1. PURPOSE AND SCOPE

Ergon Energy is committed to complying with the Privacy Act 1988 (Cth) (the Act) and the Australian Privacy Principles (APPs).

This guideline includes summaries of the APPs published by the Privacy Commissioner and is intended to provide information to customers, individuals and employees on how each of the APPs apply to Ergon Energy. This guideline will assist Ergon Energy employees when dealing with the personal information of individuals.

The guideline demonstrates Ergon Energy’s commitment to protecting personal information collected from customers and other persons as part of its business operations, activities and services.

There are thirteen APPs in the Privacy Act 1988 (Cth) which apply to defined organisations that collect and handle personal information about individuals. The APPs:

- regulate the way an organisation collects, stores, uses and discloses information about people
- allow people access to information that an agency keeps about them
- allow people to request corrections to this information

This guideline also includes information relating to how individuals can apply for access and amendment to their personal information under the Information Privacy Act 2009 (Qld).

2. RELEVANT DEFINITIONS – PRIVACY ACT 1988 (CTH)

SUBSECTION 6(1)

APP complaint means a complaint about an act or practice that, if established, would be an interference with the privacy of an individual because it breached an Australian Privacy Principle.

APP entity means an agency or organisation.

collects: an entity collects personal information only if the entity collects the personal information for inclusion in a record or generally available publication.

de-identified: personal information is de-identified if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

holds: an entity holds personal information if the entity has possession or control of a record that contains the personal information.

identifier of an individual means a number, letter or symbol, or a combination of any or all of those things, that is used to identify the individual or to verify the identity of the individual, but does not include:

(a) the individual's name; or
(b) the individual's ABN (within the meaning of the A New Tax System (Australian Business Number) Act 1999); or
(c) anything else prescribed by the regulations.

government related identifier of an individual means an identifier of the individual that has been assigned by:

(a) an agency; or
(b) a State or Territory authority; or
(c) an agent of an agency, or a State or Territory authority, acting in its capacity as agent; or
(d) a contracted service provider for a Commonwealth contract, or a State contract, acting in its capacity as contracted service provider for that contract.

**personal information** means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

(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.

**Sensitive Information** means:

(a) information or an opinion about an individual’s:

(i) racial or ethnic origin; or  
(ii) political opinions; or  
(iii) membership of a political association; or  
(iv) religious beliefs or affiliations; or  
(v) philosophical beliefs; or  
(vi) membership of a professional or trade association; or  
(vii) membership of a trade union; or  
(viii) sexual orientation or practices; or  
(ix) criminal record; that is also personal information; or  
(b) health information about an individual; or  
(c) genetic information about an individual that is not otherwise health information.  
(d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or  
(e) biometric templates.

**Solicits:** an entity solicits personal information if the entity requests another entity to provide the personal information, or to provide a kind of information in which that personal information is included.

**Explanation of Use and Disclosure –**

**Use** relates to managing personal information within the organisation. As a general rule, accessing by an organisation of personal information in its control is a “use”. This includes searching records for any reason; using personal information in a record to make a decision; passing a record from one part of an agency/organisation to another part with a different function.

**Disclosure** is interpreted by the Privacy Commissioner as a release of personal information from the effective control of the agency/organisation.

### 3. REFERENCES

EP24 Ergon Energy Privacy Company Policy  
*Privacy Act 1988 (Cth)*  
*Privacy Amendment (Enhancing Privacy Protection) Bill 2012*  
*Right to Information/Privacy application form*  
*Information Privacy Personal Information Amendment application form*  
*Information Privacy Act 2009 (Qld)*  
*Public Records Act 2002 (Qld)*
4. BACKGROUND

4.1 Australian Privacy Principles

4.1.1 The Privacy Act 1988 (Cth) replaces the National Privacy Principles and Information Privacy Principles to form a unified set of 13 Australian Privacy Principles (APPs) from 12 March 2014 that apply to both organisations and Commonwealth Government agencies, which are together defined as APP entities.

4.1.2 The Act prescribes the way APP entities deal with the personal information of individuals. An APP entity must not do an act, or engage in a practice, that breaches an APP. The 13 APPs regulates the manner in which organisations collect, use, keep secure and disclose personal information.

5. PRIVACY POLICY GUIDELINES

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

5.1 APP 1 - Open and transparent management of personal information

5.1.1 This APP requires organisations to have ongoing practices and policies in place to ensure that they manage personal information in an open and transparent way.

5.1.2 An APP entity must take reasonable steps to implement practices, procedures and systems relating to the entity’s functions or activities that will ensure that the entity complies with the APPs; and will enable the entity to deal with inquiries or complaints about the entity’s compliance with the APPs.

5.1.3 An organisation must have an APP privacy policy that contains specified information, including the kinds of personal information it collects, how an individual may complain about a breach of the APPs, and whether the organisation is likely to disclose information to overseas recipients. An organisation needs to take reasonable steps to make its APP privacy policy available free of charge and in an appropriate form.

5.1.4 This guideline, together with the privacy policy and Privacy & Security Statement on the website, provides details on the handling practices and management of personal information by Ergon Energy and is available to individuals upon request. Ergon Energy will ensure that these documents are available on the Ergon Energy website and in hard copy.
5.2 **APP 2 - Anonymity and pseudonymity** –

5.2.1 Organisations must give people the option to interact anonymously or use a pseudonym whenever it is lawful and practical to do so.

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

5.3 **APP 3 – Collection of solicited personal information**

5.3.1 This APP outlines when and how an organisation may collect personal and sensitive information that it solicits from an individual or another entity.

5.3.2 An organisation must not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of the organisation’s functions or activities.

5.3.3 An APP entity must not, unless an exception applies, collect sensitive information about an individual unless the individual consents and the information is reasonably necessary for one or more of the organisation’s functions or activities.

5.3.4 An APP entity must collect personal information by lawful and fair means. An APP entity must collect personal information about an individual only from the individual unless the individual consents; or the entity is required or authorised by law or court/tribunal order; or it is unreasonable or impracticable to do so.

5.3.5 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.

5.3.6 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; or it is unreasonable or impracticable to do so. This information includes name, date of birth and address. The Retail Revenue Section of Ergon Energy may consider collecting information such as passport, Medicare or driver’s licence numbers in the future to verify identities of individuals.

5.3.7 Ergon Energy collects sensitive health 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 wellbeing of such customers.

5.4 **APP 4 – Dealing with unsolicited personal information**

5.4.1 Where an organisation receives personal information without requesting it, the entity must determine, within a reasonable period whether it would have been permitted to collect the information under APP3. If so, APPs 5 to 13 will apply to that information, including the requirement to notify the individual of collection of the information.
5.4.2 If the APP entity determines that it could not have collected the personal information, the entity must, as soon as practicable but only if it is lawful and reasonable to do so, destroy the information or ensure that it is de-identified.

5.4.3 If the personal information is contained in a public record Ergon Energy is required in accordance with the Public Records Act 2002 (Qld), to keep the record for minimum periods set out in relevant Retention and Disposal Schedules approved by the State Archivist.

5.5 **APP 5 – Notification of the collection of personal information**

5.5.1 APP 5 specifies certain matters about which an organisation must generally make an individual aware, at the time, or as soon as practicable after, the organisation collects their personal information. Organisations are also required to notify individuals about the access, correction and complaints processes and the location of any likely overseas recipients of individuals' information.

5.5.2 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, to whom that information is usually disclosed, including any overseas recipients and their location, how the individual may complain about a breach of their privacy and how the complaint is dealt with and the consequences of not providing information.

5.5.3 This information is contained in Ergon Energy's Privacy & Security Statement which can be viewed on the Ergon Energy’s website and is available at the customer’s request. When customers call the National Call Centre they are advised in a recorded message of the location of the Privacy & Security Statement. In accordance with APP 5, privacy notices are inserted on Ergon Energy forms that collect personal information.

5.5.4 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.

5.5.5 Ergon Energy stores some personal information of some customers in Japan and USA with Salesforce, a cloud computing service provider (refer to APP 8 below at 5.8.3).

5.6 **APP 6 – Use or disclosure of personal information**

5.6.1 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 where required or authorised by or under an Australian law or a court/tribunal order; or to an enforcement body for enforcement related activities; or to prevent a serious threat to any individual's life, health or safety; or to public health or safety; or where there is reasonable suspicion of unlawful activity or misconduct of a serious nature that relates to the entity’s functions or activities; or to assist in locating a missing person; to establish, exercise or defend a legal or equitable claim; or for the purposes of a confidential alternative dispute resolution.
5.6.2 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 ongoing account management purposes, inform individuals of products and services, electricity maintenance and vegetation 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.

5.6.3 As part of the account management process Ergon Energy may disclose certain personal information to debt collection agencies when an account is not paid. Ergon Energy may disclose certain personal information to credit reporting bodies 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 body. Individuals are advised of this in Ergon Energy’s Credit Information Policy and in recovery notices.

5.6.4 Ergon Energy receives written requests for personal information from Commonwealth and State Government agencies as well as law enforcement bodies. Ergon Energy does disclose personal information to these entities in only accordance with the requirements of this disclosure principle.

5.7 APP 7 – Direct Marketing

5.7.1 Ergon Energy may only use or disclose personal information for direct marketing purposes if:

(a) It was collected from the individual and the individual would reasonably expect the use or disclosure for that purpose; and

(b) The individual has been provided with a simple means to opt-out of receiving direct marketing communications at no cost and the individual has not previously opted-out.

(c) It was collected from the individual and the individual would not reasonably expect the use or disclosure for that purpose or if it was collected from someone other than the individual and the individual has consented or it is impracticable to obtain that consent; and

(d) In each direct marketing communication with the individual, a prominent op-out statement is included or their attention is drawn to the fact that they may opt-out at no cost and the individual has not previously opted-out.

5.8 APP 8 – Cross-border disclosure of personal information

5.8.1 Before Ergon Energy discloses personal information about an individual to an overseas recipient, it must take reasonable steps to ensure that the overseas recipient does not breach the APPs in relation to the information.

5.8.2 This will not apply if the law or binding scheme of the overseas country has the effect of protecting the information substantially similar to the APPs and there are mechanisms that the individual can access to take action to enforce the law or binding scheme; or the individual is informed that if they consent then 5.8.1 above does not apply and after being informed, the individual consents to the disclosure; or disclosure is required or authorised
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by or under Australian law or a court/tribunal order; or a permitted general situation in subsection 16A(1) of the Act.

5.8.3 Ergon Energy discloses to Salesforce, an overseas contracted cloud computing service provider, personal information of Life Support Customers; Solar Panel applicants; Residential Demand Management participants; Distribution Claims and Guaranteed Service Levels; Customer emails exchanges with the National Contact Centre; Web enquiry forms relating to National Contact Centre transactions and online Form A submissions; Hardship Customers; Energy Sustainability Market Development participants; and Electrical Contractors. This information is stored with Salesforce on their servers in Japan and backed up in the United States of America. Ergon Energy has entered into a contract with Salesforce binding it to the APPs and has other mechanisms in place to ensure there is no breach of the APPs.

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

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

5.9.2 Ergon Energy collects pension concession and 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 Government identifiers as its own identifier.

5.9.3 The Retail Revenue Section of Ergon Energy may consider collecting government related identifiers such as passport, Medicare or driver’s licence numbers in the future to verify identities of individuals.

5.10 APP 10 – quality of personal information

5.10.1 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.

5.10.2 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 individuals who provide information to ensure it is accurate.

5.10.3 Ergon Energy will provide individuals with opportunities to update 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.

5.11 APP 11 – security of personal information

5.11.1 An organisation must take reasonable steps to protect the personal information it holds from misuse, interference, loss; and unauthorised access modification or disclosure. If the organisation no longer needs the information for any purpose it must destroy or permanently de-identify personal information unless it is required to be kept in accordance with the Public Records Act 2002 (Qld).

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

5.11.3 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 data is kept for the required period then disposed of in an appropriate manner once it is no longer required for a specified use.

5.12 APPs 12 and 13 – access to, and correction of, personal information

5.12.1 An organisation must give an individual access to their own personal information on request, subject to certain exceptions; and take steps to correct information if it can be established that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

5.12.2 An organisation must respond to requests for access to and correction of an individual’s personal information within a reasonable period after the request is made and give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so. An organisation cannot charge an application fee to make the request for access or correction, but may impose a non-excessive charge for giving access to their personal information.

5.12.3 Ergon Energy will take reasonable steps to correct information if it can be established that the personal information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

5.12.4 If an organisation refuses to give access to or correct the personal information, or give access in the manner requested, the organisation must give the individual a written notice outlining the reasons for refusal, unless unreasonable to do so; and the mechanisms available to complain about the refusal; and any other matter prescribed by the regulations.

5.12.5 If an organisation refuses to correct the personal information as requested and the individual requests the organisation to include a statement with the information that they consider inaccurate, out-of-date, incomplete, irrelevant or misleading; the organisation must take reasonable steps in the circumstances to include the statement in such a way that makes it apparent to users of the information.

5.12.6 The Right to Information & Privacy Officer will handle requests for access to and correction of personal information under the Privacy Act 1988 (Cth). Individuals also have a right of access to their personal information under the Information Privacy Act 2009 (Qld) (see also EP22). An application for access to and amendment of an individual’s own personal information 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. PRIVACY COMPLAINTS PROCESS

6.1 Any privacy complaints received by Ergon Energy will be managed in accordance with Privacy Complaints Policy and Handling Procedures GC000300R100. This document outlines the procedures involved in handling and investigating privacy complaints. A privacy complaint form can be found on Ergon Energy’s Website.

6.2 Ergon Energy’s Right to Information & Privacy Officer will endeavour to assist operational staff in the resolution of Level 1 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. Level 2 privacy complaints will be handled and delegated by the Right to Information & Privacy Officer.

7. ERGON ENERGY CONTACT DETAILS

7.1 Ergon Energy’s Right to Information & Privacy Officer may be contacted about privacy matters on (07) 3851 6790, fax (07) 3851 6780 or email privacy@ergon.com.au