

# Privacy Policy (New Zealand)

## 1. 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.

## 2. Scope

The policy applies to all personal information, including sensitive information, collected, used, stored and disclosed by HOME IN PLACE (NEW ZEALAND) LIMITED (**HOME in PLACE NZ**), including information about tenants living in properties managed by HOME in PLACE NZ through contractual or service level agreements on behalf of Central and Local Governments; not-for-profit and for-profit organisations and private landlords or their delegated agents.

This policy also covers HOME in PLACE NZ's processing of personal information of applicants for social housing through the Ministry of Social Development (**MSD**) and other clients participating in the functions and activities of HOME in PLACE NZ.

## 3. Policy Statement

HOME in PLACE NZ will collect, manage, store, use and disclose personal information about a number of individuals (including tenants, applicants, clients and employees) where it is reasonably necessary for one or more of our functions or activities and to meet the requirements of government contractual agreements or reporting.

When we collect, manage, store, use and disclose personal information HOME in PLACE NZ is bound by the New Zealand Privacy Act (2020) (**Privacy Act NZ**), including the Information Privacy Principles (set out in Part 3 of the Privacy Act) relating to the holding and sharing of personal information in connection with the performance of contracts, service level and support agreements between HOME in PLACE NZ and the applicable Central and Local government and community based agencies.

This policy outlines the approach by HOME in PLACE NZ 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 HOME in PLACE NZ use and disclosure of their personal information.

## *Risk*

Adequate controls and processes support the collection, management, storage, disclosure and use of personal information of our tenants, applicants, other clients and employees and assist to prevent a breach of HOME in PLACE NZ's compliance with the Privacy Act NZ and/or the Information Privacy Principles (IPP) relating to the holding and sharing of personal information in connection with the performance of contracts and service level agreements between HOME in PLACE NZ and the applicable government (Central and Local) and community based agencies.

## *Principles*

HOME in PLACE NZ will collect, manage, store and disclose personal information and deal with inquiries about our compliance with the requirements of the Privacy Act NZ, if applicable that may bind us from time to time.

## **Information Privacy Principles (Part 3, Section 22, Privacy Act NZ)**

### *Principle 1: Purpose of collection of personal information*

HOME in PLACE NZ 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.

### *Principle 2: Source of personal information*

In most cases, HOME in PLACE NZ will collect information directly from the individual concerned. HOME in PLACE NZ may in limited circumstance collect personal information about an individual indirectly, including through automated collection technologies and third parties where permitted by the Privacy Act NZ.

Examples of such collection include CCTV footage recorded by cameras at HOME in PLACE NZ's offices or located in common areas of complexes under management, the use of Tokens & Cookies on our website and personal information submitted directly through our website or through social media accounts operated by us.

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

Occasions or situations in which HOME in PLACE NZ may collect and/or receive personal information about an individual from a third party or source include:

- Referees;
- Previous real estate agents and landlords;
- Your financial and legal advisers;
- Our support service providers;
- Information provided to /requested from HOME in PLACE NZ, from law enforcement agencies;
- Information sent to us in emails from third parties;
- Publicly available sources such as social media;

- Operators of residential tenancy databases;

### *Principle 3: Collection of information (s6)*

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

At or before the time of collecting personal information, or if that is not practicable, as soon as practicable after, HOME in PLACE NZ will take reasonable steps to ensure such individuals are notified of:

- The fact that the information is being collected;
- The purpose for which we have collected the information;
- Who is collecting and holding the information (including name and address);
- When and to whom HOME in PLACE NZ usually discloses personal information to;
- If the information is required or authorised to be collected by law, and if so, the particular law by or under which the collection of the information is authorised or required and whether the supply of the information is voluntary or mandatory;
- 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 HOME in PLACE NZ, and if necessary how they can seek correction if they believe the information is inaccurate; and
- How the individual can lodge a privacy complaint.

If HOME in PLACE NZ collects the personal information from someone other than the individual, or the individual may not be aware that HOME in PLACE NZ has collected the personal information we will take reasonable steps to notify the individual, or otherwise ensure that the individual is aware that HOME in PLACE NZ collects or has collected the information, and of the circumstances of that collection.

The types of personal information we may collect from individuals includes (without limitation):

- Name;
- Address;
- Date of birth;
- 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 HOME in PLACE NZ and the individual;
- Demographic information relating to a function or activity; and
- Information that we reasonably believe we need to enable individuals to participate in one or more of our functions or activities.

HOME in PLACE NZ will ordinarily maintain on its tenant files the following information:

- General information about the tenant relating to family composition, employment, income, housing situation and needs, special or support needs etc. including information from housing application received through MSD;
- Signed copy of signed Tenancy Agreement;
- Signed copy of initial property condition report;
- Signed copy of additional information collected during the lease sign up;
- 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; and
- Correspondence notes on conversations with or about the tenant as appropriate.

HOME in PLACE NZ 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 HOME in PLACE NZ's functions or activities;
- If required or authorised by or under NZ law or a court/tribunal order;
- If the information relates to HOME in PLACE NZ's 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.

#### *Principle 4: Manner of collection of 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 directly from the individual concern unless it is unreasonable or impracticable to do so.

This could be done, by way of forms filled out directly by the individual, face-to-face meetings and interviews, emails, and telephone calls.

HOME in PLACE NZ may also collect personal information through technology and the online environment. Examples of such collection include CCTV footage recorded by cameras at HOME in PLACE NZ offices or located in common areas of complexes under management, the use of surveys, digital services, Tokens or Cookies on our website and personal information submitted directly through our website or through social media accounts operated by us.

HOME in PLACE NZ 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.

However, there are occasions or situations in which HOME in PLACE NZ may collect and/or receive personal information about an individual from a third party or sources via emails, reports, records & forms, meeting notes, references etc.

### *Principle 5: Storage and security of personal information*

HOME in PLACE NZ will take reasonable steps to protect personal information we collect, store, and manage from:

- Loss, misuse, or disclosure; and
- Unauthorised access, use, modification, or disclosure.

Where HOME in PLACE NZ 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 central or local government record, and we are not required by or under a New Zealand law, or a court/tribunal order, to retain the information.

HOME in PLACE NZ stores information via several different methods, including paper records, shared electronic files and web-based systems. We maintain tenant and client records databases in electronic form, which are maintained at secure locations and accessed via secure networks and user's login, password, multifactor (or two factor) and conditional access rules. Access to data is permitted through role or service based access frameworks. The organisation primarily applies the NIST framework to protect data. This framework is audited annually by a third party. And Includes protections such as:

- SIEM – Security Information and Event Management;
- Regular Automated Vulnerability Scanning and Assessment;
- Email Security and Data Loss Prevention Systems;
- Next Gen Web Proxying
- Staff Cyber Security Training and Assessment;
- MFA (multi or two factor) and conditional access;
- Administrative MFA Access;
- Administrative Network Segmentation and Secure Gateways;
- Application Control & Whitelisting;
- Macro Policies;
- Antivirus;
- Automated Patch Management;
- Backup & Replication;
- Regular BCP & Restore Testing;
- Dedicated Cyber Security Staff;

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 email system.

Each of HOME in PLACE NZ's 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 and multifactor access rights to computerised records. Generally, access is only authorised to the extent necessary by role or service to allow it to be used for the primary or secondary purposes of its collection.

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 HOME in PLACE NZ 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.

### *Principle 6: Access to personal information*

HOME in PLACE NZ will hold the personal information of its tenants and clients in a way that it can readily be retrieved, the individual concerned is entitled to:

- Obtain confirmation of whether the information is held; and
- Have access to information about them.

Where an individual requests access to personal information held by HOME in PLACE NZ, we will give them access except to the extent that HOME in PLACE NZ has grounds under the Privacy Act NZ to withhold disclosure, this might include where disclosure:

- Poses a risk to New Zealand's security or defence;
- Not be in your interests (but only if you're under 16);
- We reasonably believe that giving access would pose a serious threat to the life or health of any individual;
- Giving access would have an unreasonable impact on the privacy of other individuals;
- Access should be withheld based on a serious threat to public health or safety;
- The request for access is frivolous or vexatious;
- The information relates to existing or anticipated legal proceedings between HOME in PLACE NZ and the individual, and would not be accessible by the process of discovery in those proceedings;
- Breach legal professional privilege (that is, the information was communicated between a lawyer and client, or the information was obtained for court proceedings);
- Giving access would reveal the intentions of HOME in PLACE NZ in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- Denying access is required or authorised by or under New Zealand law or a court/tribunal order;
- Giving access would be likely to prejudice an investigation of possible unlawful activity;
- 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 HOME in PLACE NZ in connection with a commercially sensitive decision-making process.

If HOME in PLACE NZ 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 HOME in PLACE NZ and the individual in accordance with our obligations under the Privacy Act NZ. This could include giving access using a mutually agreed intermediary.

If HOME in PLACE NZ refuses to give access, we will provide a written notice that outlines:

- The reasons for the refusal, unless, having regards 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 Privacy Act NZ, the Family Violence Act 2018 and the Oranga Tamariki Act 1989.

All requests for access for personal information can be made verbally or in writing (details on page 7).

If HOME in PLACE NZ levies charges for providing access to personal information, those charges:

- Will not be excessive;
- Will not apply to lodging a request for access; and
- Otherwise comply with the requirements of the Privacy Act NZ.

### *Principle 7: Correction of personal information*

If HOME in PLACE NZ 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 HOME in PLACE NZ corrects personal information about an individual that it has previously disclosed to another party or another entity, we will take reasonable steps to notify the recipients about the correction.

If HOME in PLACE NZ 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 Privacy Act NZ.

If HOME in PLACE NZ 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, and irrelevant or misleading, we will associate the statement in such a way that will make the statement apparent to users of the information.

HOME in PLACE NZ 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.

To make a request to access or update any personal information HOME in PLACE NZ holds about you, please contact HOME in PLACE NZ via the details below:

Officer: Privacy Officer

Phone: 0800 124 663

Email: [governance@homeinplace.org](mailto:governance@homeinplace.org)

Address: 38A Liverpool Street Auckland CBD, AUCKLAND 1010 New Zealand.

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

### *Principle 8: Accuracy of personal information to be checked before use*

HOME in PLACE NZ will take reasonable steps to ensure that the personal information that we collect is accurate, complete, relevant, up-to-date and not misleading.

HOME in PLACE NZ will take reasonable steps to ensure that the personal information we use or disclose is accurate, complete, relevant, up-to-date and not misleading, having regard to the purpose of that use or disclosure.

If an individual has any concerns that their information is not accurate, incomplete, not up-to-date and misleading, they should contact HOME in PLACE NZ to request for a correction.

### *Principle 9: Personal information not to be kept for longer than necessary*

HOME in PLACE NZ will not keep personal information of an individual for longer than is necessary for the purposes for which it was collected.

HOME in PLACE NZ will consider any specific New Zealand laws that require information to be kept for certain minimum periods of time, such as tax information and health information.

### *Principle 10 & 11: Limits on use and disclosure of personal information*

HOME in PLACE NZ will only 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 disclosure is authorised by the individual concerned;
- The agency got the information from a publicly available publication and that, in the circumstances of the case, it would not be unfair or unreasonable to disclose the information;
- The information is to be used in a form in which the individual concerned is not identified;
- The individual would reasonably expect HOME in PLACE NZ 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 a NZ law or a court/tribunal order;

- The use is otherwise authorised by the Privacy Commissioner;
- The use is necessary to prevent or lessen a serious threat to public health or safety, or the life or health of any individual; or
- HOME in PLACE NZ believes on reasonable grounds, that the use or disclosure of the information is necessary:
  - to avoid prejudice to the maintenance of the law by any public sector agency, including prejudice to the prevention, detection, investigation, prosecution, and punishment of offences;
  - for the enforcement of laws relating to the confiscation of the proceeds of crime;
  - for the protection of the public revenue; or
  - for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation).

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

- Tenancy and asset management – including assessment of prospective tenants' applications and management of existing tenancies;
- Project management – including the acquisition, construction and upgrade of properties; and
- Maintenance management – including the maintenance of existing properties.

Providing access to or participation in HOME in PLACE NZ functions and activities may include (without limitation and as applicable):

- Communicating with clients, tenants and others about matters relating to the provision of HOME in PLACE NZ's 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;
- Marketing and promoting our business, products and services;
- Seeking donations and contributions to support HOME in PLACE NZ's activities;
- Insurance and governance purposes;
- Statistical purposes, not to be published publicly unless published in a form that could be reasonably expected to identify the individual concerned;
- 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 HOME in PLACE NZ 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

- Central and Local government entities pursuant to our reporting obligations under government contracts.

### *Principle 12: Disclosure Outside New Zealand*

HOME in PLACE NZ is subject to the Privacy Act NZ. HOME in PLACE NZ's holding company, HOME in PLACE (Australia) Limited (**HOME in PLACE AUS**) is subject to the Australian Privacy Act 1988.

Under Information Privacy Principle 12, HOME in PLACE NZ may disclose personal information to foreign entities, including HOME in PLACE AUS in prescribed circumstances, including where HOME in PLACE NZ believes on reasonable grounds that HOME in PLACE AUS is subject to privacy laws that, overall, provide comparable safeguards to those in the Privacy Act NZ.

HOME in PLACE NZ considers that Australian privacy laws provide comparable safeguards to those in the Privacy Act NZ.

HOME in PLACE NZ may disclose personal information to other HOME in PLACE staff operating from Australia for the following purposes:

- Shared Internal Services;
- Operational and Contact centre Support;
- Statistical Analysis;
- Information Technology technical support and software development;
- Information is stored in Cloud and Data Centres in Australia however data is not shared or disclosed to any third parties.
- Encrypted Data may route through other countries however all data is stored in either New Zealand or Australia.

### *Principle 13: Unique identifiers*

HOME in PLACE NZ 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;
- The use or disclosure of the identifier is reasonably necessary for us to fulfil our obligations to an agency or as Central and local government authority;
- The adoption, use or disclosure is required or authorised under a New Zealand law or a court/tribunal order; or
- HOME in PLACE NZ reasonably believe the use or disclosure is reasonably necessary for an enforcement related activity being conducted by, or on behalf of, an enforcement body.

## Direct Marketing

HOME in PLACE NZ 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 apply:

- HOME in PLACE NZ 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;

- the individual would reasonably expect that we would be using or disclosing it in direct marketing;
- we have provided individuals with a simple means to request they not receive direct marketing; and
- the individual has not made such a request to HOME in PLACE NZ.
- Where it would not be reasonable for an individual to expect HOME in PLACE NZ 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 who it relates has consented for us to use or disclose it for that purpose.
- HOME in PLACE NZ 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.

If HOME in PLACE NZ 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 HOME in PLACE NZ; and
- Request HOME in PLACE NZ not to disclose their personal information to third parties for the purposes of direct marketing.

HOME in PLACE NZ will comply with these requests within a reasonable period and free of charge.

## Transfer of Personal Information outside New Zealand

HOME in PLACE NZ does not ordinarily disclose personal information to overseas recipients. However, in the unlikely event that HOME in PLACE NZ does need to disclose personal information overseas, it will only do so in accordance with Principle 12 (Transfer of personal information outside New Zealand) in the Privacy Act NZ.

## Information Sharing to Support Tamariki and Family Wellbeing and Safety

The Privacy Act 2020 is, in some instances, overridden by the Oranga Tamariki Act 1989 and the Family Violence Act 2018. The Oranga Tamariki Act 1989 working together with The Family Violence Act 2018 introduces new laws that allows information to be shared to identify, stop, prevent, and otherwise respond to family violence. This is achieved by allowing organisations to share personal information with child welfare and protection agencies for purposes related to the wellbeing and safety of tamariki.

You can decide to do three key things if you think it's in the best interests of tamariki:

- Proactively and voluntarily share information with professionals who are most able to help tamariki and whanau
- Ask other professionals, as well as Oranga Tamariki and Police, to share information with you
- Decide if you will share information when asked under a section 66C request from other professionals (but you must respond if Oranga Tamariki or Police require information under section 66)

You must:

- Only share information for the reasons and purposes set out in the provisions
- Only share information relevant to the wellbeing or safety of tamariki
- Talk with tamariki about sharing their information under section 66C unless it's not appropriate or possible to do so
- Follow the Privacy Act NZ requirements for handling personal information (like keeping information secure).

## Making a Privacy Complaint

A person may make a complaint if they feel their personal information has been handled inappropriately by HOME in PLACE NZ. Privacy complaints may be made in accordance with HOME in PLACE NZ's External Complaints Handling Policy which is available on the HOME in PLACE NZ website (<https://homeinplacenz.org/tenancy-policies>). A copy of the policy may also be obtained by contacting HOME in PLACE NZ's office and requesting a copy of this document. Complaint forms are also available via the HOME in PLACE NZ website (<https://homeinplacenz.org/feedback-and-appeals-1>) or by contacting HOME in PLACE NZ by telephone and requesting a form be mailed to you.

If a complainant is not satisfied with HOME in PLACE NZ's response or the way HOME in PLACE NZ has dealt with the complaint, the individual may make a formal written complaint to the New Zealand Privacy Commissioner.

If a person is not satisfied with a determination by the New Zealand Privacy Commissioner, they could seek other alternative appeal venues; for example, New Zealand Ombudsman's Office, the New Zealand Human Rights Review Tribunal.

## Notifiable Event

A notifiable privacy breach is one in which an organisation has reasonably judged that a breach it has experience either has caused or is likely to cause someone serious harm.

In circumstances where a notifiable event is identified, HOME in PLACE NZ will inform the Office of the Privacy Commissioner within 72 hours of becoming aware of the breach of privacy.

<https://www.privacy.org.nz/responsibilities/privacy-breaches/notify-us/>

## 4. Definitions and Acronyms Glossary

For clarification of any definitions or acronyms contained within this document, please click on the [Glossary](#) for information.

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