
Energy Industries Superannuation Scheme - Privacy Policy

This Policy was adopted by the Trustee of the Energy Industries Superannuation Scheme (Scheme) on 24 September 2004.

The Trustee of the Scheme abides by the National Privacy Principles (NPPs) in accordance with its obligations under the Privacy Act 1988 (C'th) (the Act).

NPP 1 – Collection

Collection of personal information must be fair, lawful and not intrusive. A person must be told the organisation's name, the purpose of collection, the other organisations to whom the personal information is usually disclosed to, the laws that require the particular information to be collected, that the person can get access to their personal information and what happens if the person does not give the information.

Policy

The Trustee will only collect personal information which is necessary for the efficient operation of the Scheme. Whenever information is collected, the Trustee will advise a member of the reason for the collection, the other organisations to whom the personal information is usually disclosed to, the laws that require the particular information to be collected, of the fact that the member is entitled to see the information held by the Trustee on that member and of what happens if the member does not provide the personal information.

Implementation

- The Trustee will ensure that whenever personal information, including sensitive information, is collected from an individual, that individual is aware of the identity of the Trustee, how the Trustee can be contacted, the reason for collecting that personal information, the other organisations to whom the personal information is usually disclosed to, the laws that require the particular information to be collected and what happens if the member does not provide the personal information.
- When designing forms, the Trustee will ensure that only necessary personal information and/or sensitive information is sought from a member (or about a member from an employer).
- If a member submits personal information which has not been sought and which is not necessary for the Trustee's operations, that additional personal information is not to be kept but is to be returned to the member or destroyed (in this respect, return would be appropriate where the member had submitted original documents while destruction would be indicated where the member had simply provided items of personal information).

If additional personal information is part of a document which contains necessary personal information, then the unwanted personal information should be blanked out before the document is scanned.

- The Trustee will, at all times, ensure that it does not infringe any other statutes in relation to the collection of information.

In particular, personal information which might be passed to the Trustee which the Trustee is aware was collected illegally by another party will not be used by the Trustee. In particular, in all cases where investigations are carried out in relation to claims for invalidity benefits where doubt exists as to the bona fides of the claimant, only lawful and fair means will be used in pursuing those investigations and, subject to the collecting relevant personal information and/or sensitive information.

- The Trustee will not engage in any deceptive conduct in any marketing program (eg the Trustee will not telephone prospective members and deceive them by representing the call as being anything

other than what it is) nor will the Trustee be unreasonably intrusive in such marketing programs (eg by telephoning at unreasonable times).

- The Trustee will not use an access by a member to its web site to collect personal information from such a member unless the access is specifically for the purpose of providing personal information (such as a change of address) and then only that specific information will be collected.
- The Trustee will not seek personal information in situations where the Trustee is aware that information can be overheard by others.
- The Trustee will ensure that members are properly advised about this Privacy Policy, their right to see it and their rights to make complaints and to have incorrect personal information corrected. These objectives will be achieved by:
 - providing written notice to that effect in material sent to members and in forms;
 - providing a brief automated message in the Call Centre with an option being available for more detailed personal information;
 - providing a written notice in prominent locations where members visit in person; and
 - providing a readily accessible link to the material on the web site.
- The Trustee will take particular care in dealing with children and the bereaved and ensure that the person is fully aware of their rights. The Trustee will not use unreasonable pressure to get the person to make a particular decision.
- The Trustee will not provide or allow access to personal information including sensitive information to other entities except as set out in this policy, with the individual's consent or as required by law and will advise members that such provision or access of such information may occur.
- In relation to the Trustee's service providers, the Trustee will advise members that personal information including sensitive information will be disclosed to or accessed by those entities only in association with a contractual requirement that those entities abide by the NPPs and the Act in the same manner as the Trustee and apply the relevant aspects of the Privacy Policy of the Trustee.
- From time to time, because of the nature of superannuation, the Trustee will collect personal information about a member from the employer of that member. Where the Trustee collects personal information about a member from that member's employer, the Trustee will ensure that the member is aware of the reason for collection, the other organisations to whom the personal information is usually disclosed to, the laws that require the particular information to be collected and of the member's right to access the personal information.
- If it is necessary to collect sensitive information – eg in order to underwrite insured cover or in order to process a claim for a death or invalidity benefit – the Trustee will advise the claimant of that fact and that the Trustee will treat that information as sensitive information with restricted access within the administrative procedures of the Trustee.
- The Trustee must disclose personal information as required by the Family Law Act 1975, including all amendments.

NPP 2 – Use & Disclosure

An organisation should only use or disclose information for the purpose it was collected unless the person has consented, or the secondary purpose is related to the primary purpose and a person would reasonably expect such use or disclosure, or the use is for direct marketing in specified circumstances, or in circumstances related to public interest such as law enforcement and public or individual health and safety.

Policy

The Trustee will not use personal information collected for the purpose of allowing the efficient operation of the Scheme for any other purpose without the implied or express consent or expectation of the member unless required by law. The Trustee believes that advising members of the provision of related superannuation services, such as pre-retirement and post-retirement services or ancillary investment services, is an activity which members would reasonably expect the Trustee to use or disclose the personal information for (including disclosing member personal information for this purpose to other entities providing services to the Energy Industries Scheme).

Implementation

- The Trustee will ensure that personal information collected for the purpose of allowing the efficient operation of the Scheme is not used for any other purpose without the member's implied or express consent or expectation.
- Providing information to members (or allowing access to or disclosing personal information to other financial services organisations so that they can provide information to members) about pre-retirement and post-retirement or investment products - is considered, by the Trustee, to be a related superannuation activity which members would expect the Trustee to use or disclose the personal information for.
- Personal information will not be disclosed to any other organisation (i.e. to any organisation not closely related to the Trustee) for any other purpose unless the member consents, or it is required by law, except for the transfer of personal information to service providers to the Scheme who will be contractually bound to abide by the NPPs and the Act in the same manner as the Trustee and observe the aspects of this Privacy Policy that are relevant to them.
- If the Trustee is required to disclose personal information to an entity under law, the Trustee will ensure that a notation is made on the member's file that such personal information has been disclosed unless lawfully asked to refrain from doing so.

NPP 3 – Data Quality

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.

Policy

The Trustee will, whenever it provides personal information to members based on data held by the Trustee, provide avenues for members to seek changes to the Trustee's records if that data is incorrect or incomplete.

Implementation

- If the Trustee discovers that personal information held is incorrect, it will change that personal information and add a notation to the member's file to that effect.
- In relation to nominated beneficiaries, the Trustee will seek to ensure that the nomination is still current before processing a payment.
- The Trustee will require its service providers to periodically run checks on data items where it is practicable to do so to estimate the quality of the data (eg checking for duplicate members, checking that ages are reasonable, etc).
- If the Trustee is advised by a member that personal information held about that member is incorrect, the Trustee will take immediate steps to ensure that the personal information is corrected.

NPP 4 – Data Security

An organisation must take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access modification or disclosure.

Policy

The Trustee will ensure that all data held by it is protected from misuse and that access is restricted to those who need such access to enable the Trustee to meet its obligations. Personal information will be de-identified when identification is no longer required.

Implementation

- The Trustee will restrict access to personal information to those staff who require access to use that personal information in carrying out their jobs. Only those staff who need access to restricted information to carry out their duties will have access to it.
- Restricted information is personal information including sensitive information relating to the health of a member (i.e. medical questionnaires and reports), information relating to a member's personal relationships (such as becomes available in determining death benefit beneficiaries), and information relating to a member's financial situations (such as becomes available in cases relating to early release of benefits on financial hardship grounds).
- The Trustee will ensure that all staff with access to restricted information are required to periodically sign a confidentiality agreement so that they are aware that they must not divulge restricted information which they acquire in the course of their work to others.
- The Trustee will ensure that all staff are trained in the requirements imposed by this Privacy Policy.
- The Trustee will ensure that physical access to personal information is restricted by means of security locks on all areas where that information is kept.
- Where physical records are maintained (ie where material is not scanned and physical material in the process of being scanned), the material will be kept in lockable cupboards (which will be locked at the end of each day's business).
- If physical records are moved, records will be kept to ensure that movements are recorded and that it is known where such material is at any time.
- The Trustee will implement a Security Policy which will include the following matters:
 - The Trustee will ensure that the security of the computer systems is regularly audited and that security is maintained at the highest level at all times.
 - All data will be backed up regularly and off-site copies maintained.
 - All systems will be audited to ensure that only appropriate means can be used to change data and that appropriate procedures are being followed in this respect.
 - Access privileges will be regularly reviewed to ensure that they remain appropriate.
 - Appropriate measures will be put in place to ensure that the data cannot be accessed by unauthorised persons using the Internet.

- When a person ceases to be a member of the Scheme and a period of 10 years has passed since all potential claims in relation to the member have been paid out, personal information held about that member will be de-identified or destroyed; this will require that the personal information can no longer be identified if it is held in electronic form and that it is shredded if it is a physical record.

NPP 5 – Openness

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

Policy

A copy of the Trustee's Privacy Policy is to be made available to members who seek to see it and shall be available on the Scheme's website.

Implementation

- The Trustee will ensure that a copy of this Privacy Policy is made available to any member who asks to see it.
- The Trustee will ensure that all members are made aware that this Privacy Policy exists and that they have a right to see it.
- A brief summary of this Privacy Policy and a precollection statement will be included in all information gathering activities of the Trustee including as an easily accessible page on the web site and in writing to be made available if requested; Attachment A contains an example of such a statement.

NPP 6 – Access & Correction

Generally speaking, an organisation must give an individual access to personal information it holds about that individual on request.

Policy

The Trustee will make personal information held about a member available to that member on application in accordance with its obligations under the NPPs and the Act, subject to the following exceptions:

- (a) in the case of personal information other than health information—providing access would pose a serious and imminent threat to the life or health of any individual; or
- (b) in the case of health information—providing access would pose a serious threat to the life or health of any individual; or
- (c) providing access would have an unreasonable impact upon the privacy of other individuals; or
- (d) the request for access is frivolous or vexatious; or
- (e) the personal information relates to existing or anticipated legal proceedings between the Trustee and the individual, and the personal information would not be accessible by the process of discovery in those proceedings; or
- (f) providing access would reveal the intentions of the Trustee in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- (g) providing access would be unlawful; or
- (h) denying access is required or authorised by or under law; or
- (i) providing access would be likely to prejudice an investigation of possible unlawful activity; or
- (j) providing access would be likely to prejudice:

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- (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or
 - (iii) the protection of the public revenue; or
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders;
- by or on behalf of an enforcement body; or
- (k) an enforcement body performing a lawful security function asks the Trustee not to provide access to the personal information on the basis that providing access would be likely to cause damage to the security of Australia; or
 - (l) providing access would reveal evaluative information generated by the Trustee in connection with a commercially sensitive decision-making process (in which case the Trustee may give an explanation for the decision instead).

Implementation

- If a member seeks access to the personal information held about that person, the Trustee will provide that personal information; in relation to most Scheme information, the personal information will be made available as a listing of current values of data items held (including any historical information held).
- The Trustee will advise members that they have a right to see the personal information held about them.
- The Trustee will only make personal information about a member available to that member unless the member has provided a written authority for the personal information to be made available to another person.
- Requests for access to personal information are to be responded to with a minimum of delay and in all cases within 30 days
- The Trustee reserves the right to charge for the provision of personal information requested in the form of hard copies of documents.
- The Trustee will change the personal information it holds if a member provides correcting information but a record will be kept of what was changed and what other consequent actions were taken.
- If a dispute arises between the Trustee and a member as to which personal information is correct, the Scheme's dispute resolution procedures are to be used; however, the member's right to have their alternative data noted is to be observed by attaching a notation of the fact that a dispute exists to the member's record and any material submitted by the member.
- If requested personal information cannot be found, the Trustee will explain why the material cannot be found and suggest alternative sources if appropriate (eg the records of the member's employer).
- The Trustee does not expect that there will be many cases where access to personal information will be denied to a member or other person about whom the Trustee holds personal information but, if such cases do occur, the Trustee will state the reasons for the denial and will describe the review process to the member or other person and the fact that the member or other person can lodge a complaint with the Privacy Commissioner.
- If access to personal information is denied on the grounds that to release the personal information including sensitive information would be prejudicial to the member's health (ie on the advice of a medical practitioner), the Trustee will attempt to meet the request by releasing the information to an

intermediary (ie another medical practitioner who is acceptable to both the member and the original medical practitioner).

NPP 7 – Identifiers

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

Policy

The Trustee will not use Commonwealth identifiers except as required by law.

NPP 8 – Anonymity

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

Policy

The Trustee will provide general information about the Scheme on an anonymous basis but, clearly, any personal information specific to an individual member must be made available only when a member has appropriately identified themselves.

NPP 9 – Transborder Data Flows

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

Policy

The Trustee will not transfer personal information to any foreign country without the individual's consent unless the recipient is bound by appropriate privacy standards.

NPP 10 – Sensitive Information

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 provision and individual or public health or safety.

Note: **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 preferences or practices; or
 - (ix) criminal record;
- (b) that is also personal information; or
- (b) health information about an individual.

health information means:

- (a) information or an opinion about:

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- (i) *the health or a disability (at any time) of an individual; or*
 - (ii) *an individual's expressed wishes about the future provision of health services to him or her; or*
 - (iii) *a health service provided, or to be provided, to an individual; that is also personal information; or*
 - (b) *other personal information collected to provide, or in providing, a health service; or*
 - (c) *other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances.*

Policy

The Trustee will not collect sensitive information about members except to the extent that such information may be required in determining the beneficiary when a member dies or is incapable of administering their own affairs or for the purposes of determining applications for death or invalidity cover or for assessing claims for death or invalidity benefits.

Attachment A - Sample Privacy Statement

Energy Industries Superannuation Scheme (Scheme)

The Trustee abides by the National Privacy Principles set out in the Commonwealth *Privacy Act 1988*. The Trustee's Privacy Policy is available on application.

The Trustee is responsible for the efficient operation of the Scheme and, to that end, collects personal information, including sensitive information, about members both directly from members and from employers of members. The personal information collected includes information to allow a member's rights in the Scheme to be properly determined. The Trustee does not collect personal information not required for these purposes.

Personal information collected includes name, address, date of birth, employment details (date commenced, salary) and ongoing records of contributions made by the member. This information is not disclosed to or accessed by any other party except as follows:

- where the member has consented to the disclosure;
- where the Trustee uses a service provider (such as an administrator) to carry out its obligations, personal information is disclosed to or accessed by that service provider only where there is a contractual requirement that the service provider abide by the NPPs and the Act in the same manner as the Trustee and applies the Trustee's Privacy Policy;
- to other organisations providing services to the Energy Industries Scheme for the purpose of providing a member with related superannuation services including, information about pre-retirement and post-retirement or investment products or services (a member can request a list of these organisations from the Trustee at any time).
- where required by law (eg the Tax Office requires reporting of various information in relation to the surcharge and at the time a benefit is paid).

If you do not provide the Trustee with your personal information, you may not be able to receive certain benefits as a member of the Scheme.

The Trustee requires that access to all personal information be restricted to those staff who need to have access to it and that restricted access be applied to certain material related to:

- medical information provided in relation to an application for cover for insured benefits or in relation to a claim for an invalidity benefit;
- death certificates; and
- beneficiaries of death benefits.

You have the right to have access to all personal information, with very limited exceptions, held about you by the Trustee.

You may apply to the following officer in relation to any privacy issue, including access, changes to incorrect personal information, copies of the Privacy Policy and general inquiries:

Privacy Officer
Energy Industries Superannuation Scheme
Level 12, 28 Margaret Street
Sydney NSW 2000

If you have a formal complaint about the way that the Trustee handles your personal information and you are not satisfied with the response from the Privacy Officer, you may contact:

Complaints Resolution Officer
Energy Industries Superannuation Scheme
Level 12, 28 Margaret Street
Sydney NSW 2000

If you are not satisfied with the response provided by the Complaints Resolution Officer, you may take your complaint to:

Commonwealth Privacy Commissioner
GPO Box 5218
Sydney NSW 1042

Telephone: 1300 363 992