

# Privacy Policy Guidelines

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## 1. PURPOSE AND SCOPE

Ergon Energy is committed to complying with the *Privacy Act 1988 (Cth)* (the Act) and the 10 National Privacy Principles (NPPs).

The guidelines include summaries of the NPPs published by the Privacy Commissioner and are intended to provide information to customers and employees on how each of the 10 NPPs apply to Ergon Energy. These guidelines will assist Ergon Energy employees when dealing with the personal information of individuals.

The guidelines demonstrate Ergon Energy's commitment to protecting the privacy of personal information collected from customers and other persons as part of its normal business operations, activities and services.

The guidelines also include information relating to how individuals can apply for access and amendment to their personal information under the *Information Privacy Act 2009 (Qld)*.

## 2. Responsibilities

Chief Financial Officer is the Process Owner responsible for approving this Reference document.

Right to Information and Privacy Officer is responsible for maintaining this Reference document.

Right to Information and Privacy Officer is the Subject Matter Expert (SME) for the content this Reference document.

## 3. Definitions, Abbreviations and Acronyms

**Access** is where an organisation gives an individual information about themselves held by the organisation. Giving access may include allowing an individual to inspect personal information or giving a copy of it to them.

**Collection** means gathering, acquiring or obtaining information from any source, by any means, in circumstances where the individual is identified or is identifiable. It includes information that an organisation comes across by accident or has not asked for but nevertheless keeps, information the organisation receives directly from the individual and information about an individual an organisation receives from somebody else.

**Consent** means express or implied consent.

**Direct Marketing** includes activities that promote a sale or purchase of products or services or charitable fundraising where the individual is approached directly. It includes in-person approaches to people's houses and approaches by mail, e-mail, telephone, facsimile and phone. It includes individually targeted approaches by these means where people are encouraged to buy services outlets or to donate to a cause by one of these means. It also includes automated processes such as Spam e-mail and computer generated voice calls over the phone.

**Disclosure** is where an organisation releases information to others outside the organisation. It does not include giving individuals information about themselves (this is 'access' see above).

**Identifier** includes a number assigned by an organisation to an individual to identify uniquely the individual for the purpose of the organisation's operations. However, an individual's name or ABN is not an identifier (refer to NPP 7.3). Identifiers for the purposes of NPP 7 in the Act mean Commonwealth government identifiers. For example, passport, Medicare and pension numbers

**Personal Information** means information or an opinion (including information or an opinion forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion (refer section 6 of the Act).

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**Sensitive Information** means information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of trade union, sexual preferences or practices, criminal record and health information about an individual (refer section 6 of the Act).

**Use** relates to the handling of personal information within the organisation. For example, adding information to a database or forming an opinion based on information collected and noting it on a file.

## 4. References

[EP24](#). Ergon Energy Privacy Policy

[Privacy Act 1988 \(Cth\)](#)

[Privacy Amendment \(Private Sector\) Act 2000](#)

[Guidelines to the National Privacy Principles, Office of the Federal Privacy Commissioner](#)

[Information Sheet 1A – National Privacy Principles \(NPPs\), Office of the Federal Privacy Commissioner](#)

[Office of the Federal Privacy Commissioner](#)

[Right to Information/Privacy application form](#)

[Information Privacy Personal Information Amendment application form](#)

[Information Privacy Act 2009 \(Qld\)](#)

[Public Records Act 2002 \(Qld\)](#)

## 5. BACKGROUND

### 5.1 National Privacy Principles

5.1.1 To ensure the protection of individuals' personal information by private organisations, the Federal Government amended the Act which originally only applied to Commonwealth Government bodies, to include private organisations. The changes came into effect from the 21 December 2001.

5.1.2 The objective of the Act is to establish a national scheme for the protection of individuals' private information whilst taking into account the desirability of the free flow of information and the right of business to achieve its objective in an efficient manner.<sup>1</sup>

5.1.3 The Act prescribes the way organisations deal with the personal information of individuals. The manner in which organisations collect, use, keep secure and disclose personal information are regulated by the 10 NPPs that form the basis of these guidelines.

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<sup>1</sup> Section 3, *Privacy Amendment (Private Sector) Act 2000*

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## 6. PRIVACY POLICY GUIDELINES

The following items provide a concise summary of the requirements of each NPP and how Ergon Energy addresses those requirements.

### 6.1 Collection – NPP 1

6.1.1 Collection of personal information must be fair, lawful and not intrusive. A person must be told the organisation's name, the purpose of collection, that the person can get access to their personal information, organisations or types of organisations to which the organisation usually discloses information and the main consequences if the person does not give the information.

6.1.2 Ergon Energy only collects personal information for purposes that are necessary to provide products and services. Ergon Energy will only collect personal information by lawful and fair means and will not be unreasonably intrusive.

6.1.3 Generally, Ergon Energy collects personal information from individuals directly unless consent or specific authorisation has been provided by the individual to collect personal information from another person.

6.1.4 When collecting information, Ergon Energy aims to make individuals aware of its identity, the purpose for collection, the fact that individuals can gain access to their information and what the consequences of not providing information are. This information is contained in Ergon Energy's [privacy statement](#) which can be viewed on the Ergon Energy's website and is available as a brochure at the customer's request. Generally, the main consequences of customers failing to provide personal information is that Ergon Energy may be unable to carry out requested services. For example, without collecting certain personal information Ergon Energy may not be able to establish accounts, ensure security of customers' accounts, contact customers, arrange for electricity supply or provide information in relation to an account.

### 6.2 Use and Disclosure – NPP 2

6.2.1 Without specific consent, an organisation should only use or disclose information for the purpose it was collected, or for a related secondary purpose if a person would reasonably expect such use or disclosure, or for direct marketing in specified circumstances, or in circumstances related to public interest such as law enforcement and public or individual health and safety.

6.2.2 Generally, Ergon Energy's purpose for collecting personal information is to provide a range of services and solutions to meet customer's energy or other reasonably expected needs. As such, Ergon Energy may use and disclose personal information from individuals for the purposes of connecting, supplying and selling electricity, for on going account management purposes, to verify customers' identity, to assess an application for rebate entitlements or to ensure continuous supply of electricity is available to customers with specific health requirements.

6.2.3 Ergon Energy has systems and controls in place to protect customers' personal information from unauthorised disclosure and to ensure personal information is only used for the purpose of collection.

6.2.4 Ergon Energy may use personal information for direct marketing purposes if:

(a) It was collected for that purpose and the customer was informed of this at the time; or

(b) The direct marketing is a related secondary purpose and is within the customer's expectations and it is impracticable to obtain consent before the use; or

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(c) The customer has provided consent; and

(d) The customer has not opted out. If it is not practical to get consent, the customer can reply to or contact Ergon Energy and opt-out of any future direct marketing material at no cost. Note – this option is only available if they have not already opted out previously.

6.2.5 As part of the account management process Ergon Energy may disclose personal information to external credit reporting agencies or debt collection agencies if the customer's account remains overdue for more than 60 days, Ergon Energy has taken steps to recover all or part of the outstanding amount by written notice to the customer's last known address and Ergon Energy has advised the individual that it may provide their information to a credit reporting agency. Individuals are advised of this in Ergon Energy's [privacy statement](#) and in recovery notices (refer to Section 18E of the Act).

## 6.3 Data Quality – NPP 3

6.3.1 An organisation must take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

6.3.2 Ergon Energy will use reasonable endeavours to ensure information is accurate, complete and up-to-date at the time of collection. Obviously, some reliance is also placed on customers who provide information to ensure it is accurate.

6.3.3 Ergon Energy will provide customers with opportunities to up date their information, by web site or telephone communications. Where information has been retained for a long period, Ergon Energy may periodically attempt to verify that the information is accurate and up-to-date if it continues to use that information.

## 6.4 Data Security – NPP 4

6.4.1 An organisation must take reasonable steps to protect the personal information it holds from misuse, loss, unauthorised access modification or disclosure and must destroy or permanently de-identify personal information when it is no longer needed.

6.4.2 Ergon Energy has effective controls and security measures in place to protect personal information in both hard copy and electronic databases from unauthorised access, modification or misuse. These measures incorporate physical, procedural and IT security controls, the incorporation of access control measures, encryption technology and the tracking of customer database use and file movements.

6.4.3 Ergon Energy's record management systems aim to incorporate recognised retention and disposal guidelines in accordance with the *Public Records Act 2002 (Qld)* to ensure that customer data is kept for an appropriate period then disposed of in an appropriate manner once it is no longer required for a specified use.

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## 6.5 Openness – NPP 5

6.5.1 An organisation must have a policy document outlining its information handling practices and make this available to anyone who asks for it.

6.5.2 This document, together with the [privacy policy](#) and [privacy statement](#), provide details on the handling practices and management of personal information by Ergon Energy and are available to individuals upon request. Ergon Energy will ensure that these documents are available on the Ergon Energy website and in hard copy as a brochure.

## 6.6 Access and Correction – NPP 6

### Access and Amendment

6.6.1 Generally, in accordance with NPP 6 of the Act, an organisation must give an individual access to personal information it holds about that individual on request and take steps to correct information if it can be established that the information is not accurate, complete and up-to-date.

6.6.2 Ergon Energy has processes to allow individuals to make a request for access to personal information and to request that their information be corrected if it is established that it is not accurate or up-to-date.

6.6.3 A request to have information corrected under NPP 6 can be initially directed to Ergon Energy's Call Centre or if there is any query regarding such a request, to the Customer Liaison and Response Manager. Ergon Energy will take reasonable steps to correct information if it can be established that the personal information is not accurate, complete or up-to-date. The Right to Information and Privacy Officer will also handle requests for access and amendment to a person's own personal information under the *Information Privacy Act 2009 (Qld)* and also deals with privacy complaints. The complaints handling process is dealt with in more detail below.

6.6.4 An application for access to and amendment of an individual's own personal information can be directed to the Right to Information and Privacy Officer by completing a request for personal information application form. The application form is available upon request or can be accessed on the Ergon Energy website (see links below).

[Right to Information/Privacy application form](#)

[Information Privacy Personal Information Amendment application form](#)

6.6.5 Ergon Energy will endeavour to deal with requests for access to an individual's own personal information within time frames established by the *Information Privacy Act 2009 (Qld)*.

## 6.7 Identifiers

6.7.1 Generally, an organisation must not adopt, use or disclose, an identifier that has been assigned by a Commonwealth government agency.

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6.7.2 Ergon Energy collects passport, pension concession, senior or repatriation health card numbers only for the purposes of identity verification and determining a customer's eligibility to receive a rebate on their electricity account. Ergon Energy does not use these Commonwealth government agency identifiers as its own identifier.

## 6.8 Anonymity

6.8.1 Organisations must give people the option to interact anonymously whenever it is lawful and practical to do so.

6.8.2 Generally, Ergon Energy will require individuals to identify themselves for identification, account management and security purposes. However, Ergon Energy will provide individuals with the opportunity to interact anonymously when it is not necessary for them to identify themselves. For example, individuals are free to interact anonymously when making general inquiries, when reporting an incident or when making a complaint if they wish to do so.

## 6.9 Transborder Data Flows

6.9.1 An organisation can only transfer personal information to a recipient in a foreign country in circumstances where the information will have appropriate protection.

6.9.2 Currently, Ergon Energy does not transfer personal information outside Australia and will only transfer information in the future if the recipient is subject to a law, binding scheme or contract that provides protection which is substantially similar to the National Privacy Principles.

## 6.10 Sensitive Information

6.10.1 An organisation must not collect sensitive information unless the individual has consented, it is required by law or in other special specified circumstances, for example, relating to health services provisions and individual or public health or safety.

6.10.2 Ergon Energy only collects sensitive health related information from certain customers, such as those that require treatment with kidney dialysis or continuous positive air pressure machines, to ensure that electricity supply is continuously available to protect the health and well being of such customers.

## 6.11 Privacy Complaint Handling Process

6.11.1 Ergon Energy has a process to handle privacy complaints received from individuals to ensure concerns about Ergon Energy's personal information management practices can be addressed and resolved appropriately and effectively.

6.11.2 Ergon Energy's Right to Information and Privacy Officer will endeavour to assist operational staff in the resolution of privacy complaints by providing support and advice in the development of workable and effective solutions for individuals that are concerned about Ergon Energy's privacy practices.

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## 6.12 Ergon Energy Contact Details

6.12.1 Individuals may wish to contact Ergon Energy for the following reasons:

- To make a privacy complaint
- To make a request for access to and/or amendment of personal information
- To make a request to for correction to personal information

6.12.2 Ergon Energy's Right to Information and Privacy Officer may be contacted about privacy matters on (07) 3228 7508, fax (07) 3228 7738 or email [privacy@ergon.com.au](mailto:privacy@ergon.com.au)