

Privacy Policy

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Purpose & Scope

The purpose of this Policy is to outline how Accessible Properties collects, uses and discloses your personal information.

This Policy applies to tenants in all properties managed by Accessible Properties.

Authoriser:

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General Manager Tenancy Services & Tauranga

Date:

Review Status	Date
Initial policy developed & approved	January 2017
Inclusion of Provisions made by the Family Violence Act and Oranga Tamariki Act and simplification of the policy.	December 2019

Application Policy

Accessible Properties has obligations under the **Privacy Act 1993** (“the Act”) and **Health Information Privacy Code 1994** (“the Code”) to manage personal information and protect individuals’ privacy. This Policy relates to how we manage personal information (including health information) that we hold about tenants. (Refer separate IHC Privacy Policy for further information about how we manage personal information relating to staff and other parties).

Accessible Properties will comply with the following Privacy Principles and guidelines. We will also ensure that all information relating to tenants and their tenancy is treated as confidential.

Any privacy-related matters can be brought to the Privacy Officer’s attention at:

Email: privacy@IHC.org.nz

Collection

Personal information must only be collected when:

- The collection is for a lawful purpose, connected with what Accessible Properties does, and
- It is necessary to collect the information for that purpose.

It is important that individuals are aware that we are collecting their personal information and they must provide their consent in that regard. They are also entitled to withhold consent to such collection.

Accessible Properties requires all tenants to complete the “Privacy Consent Form” where they provide the necessary consent for Accessible Properties to collect, use, and share their personal information. It is important to be aware that Accessible Properties is required to share certain information with funders and other Government agencies.

Personal information must usually be collected from the person the information is about. But sometimes we may collect information from other agencies and people - for instance, when:

- Getting it from the person concerned would undermine the purpose of the collection
- It is necessary so a public sector body can uphold or enforce the law
- The person concerned authorises collection from someone else.

When Accessible Properties collects personal information from the person the information is about, it will take reasonable steps to make sure that person knows things like:

- Why it is being collected
- Who will get the information
- Whether the person has to give the information or whether this is voluntary
- What will happen if the information is not provided.

Sometimes there are good reasons for not letting a person know about the collection, for example, if it would undermine the purpose of the collection, or it's just not possible to tell the person.

Personal information must not be collected by unlawful means or by means that are unfair or unreasonably intrusive in the circumstances.

Storage and Security

Accessible Properties will ensure that there are reasonable safeguards in place to prevent loss, misuse or disclosure of tenants' personal information.

Access to Personal Information Held by Accessible Properties

Tenants have a right to ask for access to personal information that we hold about them. We must respond to any access request within 20 working days.

Reasons for withholding personal information requested

We can refuse requests in limited circumstances based on the withholding grounds in the Privacy Act. We need to provide the reason/s why we are refusing a request (or part of a request). Reasons are set out in section 29 of the Privacy Act, and these grounds should be quoted in a response.

Examples include:

- the information requested does not exist, or cannot easily be retrieved;
- release of information may involve the unwarranted disclosure of other people's personal information;
- documents are legally privileged (i.e. they relate to legal advice or legal proceedings);
- information relates to employment evaluation (e.g. interview notes);
- the disclosure of the information (being information that relates to the physical or mental health of the individual who requested it) would be likely to prejudice the physical or mental health of that individual.

We may provide access to some information, but withhold other information

It is common for a document (even a single page) to contain some information that can be provided to the requester and some information that needs to be withheld. We are allowed to delete the bits of information that we wish to withhold before providing a copy to the requester. We must be open about the fact that we have made deletions or amendments and must tell the requester why these deletions or amendments were necessary.

An alternative to providing a copy of a document with a lot of deletions (or, in some cases, with most of the document blanked out) is to provide a summary of the relevant information. For example, a document may contain mostly information about other people. The requester is not entitled to access that information. There may only be small sections that are information about the requester, which the requester has got the right to access. Rather than photocopying large amounts of blank paper, with only the occasional sentence showing, it may be more practical to pull together the information about the requester in summary form instead.

Requests from other people to access someone else's personal information

Where Accessible Properties receives a request to disclose someone's personal information from someone other than that person we must ensure that the requester is authorised to

access that information. Usually, that will require us to inform the person concerned and seek their consent, or to check the claimed authority (e.g. welfare guardian, or similar Court order).

Requests for Correction to Personal Information Held by Accessible Properties

People have a right to ask Accessible Properties to correct information that we hold about them.

Accessible Properties will consider any such requests and will respond to the requester within 20 working days about whether or not the correction is accepted, or how we propose to treat the request (e.g. we may partially agree with a requested correction).

People can ask us to add their views about what they believe the correct information is (and then hold it on file).

Accuracy

Before Accessible Properties uses or discloses personal information, we will take reasonable steps to check that information is accurate, complete, relevant, up to date and not misleading.

Retention

Accessible Properties will not keep personal information for longer than is necessary for the purposes for which the information may be lawfully used.

Use of Personal Information

Accessible Properties must use personal information for the same purpose for which we collected that information.

Other uses are occasionally permitted (for example because this is necessary to enforce the law, or the use is directly related to the purpose for which we got the information originally).

Disclosure of Personal Information

Accessible Properties can only disclose someone's personal information to other parties in limited circumstances.

Disclosure where another law requires or allows such disclosure

We may disclose someone's personal information where another law requires us to disclose that information. For example, as a Registered Community Housing Provider, Accessible Properties has the following information sharing obligations:

- Family Violence Act 2018:
 - This legislation allows for information to be shared and used about victims and perpetrators of "family violence" in certain circumstances.
 - "Perpetrators" include persons who have, or may have, inflicted family violence in the past, or are, or who may be, currently inflicting family violence.
 - "Family Violence" is defined as including physical abuse, sexual abuse, and psychological abuse. A single act may amount to abuse.
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Also, a number of acts that form a pattern of behaviour may constitute family violence (even if all or any of those acts, if viewed in isolation, may appear to be minor or trivial).

- Abuse includes a pattern of behaviour made up of a number of acts that are all or any of physical abuse, sexual abuse, and psychological abuse, and is coercive or controlling or causes cumulative harm.
 - Psychological abuse includes threats, intimidation or harassment, damage to property, ill treatment of pets, financial or economic abuse, hindering or removing access to supports and assistance for those who are physically reliant on the care or support.
 - We must consider sharing information if we receive a request for information from another agency or person to whom the Act applies; or if we believe that sharing the information with another agency or person to whom the Act applies may protect a victim from family violence (as defined in the Act).
 - Such information may be shared for the following purposes:
 - to help ensure a victim will be protected from family violence;
 - to make or contribute to a family risk or needs assessment; or
 - to make, or contribute to, or carry out a decision or plan related to, arising from, or responding to family violence.
 - Any such information shared must be relevant, consent should be obtained if safe and practicable, and we also need to ensure that information is accurate.
- Oranga Tamariki Act 1989:
 - This legislation states that the wellbeing and best interests of a child or young person are the first and paramount consideration for agencies, and in general this takes precedence over any duty of confidentiality owed to the child, young person or any person who has a domestic relationship with that child or young person (refer section 65A OT Act).
 - Accessible Properties must provide Oranga Tamariki or the Police, on request, with any information we hold that may relate to the safety or wellbeing of a person under 18 years of age if that information is required for certain purposes. If such information is subject to legal professional privilege (e.g. legal advice or litigation), then it may be withheld.
 - Accessible Properties may use our discretion to share information with another person or agency (as listed in the Act), either in response to a request or at our own decision, where we reasonably believe that disclosing the information will assist the other person or agency: to prevent or reduce the risk of a person under 18 years of age being subject to harm, ill-treatment, abuse, neglect or deprivation; or to carry out various other listed functions related to the care and protection of persons under the age of 18 years of age.
 - When proposing to share information on this basis, we must consult with the child or young person concerned unless it is not safe or appropriate to do so.
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Disclosure in permitted circumstances

Accessible Properties may disclose someone's personal information if we reasonably believe, for example, that:

- disclosure is one of the purposes for which we got the information in the first place;
- disclosure is necessary to uphold or enforce the law;
- disclosure is necessary for court proceedings;
- the person concerned authorised the disclosure;
- the information is going to be used in a form that does not identify the person concerned; or
- the use of the information is necessary to prevent or lessen a serious threat to public health or safety, or the life or health of the person or another individual.