

### Preamble

Women's Housing Company (WHC) is a community housing association as part of the social housing system in NSW. WHC provides long term housing for single women and medium term housing through support partnerships.

Confidentiality & Privacy of personal, staff and agency information is paramount for the provision of high quality, respectful and effective service provisions. In particular, staff have a professional obligation to maintain applicant / tenant rights regarding the control of personal information.

This is essential in order to maintain program and agency credibility and applicant / tenant confidence in our service delivery.

As team based working arrangement prevails the delivery of housing services it is essential for applicants / tenants and staff to understand that although an applicant / tenant may have a key housing worker, it is essential that other relevant WHC staff have a working knowledge of applicant / tenant issues. This is to guarantee the most effective support and response framework and to ensure duty of care requirements are better able to be met. It is thus the concept of team confidentiality which is utilised in service delivery; this includes the line, peer and professional supervision provisions in place.

The principles of confidentiality are legislated in the Privacy Act 1988 (Commonwealth), the Privacy and Personal Information Protection Act 1998 (Commonwealth), the Housing NSW Privacy Code of Conduct for Community Housing Associations 2000, and the Women's Housing Company Code of Ethics.

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### POLICY

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The issue of confidentiality is simplified by keeping in mind the general philosophy that the applicant / tenant should be asked if information that concerns them can be passed on to others. If the applicant / tenant is asked this question then the choice is theirs, and they will retain control over information given to others.

This requires **informed consent**. Written consent will allow WHC to pass on information about an applicant / tenant, or their file, including photographs to a third party.

Exempt from this are Centrelink and the police, though it is preferable that the police provide a written statement that any information provided by WHC will not breach the Privacy Act.

In advocacy matters, WHC will accept consent provided over the phone when the applicant / tenant is with the advocate at the time of providing such consent. A written entry into the tenancy management system database (TMS) is required to be made immediately by the worker receiving the consent in such a way.

Staff must ensure that any professional discussion about applicants / tenants that occurs outside formal processes in public or open spaces, will not use names if there is a possibility that others may overhear the conversation.

Only relevant information is collected from applicants / tenants, which is necessary for the purpose of providing best practice service delivery.

Unlawful, unfair or coercive means will not be used to illicit information.

In recording information staff must be sensitive to the interests of the applicant / tenant in controlling what is recorded about them. That is information which is irrelevant to the provision of services is not to be recorded.

Personal information will be kept secure in locked filing cabinets, computers are password protected, keys and staff codes are required to access the offices of WHC.

Other agencies to whom, applicant / tenant information may be given, with consent by the applicant / tenant, will be requested to adhere to the principles of confidentiality and similarly prohibit unauthorised access to information.

The applicant / tenant must provide their informed written consent to the release of information including photographs to any other party e.g. other agencies.

Management will offer training, education and information tools to develop and maintain an understanding of confidentiality principles and practices and legal obligations. This includes in-house and external training, literature resources, and supervision. Particular attention will be given to the writing of file notes.

All WHC staff are required to sign a code of conduct which includes the commitment to confidentiality and privacy.

Board reports will not include identifying information about applicants / tenants.

Information collected in files, case notes, diaries, daybook, forms etc, must be based on factual information. Any statements by staff must be backed up by evidence e.g. the applicant / tenant was upset, this was expressed through verbalising the sadness "I am sad" and crying.

While applicants / tenants are not legally obliged to maintain confidentiality about other applicant / tenant they may come into contact with at and through WHC, they are actively encouraged to respect confidentiality of others.

Any information with identifying information about an applicant / tenant which is not filed will be shredded and disposed of in storage bins.

All files are kept for up to 7 years.

After 7 years files are disposed of in storage bins and a security statement is obtained once the content of the storage bins has been shredded.

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**Date developed: 2000**

**Date/s policy was ratified and/or changed by Board: 31/1/05; 28/8/07**

**Note:** Procedures are designed to guide the implementation of a policy and will be updated on a regular basis as part of ongoing best practice service improvement.

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## PROCEDURE

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Applicants / tenants are advised that WHC staff are operating in a multi-program team environment and that all information which is relevant to ensuring best practice service delivery will be shared within this team through professional processes e.g. case discussions, supervision.

Applicants / tenants are advised that staff are not exempted from giving evidence in court on the grounds of confidentiality; authorities can subpoena written material the organisation holds including daybooks, diaries, file notes etc, even against the wishes of staff and/or applicants / tenants.

Applicants / tenants are advised that confidentiality will be suspended in matters of an illegal nature where applicants / tenants or WHC staff at risk. Violence and abuse in particular are unacceptable and will be reported to the relevant authorities in line with Mandatory Reporting requirements. Termination of tenancy agreements is sought when violence and/or abuse is perpetrated by a WHC tenant and WHC has documented evidence.

Applicants / tenants are advised that confidentiality will be suspended in matters of ill-health and/or in danger of self harm. That is if the applicant / tenant is unable to provide consent due to health reasons, WHC will act in Duty-of-Care to guarantee that the applicant / tenant is effectively assisted by appropriate agencies.

Staff must inform applicants / tenants of reasons why information is being collected; who will see the information (e.g. other staff) and why they will see it; other sources from which information may be collected about the applicant / tenant; the applicant's / tenant 's need to give authority to collect information.

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