Remain Anonymous

An A2P staff member received a phone call from tenant Betty Confetti with a complaint about her neighbour next door who also is an Access 2 Place tenant.

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Betty advised there was loud music playing every night and it was affecting her sleep. She asked if A2P could do something about the noise coming from the neighbour and stated that she didn't want to be named in the complaint as she didn't want to ruin her relationship with her neighbour.

The A2P staff member took Betty's details and requested she put the complaint in writing. Betty sent through the complaint describing the situation she was experiencing with her neighbour and the effects of the noise on her wellbeing.

The A2P staff member wasn't sure how to approach the issue without mentioning who made the complaint so decided to look at the Privacy, Confidentiality and Information Management Policy. The policy confirmed that Betty had the right to request that her name not be used and therefore the A2P staff member, as part of the complaints process, sent a generalised letter to the other A2P tenant advising they have received a complaint from the neighbourhood about unreasonable noise levels at night time and highlighted the reasonable peace clause in the tenancy agreement.

The A2P member filed the complaint in the offending tenant's folder along with the letter from Betty as evidence of the complaint of noise late at night.

8. Definitions

Personal Information refers to any information that may identify you, or by which your identity might be reasonably determined. This information may include, but is not limited to, name, address and telephone number.

Sensitive Information refers to any information about an individual's racial or ethnic origin, political opinions. Membership of a political organisation, religious belief or affiliation, philosophical belief, memberships of a professional trade or trade association, membership of a trade union, sexual preference or practices, criminal record or health information.

Identifier refers to a unique number assigned to an individual to uniquely identify the individual. Identifiers include Medicare numbers and tax file numbers.

Image refers to photographs and video recordings.

For all other definitions, refer to the [Privacy Act 1988 \(Cth\)](#), the [Australia Privacy Principles](#) and the [Information Sharing Guidelines for promoting Safety and Wellbeing](#).

9. Reference Documents and Links

9.1 Directive Documents

- [Privacy Act 1988 \(Cth\)](#).
- [Freedom of Information Act 1995 \(SA\)](#)

9.2 Supporting Documents

- [Australia Privacy Principles](#)
- [Information Sharing Guidelines for promoting Safety and Wellbeing](#)

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9.3 Related Documents and Resources

- A2P Code of Conduct
- A2P Record Retention Policy
- A2P Dealing with Complaints Policy
- A2P Tenant Fact Sheet: Privacy and Your Personal Information
- A2P Authority to Exchange Information Form
- Registration of Interest Form
- A2P Image Consent Form (insert link)
- A2P Privacy, Confidentiality and Information Management Procedures (to be developed)
- A2P Information Sharing Guidelines Appendix (in development)
- Supported Decision Making and Consent Policy (in development)
- A2P Notifiable Breaches of Data (to be developed)

10. Policy Approval

Content Author:	Delegated Authority: Board Date approval given in board minutes: 26 th August 2020 Date for September 2020 changes given via email from CEO 23 rd December 2020
Date: July 2020	
Name: Rebecca Chapman Position: Policy Adviser	

11. Revision History

Date	Version	Author / Amended By	Comments / Review History
2016	1	unknown	Original Draft HR04 Confidentiality and Privacy
July 2020	2	Rebecca Chapman	Review and development of Privacy and Confidentiality Policy that aligns more effectively with the Privacy Act 1988 (Cth) and the Australian Privacy Principles. Significant changes made. Jos Hutchinson (HR Consultant) supplied content in section 5.22.
September 2020	2	Rebecca Chapman	Changes to policy with inclusion of contents table and section 7 case studies