



PORT WARATAH
COAL SERVICES

POLICY AND PROCEDURE

,Document Title: Privacy Policy
Content ID: PWCS_UCM_P095017
Revision Number: 4
Department: Organisation Effectiveness

1 CONTEXT

The Australian Privacy Principles (**APPs**) regulate how Port Waratah Coal Services Limited (**Port Waratah**) collects, holds, uses and discloses personal information. The APPs replaced the National Privacy Principles (**NPPs**).

2 PURPOSE

This policy sets out how Port Waratah collects and manages personal information, and should be read in conjunction with the APPs.

3 WHEN DOES THIS POLICY APPLY?

This policy outlines how Port Waratah handles personal information (e.g. when personal information is collected, held, used or disclosed).

However, this policy does not apply to “employee records” where such records are dealt with for a purpose that is directly related to a current or former employment relationship between Port Waratah and an individual.

Employee records are an employer’s records of personal information relating to the employment of an employee. This does not include information about individuals who have not yet been successful in securing employment with Port Waratah (ie a ‘job applicant’).

Examples of personal information that are employee records may include (but is not limited to) information on an employee’s:

- terms and conditions of employment;
- personal, emergency and nominated death beneficiary’s contact details;
- recruitment, engagement or training records;
- performance, conduct or disciplinary records, including performance review;
- hours of work;
- remuneration details;
- resignation or termination of employment;
- trade union or professional association membership status;
- leave records;
- taxation, banking or superannuation affairs; and
- any other information provided by the employee.

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4 POLICY

4.1 WHAT IS PERSONAL INFORMATION?

'Personal information' means information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

4.2 WHAT KIND OF PERSONAL INFORMATION IS COLLECTED OR HELD BY PORT WARATAH?

4.2.1 Personal information

The types of personal information about an individual (non-employee) that Port Waratah may collect and hold include:

- Name(s);
- Date of Birth;
- Identification;
- Email Addresses;
- Postal and Residential Addresses;
- Telephone Contact Details;
- Emergency Contact Details;
- Permits and Licences;
- Employer details;
- Position Title; and
- High school scholarship student banking, tax and superannuation details.

4.2.2 Information collected from the Port Waratah website

Each time a user visits the Port Waratah website, Port Waratah's web server makes an anonymous record, including through the use of cookies of:

- the user's Internet Service Provider;
- the date and time of access;
- the pages accessed by the user and any information downloaded;
- the search terms entered on the website;

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- the URL of any web page which referred the user to the Port Waratah website; and
- the web browser used to access the website.

This information is collected anonymously, and the user's identity cannot be reasonably ascertained from the collection of this information. This information is dealt with in accordance with the terms of this policy and the APPs, and is used solely to allow Port Waratah to measure visitor traffic and deliver personalised content to users of the website.

If in order to access the Port Waratah secure portal, make an online enquiry, or access some other function of the Port Waratah website, an individual is required to submit personally identifiable information including, but not limited to, a unique username, email, or password, Port Waratah may collect and retain such information to facilitate future access to that function.

4.2.3 Sensitive information

In certain circumstances, Port Waratah may collect 'sensitive information' about a person, which can include personal information about a person's:

- racial or ethnic origin;
- political opinions or political association membership status;
- religious beliefs or affiliations;
- trade union membership status;
- sexual preferences or practices;
- criminal record;
- bankruptcy; or
- health.

Port Waratah will only collect sensitive information in the circumstances set out in the APPs. For example, if the individual consents to the collection of the sensitive information or if the sensitive information is reasonably necessary for one of more of Port Waratah's functions or activities.

4.2.4 Information about job applicants

Port Waratah will retain psychological appraisals, pre-employment medicals, records of interview and other relevant information relating to unsuccessful job applicants for a minimum period of one (1) month, but for no longer than six (6) years. The information may be destroyed earlier or kept for longer if the applicant makes a request in writing.

Unsuccessful applicants may request the return of material supplied by them in support of their application. They will also be able to request access to information collected during the process of applying for employment in accordance with section 4.5 of this policy.

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Port Waratah will not contact an applicant's previous employer without the permission of the applicant, however inclusion by the applicant of referees in the application or their resume will be regarded as permission to contact such referees.

4.2.5 References

Organisations seeking confirmation of employment or other personal information about a former employee of Port Waratah are required to make their request in writing on their organisation's letterhead. The organisation will also be required to send a copy of their request to the former employee concerned and obtain their permission for the information to be released. The organisation must then provide evidence to Port Waratah that the former employee has provided their consent to the disclosure of personal information (for example, by providing an authority signed by the former employee) before the personal information can be disclosed.

Where a person has listed Port Waratah as a previous employer, Port Waratah will provide a verbal reference relating to the period of employment and type of work the employee performed. Port Waratah does not provide written references. Guidelines about the provision of references are set out in Port Waratah's Termination of Employment Policy.

4.3 HOW WILL PORT WARATAH COLLECT AND HOLD PERSONAL INFORMATION?

4.3.1 Collection of personal information

Port Waratah generally collects personal information directly from the individual, unless it is unreasonable or impracticable to do so. Port Waratah may also collect information indirectly. The ways in which Port Waratah may collect information include:

- telephone calls;
- correspondence (whether by letter, fax or email);
- subscription to our publications;
- public records eg telephone directories;
- current or potential customers;
- contractors and sub-contractors;
- via our website and/or services portal;
- recruitment agencies;
- government agencies including:
 - Department of Immigration;
 - Department of Human Services; and the

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- Australian Taxation Office;
- current or former employers;
- Information Service Providers; and
- other organisations with whom individuals have any dealings.

4.3.2 Collection of unsolicited personal information

If Port Waratah receives unsolicited personal information about a person, it will assess whether it could have otherwise collected the information in accordance with the APPs. It may be necessary for Port Waratah to use or disclose the information to make this assessment.

If Port Waratah decides that it could not have collected the information under the APPs, it will either destroy or de-identify the information as soon as practicable, as long as it is lawful and reasonable to do so.

If Port Waratah could have collected the information under the APPs, it will otherwise comply with its obligations under the APPs and this policy.

4.3.3 Storage of personal and sensitive information

Personal information will be maintained in Port Waratah’s secure storage systems as follows:

- electronic Information Management System (**IMS**);
- electronic Human Resource Information System (**HRIS**);
- electronic Contractor Management System (**CMS**);
- online Customer Interface;
- hardcopy files stored securely by Port Waratah onsite; and
- a secure storage service provider for offsite storage.

Port Waratah has security measures designed to protect its hardcopy, electronic and web accessible information against the loss, misuse and/or alteration of information. Controls include but are not limited to firewalls, encryption and restricted access.

Any person responsible for the maintenance or use of personal information on Port Waratah systems must ensure that the information is adequately protected against:

- misuse;
- interference;
- loss; and
- unauthorised access, modification or disclosure.

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4.3.4 Disposal of information

Port Waratah will take reasonable steps to destroy or de-identify any personal information it holds if:

- the information is no longer needed for any purpose;
- the information is not contained in a Commonwealth record; and
- Port Waratah is not required by Australian law or a court or tribunal to retain the information.

All personal information will be disposed of in a manner that is designed to protect the privacy of the individual to whom it relates. This may include by means of shredding, burning or secure disposal by a registered waste contractor. Electronic records will be permanently erased and overwritten in a way that is designed to prevent the effective use of data recovery tools.

4.4 WHY DOES PORT WARATAH COLLECT, HOLD, USE AND DISCLOSE PERSONAL INFORMATION?

4.4.1 To carry out its normal business functions

Port Waratah collects, holds, uses and discloses personal information for purposes including:

- Contractor Management System (CMS);
- employee and contractor training;
- induction records;
- visitor records;
- provision of health services;
- alcohol and other drug testing;
- distributing, via email, Port Waratah publications;
- Government and/or Agency reporting;
- audit compliance; and
- employment and payroll activities.

Port Waratah will only collect and use personal information:

- in accordance with the APPs;
- that is reasonably necessary for its functions and activities; and

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- where it sufficiently relates to the purpose for which the information was collected, unless one of the exemptions in the APPs applies (eg. where disclosure is required by a Court or tribunal).

Individuals providing personal information will be advised of the general purpose for which the information is sought and how that information may be used in the future. Port Waratah may use this personal information to provide you with information about other services it offers, but will respect any request from an individual that their information not be used for this purpose.

When Port Waratah contracts a third party to perform certain functions (such as courier services, outbound coal sample collection etc), Port Waratah may disclose certain personal information to that third party to the extent necessary to allow it to complete the contracted function. Port Waratah will take all reasonable steps to ensure the third party observes confidential and privacy obligations in respect of the protection of personal information.

4.4.2 To comply with its Maritime Security obligations

Port Waratah collects, holds and uses personal information about individuals for the purpose of complying with its legal obligations in relation to maritime security. This includes obligations under the *Maritime Transport and Offshore Facilities Security Act 2003* (Cth), the *Customs Act 1901* (Cth) and corresponding Regulations (**Maritime Security Laws**).

In order to comply with its obligations under Maritime Security Laws, Port Waratah may collect and hold personal information from individuals entering premises operated by Port Waratah.

In accordance with its obligations under Maritime Security Laws, Port Waratah may also disclose personal information about individuals to the relevant authorities, if required to do so.

4.5 HOW CAN A PERSON ACCESS OR CORRECT PERSONAL INFORMATION?

4.5.1 Accessing personal information

Authorised users of the Services Portal website can amend personal information at any time by accessing the relevant menu option.

Otherwise, individuals have a right to request access to personal information held by Port Waratah. Port Waratah may, at its discretion, impose a fee on the giving of access to any personal information it holds, provided such a fee is not excessive and is reflective of the costs involved in locating and providing the requested information.

A person wishing to access such personal information should contact the Specialist Advisor Human Resources or email contact_us@pwcs.com.au

4.5.2 Correcting personal information

Upon receipt of a request from an individual, Port Waratah will take reasonable steps to correct personal information about that person that is not accurate, complete or up-to-date, or that is irrelevant or misleading.

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A person may contact the Specialist Advisor Human Resources or email contact_us@pwcs.com.au to seek corrections to any of their personal information held by Port Waratah.

Authorised users of the Services Portal website can amend personal information at any time by accessing the relevant menu option.

Port Waratah will respond to any requests for corrections within a reasonable period of time without charge. If Port Waratah decides not to correct personal information, it will provide the person with written notice about the reasons for this decision (unless this would be unreasonable) and how the individual may submit a complaint if they so choose.

If Port Waratah corrects personal information which it has disclosed to a third party, it will take reasonable steps to notify that third party, if requested by the individual concerned.

If Port Waratah and the individual disagree about whether the personal information is accurate, complete, up-to-date, irrelevant or misleading, Port Waratah will (at the request of that individual) take reasonable steps to associate with the personal information a statement from the person setting out their objections to the personal information.

4.6 HOW CAN A PERSON SUBMIT A COMPLAINT IF THEY BELIEVE PORT WARATAH HAS BREACHED THE APP?

Port Waratah is required to comply with its obligations under the APPs.

All Port Waratah employees must comply with this policy, although it does not form part of their contract of employment. Failure to comply with this policy may result in disciplinary action up to and including the termination of employment.

Any person that knows about or suspects a breach of this policy must immediately:

- report the matter to the Manager Organisation Effectiveness or the Specialist Advisor Human Resources; or
- email the details to contact_us@pwcs.com.au.

Port Waratah will review and investigate any reports of breaches accordingly.

Port Waratah has a Fair Treatment Policy to manage privacy risks and issues. Employees may raise concerns about privacy in accordance with the Fair Treatment Policy.

Faircall is another avenue to raise concerns using the contact details set out below. Callers have the option to remain anonymous.

In addition, any person can make a complaint to the Office of the Australian Information Commissioner (OAIC) if they believe Port Waratah has breached the APPs.

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4.7 DOES PORT WARATH DISCLOSE PERSONAL INFORMATION TO OVERSEAS RECIPIENTS?

Port Waratah does not disclose personal information to overseas recipients.

4.8 CHANGES TO OUR PRIVACY POLICY

Port Waratah reserves the right to change this policy at any time. Port Waratah will provide notice of any changes to this policy by posting an updated version on the Port Waratah website.

5 ACCOUNTABILITIES

| Role | Accountabilities |
|---|---|
| Chief Executive Officer | Approval of this Policy and any variations. |
| General Managers / Managers | Accountable for ensuring the confidentiality of personal information which is collected, used, disposed or stored in their Department. |
| Manager Organisational Effectiveness | Perform an annual audit and review of this Policy. Provide advice on the application of this Policy as appropriate. |
| Specialist Advisor Human Resources | Review any requests from individuals wishing to access or correct their personal information. Provide advice on the application of this Policy as appropriate. |
| OE Department / Commercial Services Department / IT Services / Service Assurance | Authorised to collect and provide information on behalf of Port Waratah. Maintenance of personal records and confidential documents. |
| Employees | Comply with this policy. Maintain confidentiality. Report any breaches of this Policy. |

6 REFERENCES

| Document Title | Content ID |
|--|------------------|
| Anti-Discrimination and Equal Opportunity Policy | PWCS_UCM_PI90911 |
| Code of Business Conduct Policy | PWCS_UCM_P095006 |
| Fair Treatment System Policy | PWCS_UCM_P095011 |
| Recruitment and Selection Procedure | PWCS_UCM_P094770 |
| Termination of Employment Policy | PWCS_UCM_P448916 |

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7 APPENDIX

| Faircall | Details |
|-----------|--|
| Telephone | A free independently monitored, external, anonymous call hotline operating 8am – 8pm business days. Ph: 1 800 500 965. |
| Website | The FairCall website can be used to anonymously enter details in the report form via a 'drop-box' facility. http://faircall.kpmg.com.au/ |
| Email | An identified or anonymous email can be sent. faircall@kpmg.com.au |
| Post | Information can be mailed to: The FairCall Manager PO Box H67 Australia Square NSW 1213. |
| Fax | Information can be faxed to a secure number. Fax: (02) 9335 7466. |

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