



## 1.7 Privacy and Confidentiality Policy

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**Approved by:** SEARMS Board

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### 1. Purpose

This policy outlines the circumstances in which SEARMS obtains personal information, how we use and disclose that information and how we manage requests to access and/or change that information

### 2. Policy

This Privacy Policy details how SEARMS manages and protects personal information in accordance with the *Privacy Act 1988 (Cth)* (Privacy Act) and the 13 Australian Privacy Principles (APPs) as well as the requirements of the *Health Records and Information Privacy Act 2002 (NSW)*.

### 3. Collection of personal information

Personal information is information or an opinion about an individual from which they can be reasonably identified. Depending on the circumstances, we may collect personal information from the individual in their capacity as an applicant for tenancy or other services, tenant, member of a tenant or tenancy applicant's household, contractor, volunteer, stakeholder, job applicant, visitors and others that come into contact with SEARMS.

In the course of providing services, we may collect and hold:

- **Personal Information** including names, addresses, and other contact details, date of birth, next of kin details, financial information, photographic information and attendance records.
- **Sensitive Information** (particularly in relation to providing appropriate housing services and our work health and safety obligations) including relevant religious beliefs, government identifiers, nationality, country of birth, languages spoken at home, family court orders and criminal records.
- **Health Information** (particularly in relation to providing appropriate housing services and complying with our work health and safety obligations) including medical records, disabilities, individual health care plans and counselling reports.

The collection of personal information depends on the circumstances in which SEARMS is collecting the information. If it is reasonable and practical to do so, we collect personal information directly from the individual.

### **3.1 Solicited Information**

SEARMS has, where possible, attempted to standardise the collection of personal information by using specifically designed forms (e.g. an application form or Housing Forms). However, given the nature of our operations, we also receive personal information by email, letters, notes, via our website, over the telephone, in face-to-face meetings and through financial transactions. This also may occur through surveillance activities such as the use of CCTV security cameras or email monitoring.

We may also collect personal information from other people (e.g. a third party service provider, referees for prospective employees) or independent sources. However, we will only do so where it is not reasonable and practical to collect the personal information from the individual directly.

### **3.2 Unsolicited Information**

SEARMS may be provided with personal information without having sought it through our normal means of collection. This is “unsolicited information” and is often collected by:

- Misdirected postal mail – letters, notes and documents.
- Misdirected electronic mail – emails, electronic messages
- Employment applications sent to us that are not in response to an advertised vacancy
- Additional information provided to us which was not requested

Unsolicited information obtained by SEARMS will only be held, used and/or disclosed if it is considered as personal information that could have been collected by normal means. If that unsolicited information could not have been collected by normal means, we will destroy, permanently delete or de-identify the personal information as appropriate. Complaints about individuals are considered to be unsolicited information.

### **3.3 Collection and use of sensitive information**

SEARMS only collects sensitive information if it is:

- Reasonably necessary for one or more of these functions or activities, and we have the individual’s consent
- Necessary to lessen or prevent a serious threat to life, health or safety
- Another permitted general situation
- Another permitted health situation

We may share sensitive information to other entities in our organisation structure, but only if necessary for us to provide our products or services or with the consent of the person.

## **4. Use of personal information**

SEARMS only uses personal information that is reasonably necessary for one or more of our functions or activities (the primary purpose) or for related secondary purpose that would be reasonably expected by you, or for an activity or purpose to which you have consented.

Our primary uses of personal information include but are not limited to:

- Providing housing, homelessness and related services
- Satisfying our legal obligations including our duty of care to clients (including tenants), workers and child protection obligations
- Keeping tenants informed as to community housing matters through correspondence, newsletters and magazines
- Marketing, promotional and fundraising activities
- Supporting community-based causes and activities, charities and other causes in connection with SEARMS functions and activities
- Helping us to improve our day to day operations including training our staff
- Systems development - developing new programs and services, undertaking planning, research and statistical analysis using de-identified information wherever practicable
- Administration including for insurance purposes
- The employment of staff and the engagement of volunteers

We only use or disclose sensitive information for a secondary purpose if you would reasonably expect us to use or disclose the information and the secondary purpose is directly related to the primary purpose.

## **5. Storage and security of personal information**

SEARMS stores personal information in a variety of formats including, but not limited to:

- Databases
- Hard copy files
- Personal devices, including laptop computers
- Third party storage providers such as cloud storage facilities
- Paper based files
- SEARMS takes all reasonable steps to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.
- These steps include, but are not limited to:
- Restricting access and user privilege of information by staff depending on their role and responsibilities
- Ensuring staff do not share personal passwords
- Ensuring hard copy files are stored in lockable filing cabinets in lockable rooms. Staff access is on a need to know basis
- Ensuring access points to SEARMS premises are secured at all times
- Implementing physical security measures around the premises to prevent break-ins
- Ensuring our IT and cyber security systems, policies and procedures are implemented and up to date
- Ensuring staff comply with internal policies and procedures when handling information

Undertaking due diligence with respect to third party providers who may have access to personal information, including customer identification providers and cloud service providers, to ensure as far as practicable that they are compliant with the APPs or a similar

privacy regime. Third party service providers may be required to sign confidentiality and privacy undertakings where practicable

The destruction, deletion or de-identification of personal information we hold that is no longer needed, or required to be retained by any other laws

Our public website may contain links to other third party websites outside of SEARMS. SEARMS is not responsible for the information stored, accessed, used or disclosed on such websites and we cannot comment on their privacy policies.

## **6. Responding to data breaches**

SEARMS will take appropriate, prompt action if we have reasonable grounds to believe that a data breach may have, or is suspected to have occurred. Depending on the type of data breach, this may include a review of our internal security procedures, taking remedial internal action and notifying affected individuals and the Office of the Australian Information Commissioner (OAIC).

If we are unable to notify individuals, we will publish a statement on our website and take reasonable steps to publicise the contents of this statement.

## **7. Disclosure of personal information**

Personal information is used for the purpose for which it was given to SEARMS, or for purposes which are directly related to one or more of our functions or activities.

Applicants and tenants will be notified that information about persons include in the application can be exchanged with the AHO. This is likely to occur in instances where consent has been provided to another social housing provider and for the purposes of assessing their application.

Personal information may be disclosed to government agencies, our service providers, agents, contractors, business partners, related entities and other recipients from time to time, if the individual:

- Has given consent; or
- Would reasonably expect the personal information to be disclosed in that manner. SEARMS may disclose personal information without consent or in a manner which an individual would reasonably expect if:
  - We are required to do so by law
  - The disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety
  - Another permitted general situation applies
  - Disclosure is reasonably necessary for a law enforcement related activity
  - Another permitted health situation exists

## 7.1 Overseas disclosure

Personal information about an individual may be disclosed to an overseas organisation in the course of providing our services, for example when storing information with a cloud service provider which stores data outside of Australia.

We will, however, take all reasonable steps not to disclose an individual's personal information to overseas recipients unless:

- We have the individual's consent (which may be implied)
- We have satisfied ourselves that the overseas recipient is compliant with the APPs, or a similar privacy regime
- We form the opinion that the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety
- We are taking appropriate action in relation to suspected unlawful activity or serious misconduct.

## 8. Job applicants

As part of SEARMS recruitment processes for employees, contractors and volunteers, we may collect and hold:

- **Personal Information** including names, addresses and other contact details, date of birth, financial information, citizenship, employment references, regulatory accreditation, media, directorships, property ownership and driver's licence information.
- **Sensitive Information** including government identifiers (such as TFN), nationality, country of birth, professional memberships, family court orders and criminal records.
- **Health Information** (particularly in relation to prospective staff) including medical records, disabilities, immunisation records and psychological reports.

Generally, we will seek consent from the individual in writing before we collect their sensitive information (including health information).

It is noted that employee records are not covered by the APPs where they relate to current or former employment relations between SEARMS and the employee.

## 9. How we use cookies and web tools

SEARMS may collect information based on how individuals use our website. We use "cookies" and other data collection methods to collect information on website activity, such as the number of visitors, the number of pages viewed and the internet advertisements which bring visitors to our website. This information is collected to analyse and improve our website and marketing campaigns, and to record statistics on web traffic. We do not use this information to personally identify individuals.

## **10. Our marketing and your personal information**

We use personal information that we hold about you to identify services, promotions or events that may be of interest to you.

You can contact us at anytime if you no longer wish to receive marketing materials from us.

### **10.1 The quality of personal information**

We take all reasonable steps to ensure the personal information we hold, use and disclose is accurate, complete and up-to-date, including at the time of using or disclosing the information.

If SEARMS becomes aware that the Personal Information is incorrect or out of date, we will take reasonable steps to rectify the incorrect or out of date information.

Please contact us if any of the details you have provided change. You should also contact us if you believe that the information we have about you is not accurate, complete or up to date.

### **10.2 Access to and correction of personal information**

You may submit a request to us to access the personal information we hold, or request that we change the personal information. Upon receiving such a request, we will take steps to verify your identity before granting access or correcting the information.

If we reject the request, you will be notified accordingly. Where appropriate, we will provide the reasons for our decision. If the rejection relates to a request to change personal information, an individual may make a statement about the requested change, and we will attach this to their record.

## **11. Privacy complaints and contacting us**

You can make a complaint about how SEARMS manages personal information, including a breach of APPs or the Health Privacy Principles, by notifying us as soon as possible by:

- emailing: on: [admin@searms.com.au](mailto:admin@searms.com.au)
- Writing to: SEARMS, 19 Old Princess Highway Batemans Bay NSW 2536
- Calling: 1800 138 425

We will respond to the complaint within a reasonable time (usually no longer than 28 days) and we may seek further information in order to provide a full and complete response.

If you are not satisfied with our response, you may refer the complaint to the OAIC by:

- Emailing: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)
- Calling: 1300 363 992
- Writing to the Office of the Australian Information Commissioner (OAIC) at: GPO Box 5218 Sydney NSW 2001

A referral to OAIC should be the last resort once all other avenues of resolution have been exhausted.

## 12. Responsibility

All staff at SEARMS are responsible for ensuring the privacy and confidentiality of personal and sensitive information provided by applicants, tenants, job applicants, staff, volunteers, visitors and contractors, and others who come into contact with us.

## 13. Definitions

*Personal information* – 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

## 14. References

Legislation	Privacy Act 1988(Cth) (Privacy Act)
	Health Records and Information Privacy Act 2002 NSW
Related policy	13 Australian Privacy Principles (APP)
	Complaints and Appeals Policies
	Residential Tenancies Act 2010