

## PRIVACY AND DATA PROTECTION POLICY

### 1. PURPOSE

CEHL values the privacy of the people we deal with and is committed to the protection of personal information.

This policy establishes how CEHL:

- manages personal information in carrying out our main functions, and
- complies with applicable laws, including Privacy and Data Protection Act 2014 (Vic) (which covers the Information Privacy Principles), the Health Records Act 2001 (Vic) (which covers the Health Information Principles), and to the extent it applies to our activities, the Privacy Act 1988 (Cth).

### 2. SCOPE

This policy applies to:

- personal information and sensitive information collectively referred to as 'personal information' throughout this policy, regardless of how it is processed or stored (whether it is hardcopy, electronic or by verbal means).
- any personal information collected by CEHL will be handled according to this policy. This includes personal information from prospective and existing CEHL member co-operatives, co-op members and direct renters, of CEHL employees, and CEHL contractors and suppliers.

This policy does not apply to:

- personal information that is exempt from the Privacy Act, such as employee records.
- member co-operatives (including CERCs and CMCs). Member co-operatives reference a standalone *CEHL Privacy Requirements for Co-operatives with Rental Provider responsibilities Policy*, developed in consultation with co-ops. Co-operatives will be supported by CEHL with guidance, procedure, and data sharing agreements between CEHL and member co-operatives.

### 3. POLICY PRINCIPLES

CEHL values and respects the privacy of the people we deal with, and we handle personal information to carry out our main functions by:

- complying with privacy laws in processing personal information,
- supporting employees to understand how personal information should be handled,
- preventing the unnecessary collection or unlawful use or disclosure of information, and
- promoting greater public confidence in the organisation's handling of personal information.

### 4. DEFINITIONS

Personal information	Information or an opinion (including information or an opinion forming part of a database) that is recorded in any form and whether true or not, about an individual whose identity is apparent or can reasonably be identifiable from the information or opinion.
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Sensitive information	Some personal information is considered particularly sensitive, and these types of information are subject to higher protections under the Privacy and Data Protection Act.
Health Information	Information or an opinion about the physical, mental, psychological health information or a disability of an individual.

## 5. WHAT IS PERSONAL INFORMATION?

### Personal information

The personal information CEHL collect on an individual depends on the nature of their dealings with us or what they choose to share with us.

The personal information we collect may include:

- contact information (name, address, email, postal address, phone numbers)
- personal details (date of birth, household details, residency status, next of kin contact details, signature, bank account details, income and asset information, government related identifiers, rental history, and employment history).

### Sensitive information

Some personal information CEHL may collect is considered sensitive, and these types of information are subject to higher protections under the Privacy and Data Protection Act. This includes information about:

- race or ethnic origin, religion or religious beliefs and affiliations
- sexual orientation and preferences
- political association or membership
- membership of a professional or trade association or union
- criminal record, working with children's check (WWCC) and
- health information or genetic information (physical, mental or psychological health, disability or genetic make-up and aspects of biometric information).

## 6. COLLECTION, USE AND DISCLOSURE

### Collection of Personal Information

#### a) General collection

CEHL will collect personal information directly from the relevant individual, where possible. For example, personal information may be collected through requests for rental applications, property inspections, correspondence and browser cookies and other forms of online engagement.

At the time of collection (or as soon as practicable afterwards), CEHL will take reasonable steps to ensure that the individual is advised, where applicable:

- how they can contact CEHL in relation to their personal information
- that they can access the information subject to certain exceptions
- why the information is collected

- the disclosure practices of CEHL, and
- any law that requires the information to be collected and the main consequences (if any) for the individual if all or part of the information is not provided.

However, CEHL may also collect information about an individual from an agency, third party or a publicly available source if needed to perform its functions as outlined in sections 6.2 and 6.3 below. Where reasonably practicable, if consent was not provided CEHL will notify individuals when information about them has been collected from third parties, e.g., government entities, law enforcement, tenancy databases, social workers, medical practitioners, personal referees, recruitment companies etc.

If CEHL collect sensitive information, we will do so with consent. Individuals do not have to provide CEHL with their personal information. Where possible, CEHL will provide the option to interact with us anonymously. However, if an individual chooses to report anonymously or chooses not to provide personal information, we may be limited to what services we can provide or how we can follow up.

#### (b) Cookies

CEHL's websites use and collect data via 'cookies'. Cookies are text files placed on computers to collect standard internet log information and visitor behaviour information. When an individual visits CEHL websites, personal information may be collected automatically through cookies or similar technology. If an individual does not wish to use the cookies, settings can be amended on personal internet browsers so it will not automatically download cookies. However, if cookies are removed or blocked, the browsing experience and the website's functionality may be affected.

#### Use of Personal Information

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CEHL uses personal information collected for a range of primary purposes, including for housing and tenancy services, design and construction services, property maintenance, asset management, project services, Co-op development and support, internal corporate services and for governance purposes.

Subject to Australian Privacy Principles (APPs), CEHL may use personal information for reasons other than a primary purpose, being a secondary purpose, as permitted under the APPs. For example, CEHL may use personal information for a secondary purpose if the individual has:

- consented
- it is reasonably expected that the secondary use is related to the primary purpose, and
- use is required by law or necessary for an enforcement related activity.

CEHL use of cookies does not identify individuals, the data gathered allows CEHL understanding of how users engage on our website to help us improve user experience.

#### Disclosure of Personal Information

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CEHL will only use or disclose personal information in carrying out its functions and activities. Generally, this means that CEHL staff will not use or disclose information except for the primary purpose for which the information was collected.

As a registered housing association in Victoria, CEHL accesses the Victorian Housing Register (VHR) to identify individuals who may be interested and eligible for our housing programs. Any personal information CEHL collects from interested and eligible individuals - such as their name, contact information, housing composition, and reasons for joining a cooperative - will only be shared with co-operative in the CEHL Program with the individual's consent.

CEHL will only disclose Personal Information for another purpose:

- If the disclosure is directly related to the purpose for which the information was collected and there is no reason to believe that the person concerned would object
- If the person to whom the information relates was informed when the information was collected that it might be disclosed in this way
- If it is reasonably believed that the disclosure is necessary to prevent or lessen a serious and imminent threat to any person's health, safety or life.
- where the person to whom the information relates to has provided informed consent
- If a permitted general situation exists in relation to the use or disclosure of the information, e.g., data use/disclosure agreement between CEHL and Co-operatives.
- If lawfully authorised or required to do so under legislation.

CEHL will not use or disclose personal information that it holds about an individual for the purpose of direct marketing. CEHL will obtain the consent of the individual before using or disclosing personal information for the purpose of direct marketing.

An individual that does not want to receive any such information can click on "unsubscribe" on emails, or contact CEHL at [engage@cehl.com.au](mailto:engage@cehl.com.au) or (03) [9208 0800](tel:92080800) or on 1800 353 669 (free).

Once CEHL receives a request to "opt out" from receiving marketing information, we will cease sending such information within a reasonable period.

When CEHL discloses or transfers information to another individual or body, it will take reasonable steps to preserve the privacy of the individual to whom the information relates (for example, by only providing information relevant to a matter or de-identifying information prior to its disclosure).

Some de-identified information from reviews and complaints may be used for service improvement, educational and training purposes and public statements, but never in a way that the identify of an individual will be identifiable.

Other disclosures may be made with an individual's consent, if it is necessary to prevent a serious and imminent threat to life or health, or as otherwise required or authorised by law.

## **7. SECURITY AND STORAGE OF PERSONAL INFORMATION**

CEHL is committed to protecting personal information and takes reasonable steps to ensure personal information is protected from misuse, interference, loss, and unauthorised access, modification or unlawful disclosure. Security measures include:

- secure server and closed network environment
- physical, electronic, and procedural safeguards in line with industry standards (such as passwords and physical locks on cabinets)
- limited access to Personal Information (e.g. only relevant employees who require an individual's Personal Information to carry out their normal duties are allowed access)
- management of access privileges, and regular review of the privileges
- destroying or de-identifying Personal Information pursuant to the law and record retention policies.

## 8. ACCESS AND CORRECTION OF PERSONAL INFORMATION

### Access to Personal Information

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Individuals may request access to their personal information CEHL holds about them. Where the individual's identity has been verified, and if it is appropriate, CEHL will provide the requested personal information within a reasonable time frame. CEHL may charge a fee to cover any administrative or other reasonably incurred costs of providing the information. However, CEHL will not charge the individual for making the request or correcting any information.

All requests will be acknowledged within 5 business days of receipt. To protect personal information, CEHL will verify the individual's identity, and may require additional identification documentation to confirm their identity prior to releasing the requested information to them.

Where CEHL approves the request, personal information will be provided to the individual within a reasonable time frame, considering the volume of the request and required administrative tasks.

In certain circumstances under the APPs, CEHL is not required to give an individual access to the collected and stored information. For example, access may be denied:

- if it would pose a threat to the life or health of an individual or threat to public health and safety or
- denying access is required by legislation, a court/tribunal order or
- if access would negatively impact an investigation or appropriate action.

If CEHL refuses access, written notice will be given to the individual including the reasons for refusal (unless it would be unreasonable to do so), the appeal mechanisms and any other relevant matters. Alternatively, access may be given through a mutually agreed intermediary.

### Correction of Personal Information

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CEHL will take reasonable steps to ensure that the personal information that it collects, uses and discloses is accurate, up-to-date, and complete. However, if CEHL is satisfied that, the information is inaccurate, out-of-date, incomplete, irrelevant, or misleading, or the individual to whom the personal information relates requests CEHL to correct the information, then CEHL will take reasonable steps to correct the information.

CEHL will respond to a correction request within a reasonable period. CEHL will not charge the individual for making the request and for the process involved for correcting the information.

If CEHL refuses to correct the personal information as requested by the individual, CEHL will provide written notice including the reasons for refusal (unless it would be unreasonable to do so), the appeal mechanisms and any other relevant matter.

## 9. PRIVACY COMPLAINTS

If an individual is concerned that CEHL has not complied with applicable privacy laws, the individual may raise a complaint through CEHL's privacy complaints process. The process is as follows:

### **Step 1:** Let CEHL know

The individual should contact our Privacy Officer via:

- email at [privacy@cehl.com.au](mailto:privacy@cehl.com.au)
- phone on (03) 9208 0800 or on 1800 353 669 (free)
- post at Privacy Officer, CEHL, PO Box 504, Carlton South, Vic 3053

All privacy complaints will be acknowledged within 5 business days of receipt.

### **Step 2:** Investigation of Complaint

The complaint will be investigated by our Privacy Officer.

When making a privacy complaint, individuals are requested to provide contact details and sufficient background information including any impacts of the event.

CEHL treats complaints seriously and will seek to resolve them directly with the individual fairly and quickly, including updates through the complaint resolution process.

The CEHL Privacy Officer will investigate the complaint. This may include requesting more information, gathering documents, conducting interviews, and obtaining legal advice. Where practicable, the Privacy Officer will provide the individual with a written outcome of their investigation within 30 days.

**Step 3:** It is expected that CEHL will deal fairly and promptly with a complaint. However, if the individual remains dissatisfied, they can also contact:

- the Office of the Victorian Information Commissioner in relation to a complaint relating to personal or sensitive information (PO Box 24274 Melbourne VIC 3001 or by email to [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au), and/or
- the Health Complaints Commissioner in relation to a complaint relating to health information (online at <https://hcc.vic.gov.au/make-complaint> )