

Perth Energy Privacy Policy

This Privacy Policy sets out the approach of Perth Energy Pty Ltd (“Perth Energy”, “we”, “our”, “us”) in relation to our management of personal information. We are bound by the Australian Privacy Principles (APPs) under the *Privacy Act 1988* (Cth) (Privacy Act). This policy has been drafted in order to comply with the APPs.

For guidance on the following key terms used in this Privacy Policy, please refer to the dictionary on page 10: “collect”, “consent”, “personal information”, and “sensitive information”.

What are our functions and activities?

1. Perth Energy will only collect personal information if it is reasonably necessary to pursue at least one of our functions and activities in the course of operating our business as an electricity and gas supplier/retailer to commercial and industrial customers in the Western Australian energy markets. In support of our core business operations, we carry out the following related activities and functions:
 - (a) human resources activities;
 - (b) corporate administration;
 - (c) property management; and
 - (d) marketing and public relations activities.

What kinds of personal information do we collect?

2. The personal information that we collect varies with the functions and activities that we engage in, but without limitation it may include:
 - (a) contact information, including names, titles, email addresses, residential addresses, and telephone and fax numbers;
 - (b) information received from prospective employees that is potentially relevant to employment with us;
 - (c) details of complaints that we receive;
 - (d) details of directors of companies that apply for accounts to receive credit for their energy services from us (please see paragraphs [9](#) and [10](#) for more information on this); and
 - (e) information that we are required or authorised by or under an Australian law, or a court/tribunal order, to collect and keep.
3. We do not collect sensitive information unless it is provided to us in curricula vitae or in résumés.

How do we collect personal information?

4. We will only collect personal information if it is reasonably necessary for us to carry out our functions and activities, and only by lawful and fair means that are not unreasonably intrusive.
5. We may collect personal information from you if:
 - (a) you are an owner, director, manager, or authorised staff of an organisation that we contract with; or
 - (b) you are an employment candidate and have provided us with a curriculum vitae or a résumé.
6. In most cases, we will collect personal information directly from you. For example, we may collect your personal information through e-forms, verbal interactions, and through contracts that we receive from you via fax, email and/or post.
7. Use of tracking technologies (Cookies)
 - (a) We may use cookies which are software code placed on your web browser to recognise and identify your computer. Cookies are used for identification purposes and allow certain functions on the website to work as intended. We also use these technologies to collect and store information when you interact with services we offer to our partners, such as advertising services.
 - (b) The cookies we pass to you are anonymous and do not hold information about you or reveal your personal identity. The cookies monitor your use of the website to learn about your preferences so that we may improve our products and services and provide you with a more user friendly experience when you visit our website.



- (c) Our current services include Google Tag Manager (Google Analytics), Google Adwords, and Optimizely. By using our website, you consent to the processing of data about you by Google and Optimizely in the manner described in their privacy policy's (available via [Google Privacy Policy](#) and [Optimizely Privacy Policy](#)) and for the purposes set out above.
- (d) If you prefer not to receive cookies you can configure your Internet browser to reject them or to notify you if they are being used. However, please note, this may limit the functionality of our website and effect your overall experience in using our website.

Collection from third parties

- 8. In order to carry out our functions and activities, we may collect some personal information from third parties. We will only collect personal information from third parties if:
 - (a) we are required or authorised by or under an Australian law, or a court/tribunal order, to collect the information from someone other than you; or
 - (b) it is unreasonable or impracticable to collect the information directly from you.
- 9. We conduct credit checks through a credit reporting body when prospective customers apply for an account to receive credit for their energy services from us.
- 10. Each credit check provides a report of the credit history and trade references of the relevant customer, which may be a company, a partnership or a sole trader. Incidentally, such a report may contain some personal information about:
 - (a) where the customer is a company, its directors, shareholders and secretaries;
 - (b) where the customer is a partnership, its individual partners; or
 - (c) where the customer is a sole trader, the individual sole trader, which we may collect, subject to paragraph [11](#) below.
- 11. When we collect the personal information described in paragraph [10](#) above, we will take reasonable steps to notify you of our collection of your personal information in accordance with paragraphs [21](#) and [22](#) below.
- 12. Please see paragraph [39](#) below for information regarding our disclosure of personal information to credit reporting bodies.

How do we store personal information?

- 13. We store personal information both electronically and in hardcopy paper files.
- 14. We store hardcopy documents containing personal information in secured facilities.
- 15. Electronic documents are stored with security measures implemented to ensure the security and confidentiality of the documents and the personal information contained in them. For example, our computers have password protections in place to ensure that only our staff have access to your electronically stored personal information.
- 16. Our Information Technology (IT) service provider is located in Perth, Western Australia, and has access to our server. However, our service agreement with our IT service provider requires the confidential treatment of personal information contained on our server.
- 17. If we hold personal information about you which we no longer require, we will take such steps as are reasonable to destroy the information or ensure that it is de-identified (unless our compliance with the APPs or another law requires us to avoid taking such steps).

Why do we collect and hold personal information?

- 18. As described in paragraph [1](#) above, we may collect and hold personal information if it is reasonably necessary to pursue at least one of our functions and activities in the course of operating our business.
- 19. We may collect and hold your personal information to enable to us correspond with the correct people within a business or company to which we:
 - (a) supply energy services; and
 - (b) provide credit for our energy services.
- 20. We may also collect your personal information if such collection and storage is required or authorised by or under an Australian law, or a court/tribunal order.



Notification of collection

21. At or before the time we collect personal information about you (or, if that is not practicable, as soon as practicable after), we will take such steps as are reasonable in the circumstances to notify you of the following information (“**Collection Information**”):
 - (a) our identity and contact details;
 - (b) that we have collected the personal information;
 - (c) 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;
 - (d) the purpose for collecting the personal information;
 - (e) the main consequences (if any) for you if we do not collect all or some of the personal information;
 - (f) the organisations, or types of organisations, to which we usually disclose personal information of that kind;
 - (g) the fact that this Privacy Policy contains information about how you may access the personal information that we hold about them and how they may seek correction of such information;
 - (h) the fact that this Privacy Policy contains information about how you may complain about a breach of the APPs and how we will deal with such a complaint; and
 - (i) whether we are likely to disclose the personal information to overseas recipients, and if so, the countries in which such recipients are likely to be located (if practicable to do so).
22. Circumstances may arise where it would be reasonable for us not to provide you with notice of all or some of the Collection Information. For example, this may be reasonable where:
 - (a) you are aware that your personal information is being collected, the purpose of the collection and other matters relating to the collection;
 - (b) we collect personal information about you on a recurring basis over a short period of time in relation to the same matter, and you are aware (or reasonably ought to be aware) that a separate notice will not be issued for each instance of collection; or
 - (c) notification would be inconsistent with a legal obligation, such as legal professional privilege.

Receipt of unsolicited personal information

23. From time to time, we receive unsolicited personal information. For example, we may receive personal information contained in curricula vitae or in résumés that we have not solicited.
24. If we receive personal information that we did not solicit, we will within a reasonable period of receiving the information, determine whether the information is reasonably necessary for one or more of our functions and activities.
25. If we determine that we have received personal information that we would not have been permitted to collect pursuant to the APPs (and the information is not contained in a Commonwealth record), we will as soon as practicable and where it is lawful and reasonable to do so, destroy the information or ensure that it is de-identified.
26. If we determine that we would have been permitted to collect the personal information pursuant to the APPs, we will ensure that the information is dealt with in a manner that complies with this Privacy Policy and the APPs.

Use and disclosure of personal information

27. Personal information that we hold may be accessed by our management and by staff in our departments of sales, administration, business services and finance.
28. We may use and disclose your personal information for the purposes of:
 - (a) carrying out our functions and activities;
 - (b) communicating with you regarding:
 - (i) your customer account; and
 - (ii) credit control;
 - (c) keeping our accounts; and
 - (d) future reference and recruitment activities (if we have received personal information from you as an employment candidate).



29. Generally, we will only use and disclose your personal information for the purpose for which it was collected (the primary purpose).
30. However, we may use or disclose personal information for secondary purposes if we receive your consent or if the APPs otherwise permit us to do so. The APPs permit us to use and disclose personal information for a secondary purpose without your consent if:
 - (a) you would reasonably expect us to use or disclose the information for a secondary purpose that is:
 - (i) if the information is sensitive – directly related to the primary purpose; or
 - (ii) if the information is not sensitive – related to the primary purpose; or
 - (b) the use or disclosure of the information is permitted or authorised by or under an Australian law or a court/tribunal order.
31. For example, if we collect your personal information for the primary purpose of corporate administration and you later make some form of complaint against us, we may use that personal information for the secondary purpose of investigating your complaint.

Direct Marketing

32. We may from time to time engage in direct marketing activities, for example, sending information to existing customers on additional products and services, including gas, energy management and renewable energy materials.
33. Whenever we engage in direct marketing, we will ensure that we do so in accordance with paragraphs [34](#) to [37](#).
34. We may use or disclose your personal information (other than sensitive information) for direct marketing if:
 - (a) we collected the information from you;
 - (b) you have consented to, or would reasonably expect us to, use or disclose the information for that purpose;
 - (c) we provide you with a simple means by which you may easily request not to receive direct marketing communications from us; and
 - (d) you have not made such a request to us.
35. If you request not to receive direct marketing material from us, we will make a record of this and will exclude you from our direct marketing activities.
36. We will not use or disclose your sensitive information for direct marketing without your prior consent.
37. We will act in accordance with the *Do Not Call Register Act 2006* and the *Spam Act 2003*. *Disclosure to third parties*
38. Generally, we do not disclose personal information to third parties.
39. However, in the event that a company owes a debt to us and our internal options for the debt collection fail, we may provide contact details of individuals from the company and its representatives to a credit reporting body to further pursue the collection of the debt.

Overseas disclosure

40. Currently, we do not disclose any personal information to overseas recipients.
41. In the event that we disclose personal information to an overseas recipient in the future, we will ensure that paragraphs [42](#) and [43](#) below will be followed.
42. Before disclosing personal information to an overseas recipient, we will take such steps as are reasonable in the circumstances to ensure that the overseas recipient also complies with the APPs in relation to that information, unless the APPs do not require us to do so.
43. We will not be required to take the steps in paragraph [42](#) above if:
 - (a) we reasonably believe that:
 - (i) the recipient of the information is subject to a law or binding scheme that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the APPs protect the information; and
 - (ii) there are mechanisms that could be taken to enforce the law or binding scheme; or
 - (b) both of the following apply:



- (i) we expressly inform you that if you consent to the disclosure of the information, we will not be required to take the steps described in paragraph [42](#) above; and
- (ii) after being so informed, you consent to the disclosure; or
- (c) the disclosure of the information is required or authorised pursuant to an Australian law or a court/tribunal order; or
- (d) the APPs otherwise allow us to refrain from taking the steps described in paragraph [42](#) above.

Anonymity and pseudonymity

44. Due to the nature of our functions and activities, we will not be able to conduct our business with you unless we have knowledge of your identity. However, when we conduct surveys and questionnaires, we allow participants to remain anonymous.

Quality of personal information

45. We will endeavour to take reasonable steps to ensure that the personal information that we collect is accurate, up-to-date and complete. Further, we will endeavour to take reasonable steps to ensure that the personal information that we use or disclose is, having regard to the purpose of our use and disclosure, accurate, up-to-date, complete and relevant.
46. The reasonable steps described in paragraph [45](#) above that we may undertake include:
- (a) ensuring that updated and new personal information is promptly added to relevant existing records;
 - (b) reminding you to update your personal information when we engage with you;
 - (c) with respect to personal information in the form of an opinion, we may take the following steps to verify the accuracy of the opinion:
 - (i) checking that the opinion is from a reliable source;
 - (ii) providing the opinion to you before we use or disclose it; or
 - (iii) clearly indicating on our record that the information is an opinion and identifying the individual who formed the opinion.

Access to personal information

47. Requests for access to your personal information should be addressed to our Privacy Officer, who may be contacted using the following details:

The Privacy Officer
Perth Energy Pty Ltd
PO Box 7971
Cloisters Square PO, WA 6850
Phone: (08) 9420 0300
Email: info@perthenergy.com.au

48. Upon request for access to your personal information, we will, within a reasonable period of the request being made, give access to the information in the manner requested (if it is reasonable and practicable to do so), subject to the exceptions set out in the APPs.
49. The APPs provide a list of situations in which we may deny you access to your personal information. These situations include where:
- (a) granting access would have an unreasonable impact on the privacy of others;
 - (b) the information relates to existing or anticipated legal proceedings, and would not be accessible by the process of discovery in those proceedings;
 - (c) access would reveal our intentions in relation to negotiations with you in such a way as to prejudice those negotiations; and
 - (d) granting access would be unlawful.
50. If we refuse to give access to personal information in accordance with the APPs, we will provide a written notice setting out:



- (a) the reasons for denying access to personal information (except where it would be unreasonable to provide such reasons);
 - (b) the mechanisms available to complain about the refusal; and any other matters prescribed by the regulations
51. Generally, we will not charge fees for giving access to personal information. However, we reserve the right to charge reasonable fees where requests for personal information contain complications or are resource intensive.

Correction of personal information

52. Requests for correction of your personal information should be made in writing and addressed to our Privacy Officer at the contact details provided in paragraph [47](#) above.
53. If, with regard to the purposes for which it is held, the Privacy Officer is satisfied that the personal information we hold is inaccurate, out-of-date, incomplete, irrelevant or misleading, or if you make a written request, we will take reasonable steps to correct that information.
54. As a matter of practice, we review the accuracy of personal information we hold when we renew contracts with our customers.
55. In the event of a written request, our Billing Team will assess the accuracy, recency, completeness and relevance of the proposed change before informing the Privacy Officer of its findings.
56. If the Privacy Officer is satisfied that your personal information is inaccurate, out-of-date, incomplete, irrelevant or misleading, the necessary change will be made on our Customer Information Record (CIR), and we will also retain a record of your written request.
57. If we correct your personal information, we will take reasonable steps to notify any third party to which we have previously disclosed the information, if you request and it is not unlawful or impracticable for us to do so.
58. If we refuse to correct your personal information in accordance with the APPs, we will provide a written notice setting out:
- (a) the reasons for the refusal (except where it would be unreasonable to provide the reasons);
 - (b) the mechanisms available to complain about the refusal; and
 - (c) any other matter prescribed by the regulations.
59. If we refuse to correct your personal information in accordance with the APPs, you may request that we associate the information with a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading. Where such a request is made, we will take reasonable steps to associate the statement so that it is apparent to the users of the personal information.
60. We will aim to respond to any request regarding the correction of your personal information within 30 days of the request being made.
61. We will not charge fees for requests for the correction of your personal information or for associating the statement with the personal information.

Complaints

62. If you believe that we have breached the APPs in any way in relation to your personal information, you may make a complaint to our Privacy Officer at the contact details identified at paragraph [47](#) above.
63. When we receive your complaint:
- (a) we will take steps to confirm the authenticity of the complaint and the contact details provided to us to ensure that we are responding to you or to a person whom you have authorised to receive personal information about your complaint;
 - (b) we will acknowledge receipt (either verbally or in writing) of your complaint within 10 business days of receiving it;
 - (c) a record of your complaint will be made in our Complaints Register;
 - (d) we may ask for clarification of certain aspects of the complaint and for further details;
 - (e) we will consider the complaint and may make inquiries of people who can assist us with establishing what has happened and why;
 - (f) we will require a reasonable time period (usually 30 days) to respond;



- (g) if the complaint can be resolved by procedures for access and correction, we will suggest these to you as possible solutions;
- (h) our Privacy Officer will consider your complaint and will provide a written response within a reasonable time period (usually 30 days) in an attempt to resolve the complaint.

64. If the complaint cannot be resolved by means that we propose in our response, we will suggest that you take your complaint to the Office of the Australian Information Commissioner.

Definitions of key terms

“collect” Personal information, including sensitive information, will be ‘collected’ if it is included in a record or a generally available publication.

“consent” You can give consent either:

- (a) expressly – express consent is given explicitly either in writing or orally; or
- (b) impliedly – your consent will be implied where your consent can be inferred from your conduct and our conduct.

“personal information” Personal information is defined in the Privacy Act. In summary, personal information is information or an opinion about an identifiable person, or a reasonably identifiable person no matter whether:

- (a) the information or opinion is true or false; and
- (b) the information or opinion recorded in a material form or not.

Some examples of personal information include a person’s name, address and date of birth.

“sensitive information” Sensitive information is a type of personal information.

Some examples of sensitive information include information or an opinion about an individual’s:

- (a) racial or ethnic origin;
- (b) political opinions or membership of a political association;
- (c) religious beliefs;
- (d) philosophical beliefs;
- (e) membership of a trade union;
- (f) health;
- (g) criminal record; or
- (h) sexual orientation or practices.