

## 1. OVERVIEW

MEGT is committed to protecting privacy and will manage personal information in an open and transparent way.

MEGT will fulfil its obligations under the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), which amends the Privacy Act 1988, by complying with the Australian Privacy Principles (APPs). These 13 principles detail how organisations should collect, update, use, keep secure or where necessary disclose and give access to personal information, as well as how complaints should be handled and how, in some circumstances, anonymity can be maintained.

## 2. SCOPE

This policy applies to all MEGT employees, contractors, customers, direct and third party suppliers. It applies to the collection, updating, use, storage, disclosure and access to personal and sensitive information that can be recorded in any format including, but not limited to, information held in writing, online, digitally or by electronic means, including mobile phones and USB sticks.

## 3. DEFINITIONS

### 3.1 Personal Information

Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

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

### 3.2 Sensitive Information

Information or an opinion about an individual's:

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

## 4. POLICY

### 4.1 Collection

Information collected and held by MEGT could include name, current and previous address, telephone number(s), driver licence number, bank account details, Tax File Number, date of birth, diversity status, and relevant sensitive information, as well as details obtained when trading with us e.g. numbers, financial and business details (suppliers' and customers') information.

MEGT will:

- 4.1.1 Where reasonable and practicable to do so, collect personal information about an individual from that individual.
- 4.1.2 Ensure that individuals are aware that, in some circumstances, information may be provided anonymously or by using a pseudonym unless
  - (a) MEGT is required by law, to deal with individuals who have identified

themselves; or

(b) It is impractical for MEGT to deal with individuals who have not identified themselves or who have used a pseudonym.

- 4.1.3 Not collect, update, use, store or disclose personal, health or business information to another party without written consent from an individual or business.
- 4.1.4 Only collect personal information that is necessary for its functions or activities.
- 4.1.5 Only collect information by lawful and fair means.
- 4.1.6 Take reasonable steps when, or as soon as practicable after, collecting personal information, to ensure that the individual or party/s are aware of:
  - a) MEGT's identity and contact details;
  - b) How to access their information;
  - c) How to update or correct their information;
  - d) The purpose for which their information is collected;
  - e) The types of entities and, where relevant, the countries to which MEGT usually discloses information;
  - f) Any law that requires the particular information to be collected;
  - g) The main consequences (if any) for the individual, party/s concerned if all or part of the information is not provided; and
  - h) How to complain about a breach of the Australian Privacy Principles.
- 4.1.7 If personal information is collected from someone other than the individual, take reasonable steps to ensure that the individual is made aware of the matters listed above except to the extent that this would pose a serious threat to the life or health of any individual.
- 4.1.8 Inform all managers and staff by way of this Privacy Policy that no personal information or business details are to be given to another party without the consent and/or guidance from the individual concerned and/or the General Manager People & Safety or Chief Executive Officer.
- 4.1.9 Inform the party/s concerned of the reason for collecting, using, storing or disclosing such information.

#### **4.2 Where our information comes from**

MEGT collects personal information in a number of ways:

- 4.2.1 Directly from you when you apply to us for employment as part of our recruitment process, training services, or on an application form for training or services.
- 4.2.2 From freely available "public domain" information sources e.g. telephone directories.
- 4.2.3 From our own records of how and when you use our various services.
- 4.2.4 From third parties, such as previous employers or organisations you have dealt with in the past and volunteered by you as a reference for the purposes of employment or credit checks.

#### **4.3 Unsolicited information**

If MEGT receives unsolicited personal information, we will, within a reasonable period:

- 4.3.1 Determine whether or not the information could have been collected by lawful and fair means and apply the Australian Privacy Principles.

- 4.3.2 Determine if we could not have collected the personal information, and the information is not contained in a Commonwealth record, and only if lawful and reasonable to do so, destroy the information or ensure the information is de-identified.

#### 4.4 Use and disclosure

##### 4.4.1 Information use

MEGT will only use information to:

- a) Provide the service(s) you have requested;
- b) Manage those services in order to provide the optimum level of service;
- c) Conduct appropriate credit, police and/or Working with Children checks, and pre-employment checks e.g. reference checking or pre-employment medical advice;
- d) Advise you of other services that MEGT provides, that may be of interest to you.

##### 4.4.2 Information disclosure

- 4.4.2.1 MEGT will only disclose information about you to 'others' in a manner consistent with this policy or where required by law.

'Others' may include:

- a) Your authorised representative or legal advisors;
- b) Banks or credit providers;
- c) Government and statutory authorities;
- d) MEGT's Privacy Officer / General Manager People & Safety who believes that use of the information is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

- 4.4.2.2 MEGT will only disclose personal information for a purpose (the secondary purpose) other than the primary purpose of collection if:

- a) The individual has consented to the disclosure of the information; or
- b) The individual would reasonably expect the information to be disclosed for the secondary purpose; and
- c) It is directly related to the primary purpose; or
- d) The information is required or authorised under law; or
- e) A permitted general or health situation exists; or
- f) MEGT 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.

#### 4.4.2 Record of disclosure & de-identification

If MEGT discloses personal information under the previous clause it will make a written note of this and will take reasonable steps to ensure that the information is de-identified before disclosure.

#### 4.4.3 Exceptions

Use and disclosure of personal information does not apply for the purposes of direct marketing or the use of government related identifiers.

### 4.5 Direct marketing

4.5.1 MEGT may use or disclose personal information (other than sensitive information) about an individual for the purposes of direct marketing if:

- a) MEGT collected the personal information from the individual and the individual would reasonably expect MEGT to use or disclose the information for that purpose; or
- b) MEGT collected the information from someone other than the individual and either:
  - (i) The individual has consented to the use or disclosure of the information for that purpose; or
  - (ii) It is impracticable to obtain that consent.
- c) MEGT may use personal contact details for the purposes of direct marketing if:
  - (i) MEGT is a contracted service provider for a Commonwealth contract; and
  - (ii) MEGT collected the information for the purpose of (directly or indirectly) meeting an obligation under the contract; and
  - (iii) The use is necessary to (directly or indirectly) meet such an obligation.
- d) For any of the above situations, MEGT will:
  - (i) Provide a simple means by which the individual may easily request not to receive direct marketing communications from MEGT; and
  - (ii) Will make reasonable efforts to ensure no further direct marketing is sent to those contact details.

4.5.2 MEGT will not disclose personal or sensitive information to any other party through direct marketing under any circumstances.

4.5.3 MEGT will make all reasonable efforts to remove the individual's contact and personal details if the individual communicates this request to the response point of the origin of the direct marketing, or through any other MEGT corporate communication media.

4.5.4 If MEGT uses personal information about an individual for the purpose of direct marketing by MEGT or to facilitate direct marketing by other organisations the individual may:

- a) Request not to receive direct marketing communications from MEGT; or

- b) Request MEGT not to use or disclose the information for the purpose of direct marketing by other organisations; or
- c) Request MEGT to provide its source regarding this information.

4.5.5 When a request from 4.5.4 is received MEGT will:

- a) Not charge the individual for the making of, or to give effect to, the request to remove their details from future direct marketing; and
- b) Make every reasonable effort to give effect to such a request within a reasonable period after the request is made; and
- c) If the request is to provide the information source, MEGT must notify the individual of its source unless it is impracticable or unreasonable to do so.

4.5.6 Any direct marketing conducted by MEGT will comply with:

- a) The *Do Not Call Register Act 2006*;
- b) The *Spam Act 2003*;
- c) Any other Act of the Commonwealth, or a Norfolk Island enactment, prescribed by the regulations.

#### 4.6 Online Advertising and Remarketing

MEGT, using the following features, markets via third party providers for the purposes of promoting its services:

- Remarketing
- Interest categories
- Similar audiences
- Interest-based advertising
- Demographic and location targeting

4.6.1 In conducting the above activity MEGT will not:

- a) Collect personally identifiable information (PII) including, but not limited to, email addresses, telephone numbers, and credit card numbers;
- b) Use or associate personally identifiable information with remarketing lists, cookies, data feeds, or other anonymous identifiers;
- c) Use or associate targeting information, such as demographics or location, with any personally identifiable information collected from the advertisement or its landing page;
- d) Share any personally identifiable information with third parties through our remarketing tag or any product data feeds which might be associated with our third party advertisements;
- e) Send third parties precise location information without obtaining people's consent.

4.6.2 MEGT will abide by the policy for sensitive categories outlined below:

- a) When creating a remarketing list, we will not use any sensitive information about our site or app visitors, whether collected directly or associated with a visitor, based on the visitor's profile or behavior on our site or app;
- b) Advertisement content will not imply knowledge of personally identifiable or sensitive information.

#### 4.7 Data quality

MEGT will:

- 4.7.1 Take reasonable steps to ensure that the personal information we collect, use and where appropriate disclose to others is accurate, complete, and up to date, having regard to the purpose for which the information is held.
- 4.7.2 If requested by the individual, take reasonable steps 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
- 4.7.3 Take reasonable steps to give notification, unless it is impracticable or unlawful, when correcting personal information about an individual that MEGT has previously disclosed to another organisation which is also a respondent to the Australian Privacy Principles, and if the individual requests MEGT to do so.
- 4.7.4 Give the individual a written notice if MEGT refuses to correct the personal information, as requested by the individual, setting out:
  - a) The reasons for the refusal except when it would be unreasonable to do so; and
  - b) The mechanisms available to complain about the refusal; and
  - c) Any other matter prescribed by the regulations.
- 4.7.5 If the individual and MEGT disagree about whether the information is inaccurate, incomplete, out of date, irrelevant or misleading, and the individual asks MEGT to associate with the information a statement that the information is inaccurate, incomplete, out of date, irrelevant or misleading, MEGT will take such steps as are reasonable to associate the statement in such a way that will make the statement apparent to users of the information.

#### 4.8 Data security

MEGT will:

- 4.8.1 Take reasonable steps to ensure the information held is protected from misuse, interference and loss as well as from unauthorised access, modification or disclosure. Access will be given to authorised personnel only, as determined by the Privacy Officer, and only where MEGT believes they reasonably need contact with that information to provide products or services or in order to do their jobs.
- 4.8.2 Have physical, electronic, and procedural safeguards in place that comply with federal regulations to protect personal and business information about you.
- 4.8.3 Take reasonable steps to destroy or permanently de-identify personal information if it is no longer required, is not contained in a Commonwealth record, and MEGT is not required by law to retain it.

#### 4.9 Openness

- 4.9.1 This Privacy Policy is available upon request. It can also be accessed via the MEGT intranet or website: [www.megt.com.au](http://www.megt.com.au)
- 4.9.2 If a copy of MEGT's Privacy Policy is requested in another form, MEGT will take reasonable steps to provide a copy in that form.

- 4.9.3 On request, MEGT will take reasonable steps to let a person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses, updates and discloses that information about a person.

#### **4.10 Information access and correction**

- 4.10.1 You have the right to access any information held by MEGT about you, subject to some restrictions listed in Federal Government legislation, including, but not limited to:

- a) Providing access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
- b) Providing access would have an unreasonable impact upon the privacy of other individuals;
- c) The request for access is frivolous or vexatious;
- d) The information relates to existing or anticipated legal proceedings between MEGT and the individual, and would not be accessible by the process of discovery in those proceedings;
- e) Providing access would reveal the intentions of MEGT in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- f) Providing or denying access would be unlawful;
- g) MEGT has reason to suspect unlawful activity, or misconduct of a serious nature has been, is being, or may be engaged in;
- h) Providing access would be likely to prejudice the taking of appropriate action in the matter;
- i) Providing access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

- 4.10.2 If providing access would reveal evaluative information generated within MEGT in connection with a commercially sensitive decision making process, MEGT may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

- 4.10.3 If MEGT is not required to provide the individual with access to the information because of one or more of the above stated reasons, MEGT will, where reasonable, give access in a way that meets the needs of both MEGT and the individual, including through the use of a mutually agreed intermediary.

#### **4.11 Government related identifiers**

- 4.11.1 MEGT will not adopt a government related identifier of an individual as its own identifier of the individual unless:

- a) Required or authorised under law; or
- b) The identifier is prescribed by regulations; and
- c) MEGT itself is prescribed by regulations, or is included in a class of organisations prescribed by regulations; and
- d) The adoption, use or disclosure occurs in the circumstances prescribed by those regulations.

4.11.2 MEGT will not use or disclose a government related identifier of an individual unless:

- a) The use or disclosure of the identifier is reasonably necessary to verify the identity of the individual for the purposes of our activities or functions; or
- b) The use or disclosure of the identifier is reasonably necessary to fulfil MEGT's obligations to a government agency of State or Territory authority; or
- c) The use or disclosure of the identifier is required by law; or
- d) A permitted general situation exists in relation to the use or disclosure of the identifier; or
- e) MEGT 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.

#### **4.12 Anonymity**

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves, or of using a pseudonym, when dealing with MEGT, except:

- a) When MEGT is required by law to deal with individuals who have identified themselves; or
- b) Where it is impracticable for MEGT to deal with individuals who have not identified themselves or who have used a pseudonym.

#### **4.13 Cross-border disclosure**

MEGT will only transfer personal information about an individual to an overseas recipient (other than within our organisation or to the individual) if:

- a) MEGT has taken reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information; or
- b) MEGT reasonably believes that 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 is substantially similar to the Australian Privacy Principles; and
- c) There are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or
- d) The individual consents to the disclosure, in which case
- e) MEGT will expressly inform the individual that if he or she consents to the disclosure of the information, we will not take reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information however we will then re-check that the individual still consents to the disclosure;
- f) The disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- g) A permitted general situation exists in relation to the disclosure of the information by MEGT;

- h) The disclosure of the information is required or authorised by or under an international agreement relating to information sharing to which Australia is a party; or
- i) MEGT reasonably believes that the disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; and
- j) The recipient is a body that performs the functions, or exercises powers, that are similar to those performed or exercised by an enforcement body.

#### **4.14 Sensitive information**

MEGT will not collect sensitive information about an individual unless:

- a) The individual has consented to the collection of the information; and
- b) The information is reasonably necessary for one or more of MEGT functions or activities; and
- c) The information relates solely to individuals who have regular contact with MEGT; or
- d) The collection of the information is required by law; or
- e) A permitted general or health situation exists in relation to the collection of the information.

#### **4.15 Requests for information**

4.15.1 MEGT will not disclose any personal information without first establishing the identity of the person requesting the information.

4.15.2 If access to personal information held by MEGT is required, a written request specifying the information sought may be made to an individual's usual contact at MEGT or the Privacy Officer / General Manager People & Safety. Adequate identification by or authority from an individual must be supplied to MEGT before any personal information will be provided.

4.15.3 The nature and the timing of any access will be agreed between MEGT and the individual, usually within five business days of receiving a request. If this cannot be complied with MEGT will advise within this period when access will be provided.

4.15.4 MEGT may charge a reasonable fee for providing access to personal information, but not for lodging a request for access.

4.15.5 If MEGT refuses access it will provide written notice to the individual which sets out:

- (a) The reasons for the refusal except, having regard to the grounds for the refusal, it would be unreasonable to do so;
- (b) The mechanisms available to complain about the refusal; and
- (c) Any other matter prescribed by the regulations.

#### 4.16 Complaints

4.16.1 Any complaint by an individual regarding MEGT's management or handling of personal or sensitive information:

- a) Should be directed to MEGT's Privacy Officer, PO Box 4069, Ringwood, Victoria 3134 or via email at [privacy@megt.com.au](mailto:privacy@megt.com.au)
- b) Should be made in writing, detailing the personal information involved and the contact or process that is the subject of the complaint.
- c) Will be acknowledged within three (3) working days of receipt by the MEGT Privacy Officer. Contact details of the individual dealing with the complaint and/or the Privacy Officer will also be advised to the individual making the complaint at this time.
- d) Will be responded to within fifteen (15) working days. If this is not possible the individual will be advised as to when MEGT expects to be able to respond.

4.16.2 If MEGT's response does not resolve the complaint MEGT and the individual will, in good faith, promptly agree to a process and time frame for dealing with the complaint.

### 5 RESPONSIBILITIES

#### 5.1 Privacy Officer / General Manager People & Safety

The responsibilities of the Privacy Officer will include:

- a) Investigating any complaints raised with respect to privacy of a person's information;
- b) Reviewing the organisation's practices and procedures to ensure compliance with this policy and current legislation;
- c) Reviewing this policy and advising on the education of management and staff of their responsibilities under this policy and providing information on the Privacy and Health Records Acts.

#### 5.2 Managers

All Managers are to "lead by example" and comply fully with this policy. A Manager's responsibility extends to the implementation of the policy and ensuring that employees, contractors, suppliers and customers with whom they interact understand their obligations and are aware of the policy.

### 6. BREACH OF POLICY

A breach of MEGT's policies may have unintended and harmful consequences. Breaches of this policy may lead to disciplinary action being taken, including dismissal in serious cases.

### 7. COMMUNICATION

This policy is available on the MEGT intranet site and website.

### 8. REVIEW

This policy will be reviewed every two years or sooner if requested by management.

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**END OF DOCUMENT**