

Privacy Policy

Pacific Hydro Pty Ltd

24 January 2018

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Pacific Hydro Pty Ltd may amend this policy from time to time.

1. Privacy Policy

1.1 Purpose

The *Privacy Act (Cth) 1998* (“Privacy Act”) is intended to establish a comprehensive national scheme for the collection, holding, use, correction, disclosure and transfer of Personal Information.

This policy is to ensure Pacific Hydro Pty Ltd (“Pacific Hydro”) complies with the Privacy Act. Pacific Hydro will ensure that it complies with the 13 Australian Privacy Principles (APPs) set out in the Privacy Act. The APPs regulate the way Pacific Hydro can collect, use, disclose, amend and pass on Personal Information.

1.2 Responsibility and Authority

All directors, managers and staff, either working in Australia or working overseas and handling Personal Information disclosed by Pacific Hydro’s Australian companies (for example, Personal Information contained in the resumes of job applicants) are responsible for compliance with this policy.

Training will be provided to all staff as part of their induction at Pacific Hydro. Thereafter, refresher training will be provided every two years for those staff occupying roles that require them to collect or handle Personal information, or manage other staff who collect or handle Personal information.

1.3 Privacy Compliance Officer

Pacific Hydro’s Privacy Officer is the Dharmendra Kumar, Manager, Risk and Compliance. The Privacy Officer:

- receives complaints from an individual regarding an alleged breach of privacy by Pacific Hydro;
- investigates and resolves the complaint internally through mediation with the individual;
- arranges training to all Australia-based staff in this policy;
- is the point of contact between Pacific Hydro and the Australian Information Commissioner (“Commissioner”);
- submits and receives notices and documents to and from the Commissioner;
- responds to queries and requests by the Commissioner, including entities which act on its behalf;
- contacts individuals where it is suspected that a breach of the individuals’ privacy has or may be breached, with the aim of that contact being to let them know of their option(s) to mitigate the situation;
- where item seven (above) is not achievable, the Privacy Officer is to publish a notice on Pacific Hydro’s public website to convey the contents of the message above.

1.4 Definitions used in this Policy

- *Permitted General Situation* means, in relation to the collection, use or disclosure of Personal Information, a situation detailed in Schedule 2 of this policy.
- *Personal Information* means information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - whether the information or opinion is true or not; and
 - whether the information or opinion is recorded in a material form or not.
- *Sensitive Information* means:
 - 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;
- that is also Personal Information; or
- (i) health information about an individual; or
 - (ii) genetic information about an individual that is not otherwise health information; or
 - (iii) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
 - (iv) biometric templates.

2. Exemption

There is an exemption in the Privacy Act regarding information relating to a current or former employee. The Privacy Act does not apply to an act done or practice engaged in by Pacific Hydro in relation to:

- A current or former employment relationship between Pacific Hydro and the individual; and
- An employee record held by Pacific Hydro relating to the individual (includes Personal Information relating to the employment relationship and may include information, such as recruitment/termination information, terms and conditions of employment, health and banking details).

This exemption does not apply to applicants who are unsuccessful in securing a role at Pacific Hydro. In those cases, Pacific Hydro will take all the necessary steps to ensure proper collection, use, storage, disclosure of and access to information in accordance with the Privacy Act and other applicable laws.

3. Procedure for making a complaint

A person may make a complaint if they feel their Personal Information has been handled inappropriately in breach of Pacific Hydro's privacy obligations under the Privacy Act. In the first instance, complaints must be directed to Pacific Hydro's Privacy Officer in writing, using the contact details provided below. The Privacy Officer will investigate the complaint and prepare a response to the complainant in writing within 30 days.

Email address: privacyofficer@pacifichydro.com.au

Mail address: Privacy Officer
Level 13/700 Collins Street
Docklands VIC 3008

If the complainant is not satisfied with the Privacy Officer's response or the manner in which Pacific Hydro has dealt with the complaint, the individual may make a formal complaint to the Office of the Australian Information Commissioner ("Information Commissioner") using the following contact details:

Email address: enquiries@oaic.gov.au

Mail address: GPO Box 5218 Sydney NSW 2001

Telephone 1300 363 992

The Information Commissioner will provide Pacific Hydro with the opportunity to respond to the complaint. Following its enquiries, if the Information Commissioner decides that there is insufficient evidence to support the complaint, the Information Commissioner may dismiss the complaint. Alternatively, if the Information Commissioner believes there is enough evidence to support the complaint, it will try to conciliate the matter.

4. Data breach

Where Pacific Hydro suspects that there has been an unauthorised access or unauthorised disclosure of an individual's Personal Information, it will within 30 days carry out a reasonable and expeditious assessment to determine whether there are reasonable grounds to believe that the relevant circumstances amount to an eligible data breach and take reasonable endeavours to make contact with the affected individual to inform them of their options to rectify or mitigate this situation. Where Tango Energy is unable to make contact with the affected individual, it will publish a statement on its website <http://www.pacifichydro.com.au/> to inform its readers that an unidentified breach may have occurred.

5. Reports to the Board

The Privacy Officer must report annually to the Audit, Finance and Risk Committee of Pacific Hydro's Board of Directors on compliance with this policy. The report must include:

- whether any alleged breaches of privacy laws by Pacific Hydro or its staff have been reported;
- the result of any investigation into an alleged breach;
- the training undertaken during the reporting year; and
- the number of staff who require training.

6. Overview of Australian Privacy Principles

Pacific Hydro is committed to compliance with the Australian Privacy Principles in the Privacy Act, which are summarised below and detailed in Schedule 1 of this policy.

APP 1 — Open and transparent management of Personal Information - Pacific Hydro must manage Personal Information in an open and transparent way. This includes having a clearly expressed and up to date Privacy Policy.

APP 2 — Anonymity and pseudonymity - Pacific Hydro must give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 — Collection of solicited Personal Information - outlines when Pacific Hydro can collect Personal Information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 — Dealing with unsolicited Personal Information - outlines how Pacific Hydro must deal with unsolicited Personal Information.

APP 5 — Notification of the collection of Personal Information - outlines when and in what circumstances, where Pacific Hydro collects Personal Information, Pacific Hydro must notify an individual of certain matters.

APP 6 — Use or disclosure of Personal Information - outlines the circumstances in which Pacific Hydro may use or disclose Personal Information that it holds.

APP 7 — Direct marketing - Pacific Hydro may only use or disclose Personal Information for direct marketing purposes if certain conditions are met.

APP 8 — Cross-border disclosure of Personal Information - outlines the steps Pacific Hydro will take to protect Personal Information before it is disclosed overseas.

APP 9 — Adoption, use or disclosure of government related identifiers - outlines the limited circumstances when Pacific Hydro may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 — Quality of Personal Information - Pacific Hydro must take reasonable steps to ensure the Personal Information it collects is accurate, up to date and complete. Pacific Hydro

must also take reasonable steps to ensure the Personal Information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 — Security of Personal Information – Pacific Hydro must take reasonable steps to protect Personal Information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. Pacific Hydro has obligations to destroy or de-identify Personal Information in certain circumstances.

APP 12 — Access to Personal Information - outlines Pacific Hydro's obligations when an individual requests to be given access to Personal Information held about them by Pacific Hydro. This includes a requirement to provide access unless a specific exception applies.

APP 13 — Correction of Personal Information - outlines Pacific Hydro's obligations in relation to correcting the Personal Information it holds about individuals.

Schedule 1: Australian privacy principles

1. Principle 1: Open and transparent management of Personal Information

The object of this principle is to ensure that Pacific Hydro manages Personal Information in an open and transparent way.

- Pacific Hydro will take such steps as are reasonable in the circumstances to implement practices, procedures and systems relating to its functions or activities that:
 - will ensure that it complies with the Australian Privacy Principles; and
 - will enable it to deal with inquiries or complaints from individuals about its compliance with the Australian Privacy Principles .
- Pacific Hydro has a clearly expressed and up-to-date policy (this Privacy Policy) about its management of Personal Information, which details the kinds of Personal Information that it collects and holds, how it collects and holds Personal Information, the purposes for which it collects, holds, uses and discloses Personal Information, how an individual may seek access to, and correction of, their Personal Information, how an individual may complain about a breach of the APPs by Pacific Hydro, and how Pacific Hydro will deal with such a complaint, and whether Pacific Hydro is likely to disclose Personal Information to overseas recipients and the countries in which such recipients are likely to be located.
- Pacific Hydro has published a summarised version of this policy, in the form of a Privacy Statement, on its website, so that it is available to consumers free of charge. However, if a person or body requests a copy of the Privacy Statement in a particular form, Pacific Hydro will take such steps as are reasonable in the circumstances to give the person or body a copy in that form.

2. Principle 2: Anonymity and pseudonymity

Unless:

- Pacific Hydro is required or authorised by or under an Australian law, or a court/ tribunal order, to deal with individuals who have identified themselves; or
- it is impracticable for Pacific Hydro to deal with individuals who have not identified themselves or who have used a pseudonym,

Pacific Hydro will give individuals the option of not identifying themselves, or of using a pseudonym, when dealing with Pacific Hydro in relation to a particular matter.

3. Principle 3: Collection of solicited Personal Information

- Pacific Hydro will not collect Personal Information (other than Sensitive Information) unless the information is reasonably necessary for one or more of its functions or activities.
- Pacific Hydro will not collect Sensitive Information about an individual unless:
 - the individual consents to the collection of the information;
 - the information is reasonably necessary for one or more of the Pacific Hydro's functions or activities;
 - the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
 - a permitted general situation exists in relation to the collection of the information.
- Pacific Hydro will collect Personal Information only by lawful and fair means.
- Pacific Hydro will collect Personal Information about an individual only from the individual unless it is unreasonable or impracticable to do so.

4. Principle 4: Dealing with unsolicited Personal Information

- If Pacific Hydro receives Personal Information and did not solicit that information, it will, within a reasonable period after receiving the information, determine whether or not it could have collected the information under Australian Privacy Principle 3 if it had solicited the information. Pacific Hydro may use or disclose the Personal Information for the purposes of making this determination.
- If Pacific Hydro determines that it could not have collected the Personal Information and the information is not contained in a Commonwealth record, Pacific Hydro will, as soon as practicable and only if it is lawful and reasonable to do so, destroy the information or ensure that the information is de-identified.
- If Pacific Hydro determines that it could have collected the Personal Information, Pacific Hydro will comply with APPs 5-13 in relation to the information as if it had collected the information under APP 3.

5. Principle 5: Notification of the collection of Personal Information

At or before the time or, if that is not practicable, as soon as practicable after, Pacific Hydro collects Personal Information about an individual, it will take such steps (if any) as are reasonable in the circumstances, to notify the individual of:

- Pacific Hydro's identity and contact details;
- if the Personal Information has been collected from someone other than the individual, or the individual is not aware that the Personal Information has been collected, the fact that Pacific Hydro has collected the information and the circumstances of that collection;
- if the collection of the Personal Information is required or authorised by or under an Australian law or a court/tribunal order, the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);
- the purposes for which Pacific Hydro collects the Personal Information;
- the main consequences (if any) for the individual if all or some of the Personal Information is not collected;
- any other entity, body or person, or the types of any other entities, bodies or persons, to which Pacific Hydro usually discloses Personal Information of the kind collected by Pacific Hydro;
- the fact that Pacific Hydro's Privacy Statement contains information about how the individual may:
 - seek access to their Personal Information and request the correction of that information; and
 - complain about a breach of the APPs and how Pacific Hydro will deal with such a complaint;
- whether Pacific Hydro is likely to disclose the Personal Information to overseas recipients and the countries in which such recipients are likely to be located (if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them).

6. Principle 6: Use or disclosure of Personal Information

If Pacific Hydro holds Personal Information that was collected for a particular purpose (the primary purpose), it will not use or disclose the information for another purpose (secondary purpose) unless:

- the individual has consented;
- the secondary purpose is related to the primary purpose, or directly related in the case of Sensitive Information, and the individual would reasonably expect Pacific Hydro to use or disclose the information for the secondary purpose;
- a Permitted General Situation exists in relation to the use or disclosure of the information;

- the use or disclosure is required or authorised by or under law or a court/tribunal order; or
- it reasonably believes that the use or disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body, and it will make a written note of the use or disclosure.

7. Principle 7: Direct Marketing

Pacific Hydro may only use or disclose Personal Information, other than Sensitive Information, about an individual for the purpose of direct marketing if:

- Pacific Hydro collected the information from the individual and:
 - the individual would reasonably expect Pacific Hydro to use or disclose the information for that purpose;
 - Pacific Hydro provides a simple means by which the individual may easily request not to receive direct marketing communications from Pacific Hydro; and
 - the individual has not made such a request to Pacific Hydro.
- Pacific Hydro collected the information from someone other than the individual, or from the individual but the individual would not reasonably expect Pacific Hydro to use or disclose the information for direct marketing purposes, and:
 - either the individual has consented to the use or disclosure of the information for that purpose, or it is impracticable to obtain that consent;
 - Pacific Hydro provides a simple means by which the individual may easily request not to receive direct marketing communications from Pacific Hydro;
 - in each direct marketing communication with the individual, Pacific Hydro includes a prominent statement that the individual may make such a request, or otherwise draws the individual's attention to the fact that the individual may make such a request; and
 - the individual has not made such a request to Pacific Hydro;
- the individual has consented to the use or disclosure of the information for that purpose.
 - If Pacific Hydro uses or discloses Personal Information about an individual for the purpose of direct marketing, or for the purpose of facilitating direct marketing by another organisation, the individual may request Pacific Hydro to provide its source of the information and, as applicable, request not to receive direct marketing communications from Pacific Hydro, or request Pacific Hydro not to use or disclose the information to other organisations for direct marketing purposes. If an individual makes such a request, Pacific Hydro will give effect to the request within a reasonable period after the request is made, and not charge the individual for making, or giving effect to, the request.

8. Principle 8: Cross-border disclosure of Personal Information

Before Pacific Hydro discloses Personal Information about an individual to an overseas recipient (including a related body corporate), Pacific Hydro will take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the APPs (other than APP 1) in relation to the information, unless:

- Pacific Hydro believes that the overseas recipient is subject to a law, or binding scheme, that has the effect of protecting the Personal Information in a way that, overall, is at least substantially similar to the way in which the APPs protect the information, and there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme;
- Pacific Hydro expressly informs the individual that if they consent to the disclosure of the information, Pacific Hydro will not take steps to ensure that the overseas recipient does not breach the APPs, and after being so informed, the individual consents to the disclosure;

- the disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- a Permitted General Situation (other than the situation referred to in item 4 or 5 of the table in Schedule 2) exists in relation to the disclosure of the information by Pacific Hydro.

If the APPs do not apply to the overseas recipient, and the overseas recipient does an act, or engages in a practice that breaches the APPs, the act or practice will be taken to have been done, or engaged in, by Pacific Hydro, and to be a breach of the APPs by Pacific Hydro.

Principle 9: Adoption, use or disclosure of government related identifiers

Pacific Hydro will not adopt a government related identifier of an individual as its own identifier of the individual unless the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order.

Pacific Hydro will not use or disclose a government related identifier of an individual unless:

- the use or disclosure of the identifier is reasonably necessary for Pacific Hydro to verify the identity of the individual for the purposes of Pacific Hydro's activities or functions;
- the use or disclosure of the identifier is reasonably necessary for Pacific Hydro to fulfil its obligations to an agency or a State or Territory authority;
- the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order;
- a Permitted General Situation (other than the situation referred to in item 4 or 5 of the table in Schedule 2) exists in relation to the use or disclosure of the identifier; or
- Pacific Hydro reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

9. Principle 10: Quality of Personal Information

Pacific Hydro will take reasonable steps to ensure that Personal Information it collects uses or discloses is accurate, complete and up to date.

10. Principle 11: Security of Personal Information

Pacific Hydro will take reasonable steps to protect Personal Information it holds from misuse and loss and from unauthorised access, modification or disclosure.

Pacific Hydro will also take reasonable steps to destroy or permanently de-identify Personal information if it is no longer needed for any purpose for which the information may be used or disclosed, provided that there is no requirement to retain the information under an Australian law, or a court/tribunal order.

11. Principle 12: Access to Personal Information

Where Pacific Hydro holds Personal Information about an individual, it will provide the individual with access to the information on request, except to the extent that:

- providing access would pose a serious and imminent threat to the life, health or safety of any individual, or to public health or public safety;
- providing access would have an unreasonable impact upon the privacy of other individuals;
- the request for access is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings between Pacific Hydro and the individual, and the information would not be accessible by the process of discovery in those proceedings;
- providing access would reveal the intentions of Pacific Hydro in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- providing access would be unlawful;

- denying access is required or authorised by law or a court/tribunal order;
- Pacific Hydro has reason to suspect that unlawful activity, or misconduct of a serious nature, which relates to its functions or activities has been, is being, or may be, engaged in, and giving access would be likely to prejudice the taking of appropriate action in relation to the matter;
- giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- giving access would reveal evaluative information generated within Pacific Hydro in connection with a commercially sensitive decision-making process.

Pacific Hydro will respond to the request for access to the 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.

If Pacific Hydro refuses to give access to the Personal Information because one of the above exceptions apply, or to give access in the manner requested by the individual, Pacific Hydro will:

- take such steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of both Pacific Hydro and the individual, including through a mutually agreed intermediary; and
- give the individual a written notice that sets out:
 - the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so;
 - the mechanisms available to complain about the refusal; and
 - any other matter prescribed by the regulations.
- If Pacific Hydro refuses to give access to the Personal Information because giving access would reveal evaluative information generated within Pacific Hydro in connection with a commercially sensitive decision-making process, the reasons for the refusal may include an explanation for the commercially sensitive decision.
- If Pacific Hydro levies charges for providing access to Personal Information, those charges:
 - will not be excessive; and
 - will not apply to lodging a request for access.

12. Principle 13: Correction of Personal Information

- If Pacific Hydro holds Personal Information about an individual and:
 - it is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out-of-date, incomplete, irrelevant or misleading; or
 - the individual requests Pacific Hydro to correct the information,
- Pacific Hydro will take such steps (if any) as are reasonable in the circumstances, within a reasonable period after the request is made and free of charge, to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.
- If Pacific Hydro corrects Personal Information about an individual that it previously disclosed to another APP entity and the individual requests Pacific Hydro to notify the other APP entity of the correction, Pacific Hydro will take such steps (if any) as are reasonable in the circumstances to give that notification, unless it is impracticable or unlawful to do so.
- If Pacific Hydro refuses to correct the Personal Information as requested by the individual:
 - it will give the individual a written notice that sets out:
 - (i) the reasons for the refusal except to the extent that it would be unreasonable to do so; and

- (ii) the mechanisms available to complain about the refusal; and
- if the individual requests Pacific Hydro to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading, Pacific Hydro will take such steps as are reasonable in the circumstances, within a reasonable period after the request is made and free of charge, to associate the statement in such a way that will make the statement apparent to users of the information.

Schedule 2: Permitted General Situations

Permitted General Situations in relation to the collection, use or disclosure of personal information

Information	Conditions
<ol style="list-style-type: none"> 1. Personal Information 2. government related identifier 	<ol style="list-style-type: none"> 1. it is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure; and 2. Pacific Hydro reasonably believes that the collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
<ol style="list-style-type: none"> 1. Personal Information 2. Government related identifier 	<ol style="list-style-type: none"> 1. Pacific Hydro has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to its functions or activities has been, is being or may be engaged in; and 2. Pacific Hydro reasonably believes that the collection, use or disclosure is necessary in order for it to take appropriate action in relation to the matter.
Personal Information	Pacific Hydro reasonably believes that the collection, use or disclosure is reasonably necessary to assist any APP entity, body or person to locate a person who has been reported as missing.
Personal Information	The collection, use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim.
Personal Information	The collection, use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution process.

Schedule 3: Policy History

Version	Review date	Approval Date	Approved by	Next Review Date
1.	April 2012	26 April 2012	PHPL Board	April 2013
2	24 May 2017	24 January 2018	Executive Manager, Legal	TBC