

	<b>GOVERNANCE</b>
	<b>COMPANY POLICY</b>

<b>PRIVACY POLICY</b>			
<b>DELEGATE</b>	CEO	<b>OWNER</b>	EMGP

**1. Purpose:**

Bric Housing (Bric) is committed to protecting an individual’s right to privacy and will ensure that the collection, storage, use, disclosure and disposal of personal information is managed in a transparent, safe, secure and responsible manner. Individuals have a right to know how their information and privacy is managed by Bric and to be provided with information on how to access their personal information or make a complaint about a possible breach of privacy.

Bric will also include a Privacy Statement on its website that includes key points from its Privacy Policy to support tenant awareness.

The *Privacy Act 1988* (Cth) (Privacy Act) and Australian Privacy Principles govern the way in which Bric manages personal information.

A copy of the Australian Privacy Principles may be obtained from the website of The Office of the Australian Information Commissioner at [www.aaic.gov.au/](http://www.aaic.gov.au/).

**2. Scope**

This policy applies in respect of all personal information collected, received, used, disclosed, stored and disposed by Bric, including but not limited to applicants for tenancies, tenants, business partners and investors, suppliers, donors, members of the public, Bric Board Directors, staff, consultants, contractors and volunteers.

This policy does not apply to personal information exempt from the Privacy Act, such as employee records relating to a current or former employment relationship.

**3. What is Personal Information?**

The Privacy Act defines Personal Information as a broad range of information, or an opinion, that could identify an individual. This includes images of individuals in photographs or video including closed circuit television. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances.

Bric will also collect Sensitive Information which is a subset of personal information that is afforded higher levels of protection under the Privacy Act. It includes information or opinion about an individual's racial or ethnic origin, political opinion, membership of a political association, professional or trade association or trade union, religious beliefs, sexual orientation, criminal record or health and genetic information.

Bric collects and stores personal and sensitive information, that is directly related or reasonably necessary to conduct its business activities including but not limited to:

- the provision of tenant services
- processing housing applications
- investment, contractual, regulatory and constitutional operations
- reporting obligations
- legal duties
- Board activities
- external stakeholder and engagement activities
- employment

Examples of Personal Information that Bric collects from or about an individual would include:

- Contact Information (name, signature, address, phone number)
- Personal Details (date of birth, signature, bank account details, government related identifiers, photographic images)
- Social Information (household members, income)
- Financial Details
- Tenancy Information (rental history, Residential Tenancy Agreement, Property and Condition Reports, support agency details, risk assessments and incident reports, Tenancy Plans, Complaints)

#### **4. How Personal Information is Collected**

##### **4.1. Direct Collection of Personal Information**

Where lawful, reasonable and practicable to do so, Bric will collect personal information directly from the individual. Personal information may be collected when an individual:

- Completes a form
- Calls or video conferences
- Emails
- Visits the Bric office or attends a Bric owned or managed property
- Uses an IT device provided by Bric

Bric requires consent to collect, use or disclose an individual's personal information. This requires that:

- The individual is adequately and clearly informed about how their personal information will be handled.
- Consent is voluntary.
- The individual has the capacity to understand and communicate their consent.
- The individual is advised of the specific purpose to which it relates and that consent is provided at the time the personal information is collected.
- Consent cannot be assumed to endure indefinitely noting the individual may withdraw their consent at any time.

Bric will maintain a record of how and when the consent was obtained.

At the time of collection, Bric will take reasonable steps to ensure that the individual is aware of Bric's Privacy Policy and privacy obligations including

- How they can contact Bric in relation to their personal information.
- The purposes of collection and consequences if personal information is not collected.
- Whether the collection is required or authorised by law.
- Whether the personal information is likely to be disclosed to overseas recipients.
- That they can access the information subject to certain exceptions.

- Bric’s disclosure practices of personal information.

This will be undertaken either via a consent form, verbal script or including privacy information on data collection forms, the Bric website and other communications. Bric’s Tenant Privacy Statement and Policy will also be clearly available on its website.

#### **4.2. Third Party Collection of Personal Information**

In some circumstances Bric may be provided with personal information about an individual by third parties, or through other agencies that it deals with to enable service provision or perform a required activity. Indirect collection of an individual’s personal information will only occur where the individual might reasonably expect it. This may include:

- Referees
- Real estate agents and landlords
- Government agencies
- Service Providers
- Contractors
- Law enforcement agencies

Where the individual has not provided prior consent to the collection of their personal information from a third party or other source, Bric will take reasonable steps to ensure that the individual is made aware of the information collected.

#### **4.3. Unsolicited Collection of Personal Information**

Bric may receive unsolicited personal information which is information that was not requested. Unsolicited personal information that should not have been collected by Bric will be destroyed or de-identified. Unsolicited personal information that Bric could have collected (or if the information is contained in a Commonwealth record or it would be unlawful or unreasonable to destroy or de-identify it), will be kept and Bric will comply with legal requirements in relation to the information.

#### **4.4. Anonymity and Pseudonymity**

Wherever reasonably practicable and lawful to do so, Bric will allow individuals to engage with the organisation on an anonymous basis or by using a pseudonym. Bric will usually need an individual’s name and contact information to be able to respond to questions and requests.

### **5. Use and Disclosure of Personal Information**

Bric will only use or disclose personal information that it holds for the purpose which it was collected, or for a related purpose. Bric may disclose personal information to government agencies, service providers, contractors, partner support agencies and other recipients if one or more of the following apply:

- The individual has consented.
- The individual would reasonably expect Bric to use or disclose the personal information this way.
- The use or disclosure is required or permitted under Australian law or by a court or tribunal order.
- Disclosure is needed to reduce or prevent a serious threat to the life, health or safety of any person, or to public health or safety.

- For any other legal purpose.

Bric will ensure that staff are adequately trained and provided with up to date information regarding their privacy and confidentiality obligations including taking reasonable steps to notify or ensure awareness when personal information is being collected and the permitted purposes when information can be disclosed. Staff will always verify an individual's identity prior to discussions that may involve personal information. Privacy and confidentiality documents will also be read and signed by Directors, staff, volunteers, and relevant stakeholders upon induction.

### **5.1. Direct Marketing**

Bric may use an individual's personal information to provide them with information about Bric's 'Tenant News' newsletter. Individuals can opt out of direct marketing communications at any time by:

- Using the unsubscribe option available
- Contacting Bric by email: [info@bric.org.au](mailto:info@bric.org.au) or phone: 07 3230 5555

Subject to any Australian Privacy Principal exemptions, Bric will not use or disclose personal information that it holds about an individual for the purpose of direct marketing. Bric will obtain the consent of the individual before using or disclosing information for the purpose of direct marketing.

### **5.2. Cross-border Disclosure and Storage of Personal Information**

Bric does not ordinarily disclose personal information to overseas parties. However, in the unlikely event that Bric knowingly discloses personal information overseas, such as storing information with a "cloud service provider" which stores data outside of Australia, it will only do so in accordance with the Australian Privacy Principles. This means Bric will:

- take reasonable steps to ensure the information is kept secure and the overseas recipient complies with the Australian Privacy Principles or is subject to a law or binding scheme which provides substantially similar protection for personal information as the Australian Privacy Principles.
- obtains the consent of the individual, in some cases this consent will be implied.

### **5.3. Government Related Identifiers**

Bric might collect, use, or disclose government related identifiers, to support its functions or activities including using and/or disclosing a government related identifier to verify an individual's identity or to fulfil contractual obligations to an agency or State authority. Bric will not adopt a government related identifier as its own identifier of an individual.

## **6. Storage and Security of Personal Information**

Bric stores personal information in both hard copy and electronic form. Bric will take all reasonable steps to protect the information it holds from misuse, loss, unauthorised access, modification, interference, or unlawful disclosure.

Bric has measures in place to manage information security and storage risks including established policies and procedures, user system and access controls, audits, and staff training. Personal information will not be generally accessible by all Bric staff.

Bric will also take steps to destroy or permanently de-identify personal information where it considers it no longer needed, subject to any requirements at law.

## 7. Accessing and Amending Personal Information

Individuals are welcome to request that Bric provides access to their personal information. Bric will respond to a request within a reasonable period and may charge a reasonable fee for processing the request, however, there is no charge for requesting access. Bric will verify an individual's identity prior to providing access to their personal information and access requests must be approved by the relevant Executive Manager.

In certain circumstances under the Australian Privacy Principle 12, Bric is not required to give an individual access to the collected and stored information. If Bric refuses access, written notice will be given to the individual including the reasons for refusal, and the appeal mechanism.

Bric will take all reasonable steps to ensure the personal information it collects, holds, uses and discloses is accurate, up to date, complete and relevant. Individuals may lodge a request to correct personal information that Bric holds about them if they believe it to be inaccurate, incomplete, irrelevant, misleading, or out of date. There is no fee payable for this request. If Bric considers that the personal information should not be changed, it will provide a written explanation with reasons for the decision and how the individual can make a complaint if they are not satisfied with the decision. Bric must take reasonable steps to notify other entities that it has previously disclosed that information to of any correction.

## 8. Data Breaches – Accidental or Unauthorised Disclosure

Bric takes all breaches of privacy very seriously and its Privacy Breach Procedure supports a prompt response to any data breach that happens when personal information is accessed or disclosed without authorisation or is lost. Bric is subject to the Office of the Australian Information Commissioner's [Notifiable Data Breaches Scheme](#) and will act in accordance of the Scheme and the guidance of the Office of the Australian Information Commissioner in assessing and responding to suspected notifiable data breaches.

If a breach occurs, Bric's priority will be to:

- Contain the data breach to prevent any further compromise of personal information.
- Assess the data breach by gathering the facts and evaluating the risks, including potential harm to affected individuals and, where possible, taking action to remediate any risk of harm.
- Notify individuals and the Australian Information Commissioner if the breach is an 'eligible data breach' under the Notifiable Data Breaches scheme.
- Review the data breach and consider what actions can be taken to prevent future breaches.

## 9. Contact and Complaints

For general enquiries about Bric's Privacy Policy, requesting access to personal information or general privacy questions, please email: [info@bric.org.au](mailto:info@bric.org.au) or by telephone: 07 3230 5555.

Bric is committed to working with individuals to resolve any issues, concerns, complaints, questions and appeals relating to privacy. Privacy complaints can be directed by email: [info@bric.org.au](mailto:info@bric.org.au) or by telephone: 07 3230 5555 or by website Feedback and Complaints [Form](#).

If an individual is concerned that their personal information has been mishandled, they must first report this to Bric. If Bric does not respond to the complaint within 30 days or if the individual is not happy with the response, they can lodge a written complaint to the Office of the Australian Information Commissioner using their [online](#) form.

Legislation	<p><i>Housing Act 2003</i></p> <p><i>Queensland Information Privacy Act 2009</i></p> <p><i>Privacy Act 1988 (Cth)</i></p> <p><i>Privacy Amendment (Enhancing Privacy Protection) Act 2012</i></p> <p><i>Privacy Amendment (Notifiable Data Breaches) Act 2017</i></p> <p><i>Privacy Legislation Amendment (Enforcement and Other Measures) Act 2022</i></p> <p><i>Residential Tenancies and Rooming Accommodation Act 2008</i></p>
External Documents	<p><a href="#">OAIC Privacy Regulatory action policy</a></p> <p>Australian Privacy Principles</p> <p>Information Privacy Principles (Queensland)</p>
Internal Documents	<p>Closed Circuit Television (CCTV) Policy</p> <p>Code of Conduct</p> <p>Feedback and Complaints Policy</p> <p>Email, Messaging and Internet Use Policy</p> <p>Incident Management Policy</p> <p>Information Security Policy</p> <p>Major Incidents Policy</p> <p>NRSCH Notifiable Incidents Policy</p> <p>Personnel Files Policy</p> <p>Privacy Breach Procedure</p> <p>Privacy Breach Process</p> <p>Privacy Breach Self-Assessment Tool</p> <p>Privacy Breach Tenant Statement</p> <p>Records Management Policy</p> <p>Tenancy Planning, Sustainment and Support Policy</p> <p>User and System Access Policy</p>
Forms	<p>Consent Form for the use of Photographic Images, Audio Visual Recordings, Quotes and Testimonials</p> <p>Feedback and Complaints Form</p> <p>Tenant Consent Form</p>