

POLICY

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	Prepared by:	J Barnett, Chief Governance Officer
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Policy Statement

Compass Housing Services Co Ltd and its affiliated entities (*Compass*) will collect, manage, store, use and disclose [personal information](#) about a number of individuals (including tenants, applicants and clients) where it is reasonably necessary for one or more of our functions or activities and to meet the requirements of Commonwealth and State government contractual agreements.

When we collect, manage, store, use and disclose [personal information](#) Compass is bound by the Privacy Act (1988), including the Australian Privacy Principles (APP) and applicable state based legislation relating to the holding and sharing of personal information in connection with the performance of contracts between Compass and the applicable State based agency.

This policy outlines the approach by Compass to the collection, management, storage, disclosure and reporting of [personal information](#). It explains when personal information will be collected, the type of personal information that will be collected, how personal information will be used, stored and disclosed and how the quality and security of the personal information will be maintained. In addition it provides information on how individuals can access their [personal information](#), how to opt out of marketing or promotions and how to make a privacy complaint if an individual feels there has been a breach of their privacy relating to Compass use and disclosure of their [personal information](#).

Purpose

The purpose of our Privacy Policy is to identify how [personal information](#) is collected, stored, managed, disclosed and used to promote the protection of the privacy of individuals, to promote the responsible and transparent handling of [personal information](#) and to provide individuals with a means to complain about an alleged interference with their privacy.

Scope

The policy applies to all [personal information](#), including [sensitive information](#), collected, used, stored and disclosed by Compass, including information about tenants living in properties managed by Compass through contractual agreements on behalf of Commonwealth and State government agencies, not-for-profit and for-profit organisations and private landlords or their delegated agents.

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It also includes the personal information of applicants for housing through common access wait lists for social housing where Compass facilitate the application process through contractual agreement with State government agencies and other clients participating in the functions and activities of Compass.

Exception in relation to employee records: Under the Privacy Act, the Australian Privacy Principles and Health Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to Compass collection, use, disclosure, or handling of an employee record containing personal information, where the collection, use, disclosure or handling is directly related to a current or former employment relationship between Compass and an employee.

Risk

Adequate controls and processes support the collection, management, storage, disclosure and use of [personal information](#) of our tenants, applicants and other clients and assist to prevent a breach of Compass compliance with the Privacy Act (1988) and / or the Australian Privacy Principles (APP) and applicable state based legislation relating to the holding and sharing of personal information in connection with the performance of contracts between Compass and the applicable State based agency.

Principles

Compass will collect, manage, store and disclose [personal information](#) and deal with inquiries about our compliance with the Australian Privacy Principles in accordance with the requirements of the Privacy Act (1988) and the Australian Privacy Principles (APP) and any registered APP code, if applicable that may bind us from time to time.

Personal information privacy

APP1 Open & transparent management of [personal information](#)

Compass is committed to managing [personal information](#) in an open and transparent way. Our Privacy Policy is publically available from the Compass website, or alternatively an electronic copy will be provided free of charge on email request to governance@compasshousing.org or by contacting our Head Office Reception.

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APP2 Anonymity and pseudonymity

Compass will provide individuals accessing our services with the option of not identifying themselves, or using a pseudonym unless we are lawfully required or authorised to collect this information or where it is impracticable for us to deal with individuals who have not identified themselves or who have used a pseudonym.

Collection of [personal information](#)

APP 3 – Collection of solicited [personal information](#)

Why we collect personal information

Compass will only collect [personal information](#) about an individual for a proper and lawful purpose and where it is reasonably necessary for us to do so in order for the individual to access or participate in one or more of our functions or activities.

How we collect personal information

[Personal information](#) will only be collected using lawful and fair means and not in an unreasonably intrusive manner and it will only be collected from the individual unless it is unreasonable or impracticable to do so.

Compass will generally collect the personal information of an individual by way of forms filled out directly by the individual, face-to-face meetings and interviews, emails and telephone calls. Compass may also collect personal information through technology and the online environment. Examples of such collection include CCTV footage recorded by cameras at Compass offices or located in common areas of complexes under management, the use of Cookies on our website and personal information submitted directly through our website or through social media accounts operated by us.

Compass may also generate personal information from other data which it holds – such as the creation of audit logs, incident reports and other records relating to applicants, tenants and clients.

Examples of situations in which we may collect personal information about an individual from a third party include:

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- referees
- previous real estate agents and landlords;
- your financial and legal advisers;
- our service providers;
- information provided to Compass from law enforcement agencies;
- information sent to us in emails from third parties;
- publically available sources such as social media;
- operators of residential tenancy databases.

What personal information we collect

Compass may collect personal information from and about a range of individuals, including clients, tenants, applicants, members and potential employees.

The types of personal information we collect from individuals includes:

- Name
- Address
- DOB
- Telephone number/s
- Email address
- Fax number/s
- Family circumstances and household composition
- Financial situation and income information
- Rental history
- Information from enquiries, complaints or appeals the individual has made
- Communications between Compass and the individual
- Demographic information relating to a function or activity
- Information that we reasonably believe we need to enable individuals to participate in one or more of our functions or activities

Compass will ordinarily maintain on tenant files the following information:

- completed application for housing (generally) except when processed through Housing Pathways for placement on the NSW Housing Register
- signed Residential Tenancy Agreement
- signed copy of initial property condition report
- signed copy of additional information collected during the lease sign up

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- signed Centrelink authorities
- copies of all property inspection reports
- copies of all correspondence in relation to the tenancy
- copies of all complaints made by or about the tenant and the results of the investigation of these complaints
- copies of all verification of income details
- copies of any legal documentation in relation to the tenant or tenancy
- written requests and responses for any change or alteration to the premises
- copy of any rehousing application
- details of any support agencies involved
- copy of risk assessment on tenant and any incident reports
- copy of risk assessment in relation to the property
- copies of tenancy plans and / or support plans related to sustaining the tenancy
- correspondence, notes on conversations with or about the tenant as appropriate

Documentation and [personal information](#) handed to Compass by an applicant for Pathways the NSW Housing Waitlist Register will have them returned either in person or by post. Compass will not retain any written documents that pertain to that person's application for housing.

Documentation and [personal information](#) handed to Compass by an applicant for housing that is **NOT** related to Pathways the NSW Housing Waitlist Register will be retained in applicant files pertaining to that person's application for housing.

Compass may also collect [sensitive information](#) about an individual:

- if the individual consents to the collection and the information is reasonably necessary for one or more of Compass' functions or activities;
- if required or authorised by or under an Australian law or a court/tribunal order;
- if the information relates to Compass' activities and the information relates solely to our members, or to individuals who have regular contact with us in connection with our activities; or
- when a [permitted general situation](#) or [permitted health situation](#) exists.

APP 4 – Dealing with unsolicited personal information

Where Compass receives unsolicited [personal information](#) about an individual we will only keep it if it is information that we could have collected under APP3. If it is kept APP 5 to 13 will apply to the use,

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storage and security of the information. If the information is of a type that Compass could not have collected under APP3, then unless the information is contained in a Commonwealth record, we will destroy or de-identify it as soon as practicable provided that it is lawful and reasonable to do so.

APP 5 – Notification of the collection of personal information

At or before the time of collecting [personal information](#), or if that is not practicable, as soon as practicable after, Compass will take reasonable steps to ensure an individual is notified:

- of the contact details of Compass;
- the circumstances of the collection and the purpose for which we have collected the information;
- if the information is required or authorised to be collected under an Australian law or a court/tribunal order;
- the main consequences (if any) for the individual if all or part of the information is not provided;
- how they can access [personal information](#) collected by Compass, and if necessary how they can seek correction if they believe the information is inaccurate;
- when and to whom Compass usually discloses [personal information](#) to; and
- how the individual can lodge a privacy complaint.

If Compass collects the [personal information](#) from someone other than the individual, or the individual may not be aware that Compass has collected the [personal information](#) we will take reasonable steps to notify the individual, or otherwise ensure that the individual is aware that Compass collects or has collected the information, and of the circumstances of that collection.

Dealing with [personal information](#)

APP 6 – Use and disclosure of personal information

Compass will use or disclose [personal information](#) for the primary purpose for which it was collected.

We will only use or disclose [personal information](#) for another (secondary) purpose if:

- the individual has consented;

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- the individual would reasonably expect Compass to use or disclose the information for the secondary purpose and the secondary purpose relates to the primary purpose (or directly relates to the primary purpose in the case of [sensitive information](#));
- the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order;
- a permitted general or permitted health situation exists; or
- Compass believes that the use or disclosure of the information is reasonably necessary for one or more of the following by, or on behalf of an enforcement body:
 - the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - the enforcement of laws relating to the confiscation of the proceeds of crime; or
 - the protection of the public revenue;
 - the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

Generally the primary purpose for which Compass will collect, use and disclose an individual's personal information will be to enable the individual to access or participate in one of Compass' functions or activities, which primarily include:

- intake and access – including the collection and assessment of applicants against eligibility criteria or policy guidelines;
- tenancy and asset management – including the assessment of prospective tenants applications and management of existing tenancies;
- project management – including the acquisition, construction and upgrade of properties;
- maintenance management – including the maintenance of existing properties.

Providing access to or participation in Compass' functions and activities may include (without limitation and as applicable):

- communicating with clients, tenants and others about matters relating to the provision of Compass' functions and activities through correspondence, newsletters and magazines;
- administration, including collection of rent and fees;
- providing contact details to our contractors and service providers who provide us with services;

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- marketing and promoting our business, products and services;
- seeking donations and contributions to support Compass' activities;
- insurance and governance purposes;
- statistical purposes;
- compliance with our legal obligations such as duty of care;
- assessing potential service providers and employee, including interviewing applicants; and
- administering contracts with service providers – including managing payment of fees and supervision of performance.

In order to engage in its functions and activities Compass may from time to time need to disclose personal information to other entities, including:

- related affiliated entities and bodies corporate;
- entities who fundraise on our behalf;
- service providers and contractors;
- debt recovery agencies;
- Law enforcement agencies; and
- Commonwealth and state government entities pursuant to our reporting obligations under government contracts.

APP 7 – Direct marketing

Compass will only use or disclose [personal information](#), other than [sensitive information](#), for the purpose of direct marketing if an individual has given us consent to do so, or if one of the following APP 7 subclauses 7.2 – 7.5 apply:

- 7.2) Compass may use or disclose [personal information](#) (other than [sensitive information](#)) about an individual for the purpose of direct marketing if:
- we have collected it from the individual; and
 - the individual would reasonably expect that we would be using or disclosing it in direct marketing; and
 - we have provided individuals with a simple means to request they not receive direct marketing; and

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- the individual has not made such a request to Compass.
- 7.3) Where it would not be reasonable for an individual to expect Compass to use or disclose their [personal information](#) (other than [sensitive information](#)) for direct marketing purposes or where the information was provided by a third party we may still be able to use or disclose it for direct marketing if:
- the individual to whom it relates has consented for us to use or disclose it for that purpose; or
 - it is impracticable to obtain their consent; and
 - we have provided the individual with notification that we have collected that information and we have given them a simple means to request they not receive direct marketing; and
 - the individual has not made such a request to Compass.
- 7.4) Compass may only disclose [sensitive information](#) about an individual for direct marketing purposes if the individual has consented to the use or disclosure of the information for that purpose.
- 7.5) Compass may use or disclose [personal information](#) for the purpose of direct marketing where we are a contracted services provider for a Commonwealth contract and it is necessary to meet an obligation under the contract.

If Compass have used or disclosed [personal information](#) about an individual for the purpose of direct marketing for themselves or for facilitating direct marketing by a third party the individual has the right to:

- Request not to receive direct marketing communications from Compass,
- Request Compass not to disclose their [personal information](#) to third parties for the purposes of direct marketing,
- Request Compass to provide its source of the individual's [personal information](#).

Compass will comply with these requests within a reasonable period and free of charge. We do not need to comply with requests to disclose the source of information if it is impracticable or unreasonable to do so.

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APP7 does not apply to the extent other Commonwealth direct marketing legislation including the *Do Not Call Register Act 2006* and the *Spam Act 2003* apply.

APP 8 – Cross border disclosure of [personal information](#)

Compass does not ordinarily disclose [personal information](#) to overseas recipients. However, in the unlikely event that Compass does need to disclose personal information overseas, it will only do so in accordance with the obligations in APP8. In substance this means that we will not send personal information about an individual outside Australia without any of the following applying:

- taking reasonable steps to in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles; or
- reasonably believing that the overseas recipient is subject to a law or binding scheme which provides substantially similar protection for personal information as the Australian Privacy Principles; or
- obtaining the consent of the individual (in some cases this consent will be implied).

APP 9 – Adoption, use or disclosure of government related identifiers

Compass will not adopt, use or disclose a government related identifier of an individual unless:

- the use or disclosure of the identifier is reasonably necessary for us to verify the identity of the individual for the purposes of our activities or functions; or
- the use or disclosure of the identifier is reasonably necessary for us to fulfil our obligations to an agency or as State or Territory authority; or
- the adoption, use or disclosure is required or authorised under an Australian law or a court/tribunal order; or
- Compass reasonably believe the use or disclosure is reasonably necessary for an enforcement related activity being conducted by, or on behalf of, an enforcement body.

Integrity of personal information

APP 10 – quality of [personal information](#)

Compass will take reasonable steps to ensure that the [personal information](#) that we collect is accurate, up-to-date and complete.

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Compass will take reasonable steps to ensure that the [personal information](#) we use or disclose is accurate, up-to-date, complete and relevant, having regard to the purpose of that use or disclosure.

If an individual has any concerns that their information is not accurate, up to date or complete, they should contact Compass at the details provided below.

APP 11 – security of [personal information](#)

Compass will take reasonable steps to protect [personal information](#) we collect, store and manage from:

- misuse, interference and loss; and
- unauthorised access, modification, or disclosure.

Where Compass no longer needs an individual's [personal information](#) for any purpose for which it was collected we will take all reasonable steps to ensure the information is destroyed or permanently de-identified providing it is not contained in a Commonwealth record, and we are not required by or under an Australian law, or a court/tribunal order, to retain the information.

Compass stores information via a number of different methods, including paper records, shared electronic files and web-based systems. We maintain central applicant (except applicant's for Pathways), tenant and client records databases in electronic form, which are maintained at a secure off site location and accessed by a private network.

Other personal information from our internal systems (including financial information) is linked directly to our tenant and client databases. Personal information is also stored in our internally hosted email system.

Each of Compass' offices has in place steps to protect the personal information the office holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods – including locked storage of paper records and password access rights to computerised records. Generally, access is only authorised to the extent necessary to allow it to be used for the primary or secondary purposes of its collection.

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Paper records may be archived and stored at secure off site locations operated by an external party responsible for the secure storage and archiving of paper records on behalf of Compass through a contractual arrangement. Access to these records is controlled by an electronic keypad entry system and all employees of the external provider are required to sign confidentiality agreements and may only enter areas to which they have the correct authorisation. The system also creates an audit trail of their movements and external monitoring and records are further protected by a random storage methodology utilising barcode identification and recognition.

Access to, and correction of, [Personal Information](#)

APP 12 - access to [personal information](#)

Where an individual requests access to [personal information](#) held by Compass we will give them access except to the extent that:

- we reasonably believe that giving access would pose a serious threat to the life or health of any individual; or
- giving access would have an unreasonable impact on the privacy of other individuals; or
- access should be withheld based on a serious threat to public health or safety; or
- the request for access is frivolous or vexatious; or
- the information relates to existing or anticipated legal proceedings between Compass and the individual, and would not be accessible by the process of discovery in those proceedings; or
- giving access would reveal the intentions of Compass in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- denying access is required or authorised by or under Australian law or a court/tribunal order; or
- giving access would be likely to prejudice an investigation of possible unlawful activity; or
- giving access would be likely to prejudice actions by or on behalf of an enforcement body in relation to unlawful activity or seriously improper conduct; or
- giving access would reveal evaluative information generated by Compass in connection with a commercially sensitive decision-making process.

If Compass have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in; and giving access to information would be likely to prejudice the taking of appropriate action in relation to the matter we are not required to give individuals access to this information.

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If Compass refuses access on one of the above specified grounds of refusal, we will take reasonable steps to give access in a way that meets the needs of Compass and the individual. This could include giving access through the use of a mutually agreed intermediary.

If Compass refuses to give access we will provide a written notice that outlines:

- the reasons for the refusal, unless, having regard to the grounds for the refusal, it would be unreasonable to do so;
- the complaint mechanisms available to the individual, and
- any other matters prescribed by the regulations.

If Compass levies charges for providing access to [personal information](#), those charges:

- will not be excessive; and
- will not apply to lodging a request for access.

APP 13 – correction of [personal information](#)

If Compass is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out-of-date, incomplete or irrelevant or misleading, or the individual to whom the [personal information](#) relates requests us to correct the information we will take reasonable steps to correct the [personal information](#) to ensure that, having regard to the purpose for which it is held, it is accurate, up-to-date, complete, relevant and not misleading.

If Compass corrects [personal information](#) about an individual that it has previously disclosed to another APP entity, we will take reasonable steps to notify the other APP entity of the correction, if requested by the individual.

If Compass refuses to correct the [personal information](#) as requested by the individual we will provide written notice. The written notice will set out:

- the reason for our refusal (unless this would be unreasonable);
- the mechanisms available to complain about the refusal, and
- any other matter prescribed by regulation.

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If Compass refuses to make a correction, and an individual requests that a statement be attached to the record stating that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading, we will associate the statement in such a way that will make the statement apparent to users of the information.

Compass will respond to a request to correct [personal information](#) within a reasonable period and will not charge the individual for making the request, for correcting the information or for associating the statement with the [personal information](#).

How to make a request to access or correct your personal information under APP 12 or 13

To make a request to access or update any personal information Compass holds about you, please contact Compass via the details provided below:

Officer: Julie Barnett, Chief Governance Officer
Phone: 02 4920 2600
Email: governance@compasshousing.org
Address: P O Box 964, Hamilton 2303 (Suite 1, 44 Beaumont Street, Hamilton)

Compass may require you to put your request in writing, verify your identity and specify what information you require.

Making a Privacy Complaint

A person may make a complaint if they feel their [personal information](#) has been handled inappropriately by Compass. Privacy complaints may be made in accordance with Compass External Complaints Handling Policy which is available by emailing governance@compasshousing.org or by contacting your local branch and requesting a copy of this document. Information on Compass External Complaints Handling Policy and Procedures is available from the Compass website <http://www.compasshousing.org/>. Complaint forms are also available from the Compass website or by contacting Compass by telephone and requesting a form be mailed to you or by visiting your nearest branch office.

If a complainant is not satisfied with Compass response or the manner in which Compass has dealt with the complaint, the individual may make a formal written complaint to the Office of the Australian Information Commissioner (OAIC).

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If you are not satisfied with a decision the OAIC has made, you can ask the OAIC to review the decision. Alternatively, if the OAIC decide not to investigate your complaint or you think a determination by the OAIC following an investigation is not legally correct you can apply for a review of the decision or the determination by the Federal Court of Australia or the Federal Magistrates Court.

Either party may also appeal to the Administrative Appeal Tribunal for a review of any compensation amount ordered by the OAIC.

Responsibilities

This document will be reviewed regularly and revision will be made, if warranted.
The Governance Administration Team is ultimately responsible for the review of this document.

Records

All records relevant to these procedures are to be maintained in a recognised Compass recordkeeping system in accordance with the requirements of the Privacy Act (1988) and the Australian Privacy Principles (APP) and any registered APP code that may bind us.

Definitions

<p>Personal Information</p>	<p>means information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> a) Whether the information or opinion is true or not; and b) Whether the information or opinion is recorded in a material form or not.
<p>Sensitive Information</p>	<p>Sensitive information is a subset of personal information and includes:</p> <ul style="list-style-type: none"> • Racial or ethnic origin; • Political opinions; • Religious beliefs or affiliations; • Sexual preferences or practices; • Criminal records; or • Health information about an individual.

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<p>Permitted General Situation</p>	<p>Permitted General Situation has the meaning given in s16A of the Privacy Act, but generally speaking it refers to circumstances in which the collection, use or disclosure of personal information is permitted provided that :</p> <ul style="list-style-type: none"> • Compass reasonably believes that the collection use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual or to public health or safety, and it is unreasonable or impracticable to obtain the individual's consent to the collection; • Compass has reason to suspect individual/s have been, are or may be engaged in unlawful activity, or misconduct of a serious nature relating to one or more of our functions or activities and we reasonably believe that the collection, use or disclosure is necessary for us to take appropriate action in relation to the matter; • Compass reasonably believes that the collection is reasonably necessary to assist any APP entity, body or person to locate a person who has been reported as missing; • the collection, use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim; or • the collection, use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution process.
<p>Permitted Health Situation</p>	<p>Permitted Health Situation has the meaning given in s16B of the Privacy Act, but generally speaking it refers to circumstances in which the collection, use or disclosure of health information is permitted:</p> <ul style="list-style-type: none"> • in connection with the provision of a health service to an individual, or • in relation to public health and safety.

Approval Authority

Approval Authority	Group Managing Director
Document Administrator:	Government Administration Team
Department Responsible for Review	Governance Administration
Custodian Title & email	Julie Barnett, julieb@compasshousing.org
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Related Documents / Acknowledgements	1. Centerpay Deduction Authority form
Policy	1. Compass Tenancy Management Policy Procedure 2. Compass Organisational Management Policy 3. Compass Corporate Governance Policies 4. Compass External Complaints Handling Policy
Procedures	1. Information & Records Management Procedures 2. Work Health & Safety Management System
Forms	1. Authority to Share Personal Information (sign up)
Supporting Legislation	1. Privacy Act (1988) 2. Australian Privacy Principles (APP)

Version	Date	Status & Changes	Author:
V3.0	2014-10-20	Board Approved with revisions based on legal review against legislation	Julie Barnett – Chief Administrative Officer
V2.0	2014-04-28	Board Approved with deletion of mention of Privacy Enhancing legislation	Julie Barnett – Executive Manager, Governance Administration
v1.0DRAFT	2014-03-18	Submitted for Board Approval New Policy	Julie Barnett – Executive Manager, Governance Administration
V1.0DRAFT	2014-03-18	Approved by CEO as Working Draft and released.	Julie Barnett – Executive Manager, Governance Administration

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