

# RETAIL PRIVACY POLICY

Version 1.1  
18 January 2017

## Retail Privacy Policy

Tango Energy Pty Ltd (ABN 43 155 908 839) formerly Pacific Hydro Retail Pty Ltd takes your rights to privacy seriously.

The Privacy Act requires organisations to ensure that the collection, use, transfer and disclosure of personal and or Sensitive Information is consistent with the Australian Privacy Principles. This gives individuals the right to know what information Pacific Hydro Retail holds about them and how that information is used.

This policy outlines how Pacific Hydro Retail, through our values and commitments, complies with thirteen Australian Privacy Principles (APPs) set out by the Privacy Act. The APPs regulate the way Pacific Hydro Retail can collect, use, disclose, amend and pass on Personal Information.

Pacific Hydro Retail may amend and vary this policy from time to time and will ensure any updated version is always available on [www.energythatcould.com.au](http://www.energythatcould.com.au).

### Retail Privacy Procedure

Pacific Hydro Retail is committed to compliance with the requirements of the Privacy Act. Pacific Hydro Retail will achieve this compliance by following the APPs set out in Appendix 1 to this policy.

### Procedure for making a complaint

A person may make a complaint if they feel their Personal Information has been handled inappropriately or in breach of Pacific Hydro Retail's privacy obligations under the Privacy Act. In the first instance, complaints may be directed to Pacific Hydro Retail's Privacy Officer in writing. The Privacy Officer will investigate the complaint and prepare a response to the complainant in writing within a reasonable period of time.

**Email address:** [privacy.officer@pacifichydro.com.au](mailto:privacy.officer@pacifichydro.com.au)

**Business address:** Privacy Officer  
Level 11/474 Flinders Street  
Melbourne VIC 3000

**Telephone:** 03 8621 6000

If the complainant is not satisfied with the Privacy Officer's response or the manner in which Pacific Hydro Retail has dealt with the complaint, the individual may make a formal complaint to the Office of the Australian Information Commissioner ("OAIC"). The OAIC will provide Pacific Hydro Retail with the opportunity to respond to the complaint. Following its enquiries, if the OAIC decides that there is insufficient evidence to support the complaint, the OAIC may dismiss the complaint. Alternatively, if the OAIC believes there is enough evidence to support the complaint, it will try to conciliate the matter.

## Appendix 1: Australian Privacy Principles

### Australian Privacy Principle 1: Open and transparent management of Personal Information

The object of this principle is to ensure that Pacific Hydro Retail manages Personal Information in an open and transparent way and takes reasonable steps to implement procedures, systems and practices that uphold the Australian Privacy Principles (APP's).

Pacific Hydro Retail will maintain a clearly expressed and up to date policy (this Retail Privacy Policy) about the management of Personal Information collected by Pacific Hydro Retail. This section describes the types of Personal Information Pacific Hydro Retail collects, why that information is collected, and how an individual may access Personal Information held by Pacific Hydro Retail.

#### **Personal Information Collected:**

In order to meet our obligations under energy law and other relevant obligations and to facilitate the supply of electricity to our retail customers', Pacific Hydro Retail is required to collect Personal Information about customers, including prospective customers and or properties, or people, whom we have approached in our marketing activities.

#### **Examples of Information required:**

- Name, address/es, supply address/es and or mailing address, national metering identifiers and or metering reference numbers;
- Telephone numbers (including mobile), email and or other forms of contact information;
- Some banking and or credit card information, where direct debit or a payment arrangement is agreed to;
- Where applicable, some concession and or medical information to facilitate the delivery of community services such as energy concessions, rebates and or other government administered programs; and
- File notes, recordings, and requests made to call centre staff.

#### **Why Personal Information is Collected:**

Information is collected as part of our electricity retail activities and is used to facilitate the billing and other service related functions or as required under relevant energy law. This includes a record of interactions we may have had with prospective customers or as evidence of dates and times of particular events.

#### **How Personal Information may be assessed:**

An individual may access their Personal Information by contacting our call centre or our Privacy Officer. Should any information held by Pacific Hydro Retail be incorrect, or require updating, this may be undertaken through the same method.

Should a complaint arise in relation to the collection, use and / or disclosure of Personal Information, a formal complaint may be raised by contacting our call centre or our Privacy Officer and the matter will be investigated. If there is a suspected breach of the APP's, or a registered APP code (if any) that binds Pacific Hydro Retail the Privacy Officer will deal with any such complaint as soon as practical.

**Your consent is important to us:**

We will make all reasonable attempts to obtain the consent of the individual when collecting, using and / or disclosing Personal Information.

Pacific Hydro Retail is unlikely to disclose Personal Information to overseas recipients. Where Pacific Hydro Retail is required to disclose Personal Information to overseas recipients, where practical, the countries in which such recipients are likely to be located will be specified in this policy. In any event, where Pacific Hydro Retail is required to disclose Personal Information overseas, we will endeavour to ensure that the countries to which we disclose information have the equivalent privacy and information security laws and / or we will maintain strict confidentiality clauses within contractual arrangements.

**Australian Privacy Principle 2: Anonymity and pseudonymity**

Whenever it is lawful and practicable, individuals will have the option of not identifying themselves, or using a pseudonym, when providing information to Pacific Hydro Retail.

**Part 2 Collection of Personal Information**

**Australian Privacy Principle 3: Collection of solicited Personal Information**

**Personal Information other than Sensitive Information**

Personal Information relevant for one or more of Pacific Hydro Retail's functions or activities that Pacific Hydro Retail solicits will only be collected from the individual concerned, to the extent necessary by lawful and fair means and not in an unreasonably intrusive way, unless it is unreasonable or impractical to do so.

**Sensitive Information**

Pacific Hydro Retail will not collect Sensitive Information about an individual unless the information is reasonably necessary for a Pacific Hydro Retail function or activity and:

- the individual has consented; or
- the collection is required by law; or
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health or safety of any individual, or public health and safety, where the individual whom the information concerns:
  - is physically or legally incapable of giving consent; or
  - physically cannot communicate consent to the collection; or
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim; or
- the information is required for taking appropriate action in relation to suspected unlawful activity or serious misconduct; or
- the information is required for locating a missing person.

### **Australian Privacy Principle 4: Dealing with unsolicited Personal Information**

If Pacific Hydro Retail receives unsolicited Personal Information it will assess the information, within a reasonable time, as if it solicited the information as outlined in APP 3. Where Pacific Hydro Retail considers the information provided is not information it would have collected under APP 3, it will destroy and de-identify the information if it is lawful and reasonable to do so.

### **Australian Privacy Principle 5: Notification of the collection of Personal Information**

At the time of collection (or as soon as practicable afterwards) Pacific Hydro Retail will take reasonable steps to ensure that the individual is told:

- who Pacific Hydro Retail is and how he or she may contact them;
- that they can access the information;
- why the information is collected;
- if the individual's Personal Information is collected from someone other than the individual, how that information is collected and the circumstances of why that information was collected;
- how the individual may seek the correction of this information;
- how the individual may complain about a breach of Pacific Hydro Retail's Privacy Policy;
- how Pacific Hydro Retail deals with complaints under its Privacy Policy;
- the disclosure practices of Pacific Hydro Retail including if any Personal Information is disclosed to an overseas recipient;
- if Pacific Hydro Retail does disclose Personal Information to an overseas recipient, provide the individual with information as to the countries in which the overseas recipient is located (if this is practical);
- any law that requires the particular information to be collected and the consequences (if any) for the individual if the information is not provided;
- the main consequences (if any) for the individual if all or part of the information is not provided; and
- that Pacific Hydro's Retail Privacy Policy is published on the Pacific Hydro Retail website [www.energythatcould.com.au](http://www.energythatcould.com.au) and provided to individuals on request.

## **Part 3—Dealing with Personal Information**

### **Australian Privacy Principle 6: Use or disclosure of Personal Information**

#### **Use or disclosure**

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

- the individual has consented to the use or disclosure of the information; or
- the following applies in relation to the use or disclosure of the information:

- an individual would reasonably expect Pacific Hydro Retail to use or disclose the information for a secondary purpose and the secondary purpose is:
  - if the information is Sensitive Information—directly related to the primary purpose; or
  - if the information is not Sensitive Information—related to the primary purpose; or
- the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- a permitted general situation exists:
  - lessening or preventing a serious threat to the life, health or safety of any individual, or to public health or safety;
  - taking appropriate action in relation to suspected unlawful activity or serious misconduct;
  - locating a person reported as missing;
  - asserting a legal or equitable claim; and
  - conducting an alternative dispute resolution process;
- in relation to the use or disclosure of the information by Pacific Hydro Retail; or
- a permitted health situation exists in relation to the use or disclosure of the information by Pacific Hydro Retail such as the collection of health information to provide a health service (for example life support requirements); or
- Pacific Hydro Retail reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

#### **Written note of use or disclosure**

If Pacific Hydro Retail reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body, Pacific Hydro Retail will make a written note of the use or disclosure.

#### **Related bodies corporate**

If Pacific Hydro Retail collects Personal Information from a related body corporate then this principle will apply as if Pacific Hydro Retail's primary purpose for the collection of the information were the primary purpose for which the related body corporate collected the information.

## **Australian Privacy Principle 7: Direct marketing**

### **Direct marketing**

If the information is not Sensitive Information, Pacific Hydro Retail may use the information for direct marketing if:

- the information was collected from the individual; and
- Pacific Hydro Retail provides a simple means by which the individual may easily request not to receive direct marketing communications and this request has not been made; and
- the individual would reasonably expect Pacific Hydro Retail to use or disclose the information for direct marketing.

If the information is collected from someone other than the individual or the information is of a nature that the individual would not consider Pacific Hydro Retail would use it for direct marketing, Pacific Hydro Retail may still use this information for direct marketing if:

- the individual provides their consent; or
- it is impractical to seek the individual's consent before the particular use; and
- Pacific Hydro Retail provides a simple means by which the individual may easily request not to receive direct marketing communications and this request has not been made; and
- in each direct marketing communication with the individual or by other means a prominent statement that draws the individual's attention as to how such a request not to receive direct marketing can be made.

If Pacific Hydro Retail receives a request from an individual not to receive direct marketing communications or to identify the source of the Personal Information, Pacific Hydro Retail will give effect to that request, within a reasonable time and without cost to the individual.

### **Australian Privacy Principle 8: Cross-border disclosure of Personal Information**

Pacific Hydro Retail will not transfer personal data outside Australia unless:

- Pacific Hydro Retail reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair information handling that are substantially similar to the APPs; and
- there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; and
- Pacific Hydro Retail expressly informs the individual of the transfer and the individual concerned consents; or
- the transfer is required by Australian law or a court/tribunal order; or
- the disclosure is necessary to enable Pacific Hydro Retail to satisfy its obligations under APP 6.

### **Australian Privacy Principle 9: Adoption, use or disclosure of government related identifiers**

#### ***Adoption of government related identifiers***

Pacific Hydro Retail will not adopt as its own identifier an identifier that has been assigned by a government agency (or by the government's agent or contractor) unless required by law to do so. Pacific Hydro Retail will not use or disclose an identifier assigned to an individual by a government agency unless:

- it is reasonably necessary to identify the identity of the individual;
- it is necessary for Pacific Hydro Retail to fulfil its obligations to a state/territory authority;
- the disclosure of the identifier is required or authorised by or under a Australian law;
- the disclosure is necessary to enable Pacific Hydro Retail to satisfy its obligations under APP 6;
- it reasonably believes that the disclosure is reasonably necessary for one or more enforcement activities by or on behalf of an enforcement body.

## Part 4—Integrity of Personal Information

### Australian Privacy Principle 10: Quality of Personal Information

Pacific Hydro Retail will take reasonable steps to ensure that Personal Information it collects uses or discloses is accurate, complete and up to date having regard to the purpose for which it was provided.

### Australian Privacy Principle 11: security of Personal Information

Pacific Hydro Retail will take reasonable steps to protect Personal Information it holds from misuse and loss and from unauthorised access, modification or disclosure. Pacific Hydro Retail will also take reasonable steps to destroy or permanently de-identify Personal Information if it is no longer needed for the purpose for which the information was acquired.

## Part 5—Access to, and correction of, Personal Information

### Australian Privacy Principle 12: Access to Personal Information

#### Access

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

- in the case of Personal Information other than health information - providing access would pose a serious and imminent threat to the life, health or safety of any individual, or public health; or
- providing access would have an unreasonable impact upon the privacy of other individuals; or
- the request for access is frivolous or vexatious; or
- the information relates to existing or anticipated legal proceedings between Pacific Hydro Retail and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- providing access would reveal the intentions of Pacific Hydro Retail in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- providing access would be unlawful; or
- denying access is required or authorised by law; or
- both of the following apply:
  - Pacific Hydro Retail has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Pacific Hydro Retail’s functions or activities has been, is being or may be engaged in;
  - giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- providing access would be likely to prejudice enforcement related activities conducted by, or on behalf of, an enforcement body; or
- providing access would reveal evaluation information generated within the entity in connection with a commercially sensitive decision-making process.



### **Dealing with requests for access**

On receipt of a request for Personal Information, and in consideration of APP 12, Pacific Hydro Retail will respond within a reasonable period and in the manner requested by the individual. Where it is not reasonable or practicable, Pacific Hydro Retail will take such steps as are necessary, including the use of mutually agreed intermediaries that would allow sufficient access to meet the needs of both parties.

If Pacific Hydro Retail levies charges for providing access to Personal Information, those charges:

- will not be excessive; and
- will not apply to lodging a request for access.

### **Refusal to give access**

Where Pacific Hydro Retail is not required to provide the individual with access to the information for any reason set out in APP 12, Pacific Hydro Retail will give 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; and
- the mechanisms available to complain about the refusal; and
- any other matter prescribed by the regulations.

If Pacific Hydro Retail refuses to give access to the Personal Information because it would reveal evaluative information connected with a commercially sensitive decision-making process, Pacific Hydro Retail will provide an explanation for the commercially sensitive decision.

## **Australian Privacy Principle 13. Correction of Personal Information**

### **Corrections**

If Pacific Hydro Retail:

- holds Personal Information about an individual; and
- either:
  - Pacific Hydro Retail 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 the entity to correct the information;

Pacific Hydro Retail will take such steps (if any) as are reasonable in the circumstances 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.

### **Notification of correction to third parties**

If Pacific Hydro Retail:

- corrects Personal Information about an individual that was previously disclosed to another party; and
- the individual requests Pacific Hydro Retail to notify the other party of the correction;

Pacific Hydro Retail 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.

### Refusal to correct information

If Pacific Hydro Retail refuses to correct the Personal Information as requested by the individual, Pacific Hydro Retail will give the individual a written notice that sets out:

- the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- the mechanisms available to complain about the refusal; and
- any other matter prescribed by the regulations.

### Request to associate a statement

If Pacific Hydro Retail:

- refuses to correct the Personal Information as requested by the individual; and
- the individual requests Pacific Hydro Retail to associate with the information a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading;

Pacific Hydro Retail will take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

### Dealing with requests

If a request is made under APP 13, Pacific Hydro Retail will:

- respond to the request within a reasonable period after the request is made; and
- not charge the individual for the making of the request, for correcting the Personal Information or for associating the statement with the Personal Information (as the case may be).

## Document Control Panel

Version	Review date	Amendment comment	Approval by	Date Approved	Next Review Date	Responsible for Procedure Revisions	Responsible for Document
0.1	19/6/14	Draft for discussion				J Vendel	C D'Alessandro
1.0	15/8/14	Final				J Vendel	C D'Alessandro
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