



PROTECTION OF CUSTOMER INFORMATION POLICY



1. OVERVIEW

1.1 Objective

To explain Hunter Water's commitment to the protection of customers personal information.

As noted in Section 13 of the Customer Contract, Hunter Water will treat your personal information according to the provisions of the NSW Privacy and Personal Information Protection Act 1988 (PIPPIA).

1.2 Scope

This policy applies to :

- Any hardcopy or electronic information which may directly or indirectly identify individuals.
- All Hunter Water staff and contractors.

1.3 Summary

This policy sets out how Hunter Water collects, uses and discloses customer information.

2. POLICY

2.1 2.1 Collection accuracy, retention and security

Hunter Water will:

- collect and retain information only if it is necessary for one of our functions or activities and will do this in a lawful, fair and reasonable way
- gather information directly from the customer, unless the customer authorises otherwise
- take reasonable steps to ensure the

personal information collected is relevant, not excessive, accurate and up-to-date

- retain personal information for no longer than is necessary, and destroy or permanently de-identify personal information which is no longer required
- destroy or permanently de-identify personal information which is no longer used or required.

2.2 Disclosure and Use

Please refer to the table titled Annexure One - *Where Hunter Water is legally obliged to disclose a customer's personal information* - for examples of what information Hunter Water may be required to share with other parties.

In summary, Hunter Water will:

- ensure the customer is informed of the purpose of collection of the information and ensure the information is used to provide the service requested or to meet the purpose for which the information was submitted
- provide our research consultant with basic contact information of customers who have had recent interaction with us. The consultant will only use this information for purpose of measuring satisfaction with our service
- share information with several State government agencies and with a number of local government authorities. Hunter Water will

not supply individual customer information on request to other groups, however aggregate data (such as usage patterns) may be supplied

- not collect, use or disclose sensitive information, such as information about a persons health, unless specific consent is given or in circumstances permitted by the PIPPIA
- ensure information provided to Hunter Water is only disclosed to a third party to the extent require to provide the requested services or to meet the purpose for which the information was submitted (for example, disclosing pension rebate status to Centrelink)
- respect customers wishes if they tell us that do not wish to have personal information used or disclosed for a particular purposes, unless this is not legally or practically possible.

FOR MORE INFORMATION

1300 657 657

www.hunterwater.com.au

ANNEXURE ONE | WHERE HUNTER WATER IS LEGALLY OBLIGED TO DISCLOSE A CUSTOMER'S PERSONAL INFORMATION

Nature of information	Why it must be disclosed
Centrelink	
Confirmation of pensioner status	<p>Centrelink administers the <i>Social Security (Administration) Act 1999</i> (Cth). Division 1 of Part 5 of that Act regulates information gathering by Centrelink under that Act. Sections 192 and 195 grants the Secretary to the power to require a person to give information, or produce a document that is the person's custody or under the persons control, to the Department if the Secretary considers that the information or document may be relevant to the following:</p> <ul style="list-style-type: none"> • whether a person who has made a claim for a social security payment is or was qualified for the payment • whether a social security payment is payable to a person who is receiving payment • whether a social security payment was payable to a person who has received a payment • the rate of social security payment that is or was applicable to a person • whether a person who has been granted a concession card is or was qualified for the card • whether a person who has applied for financial supplement is eligible for the supplement • whether a person who has obtained a financial supplement is or was eligible for the supplement • determination of the maximum amount of financial supplement that a person is eligible for • whether an assurance of support given under Chapter 2C of the 1991 Act should be accepted or rejected. <p>Such information should include:</p> <ul style="list-style-type: none"> • full name and any previous name • address • sex • marital status • date of birth • date of death • dates of entries into and departures from Australia • any payments received by the person from the person given the notice, within the period of 52 weeks before the giving of the notice, and the account number of the account into which any of those payments were paid • in relation to any legal or equitable estate or interest in real property held by the person: <ul style="list-style-type: none"> • name of the owner of the property • address of the property • details for the title documents for the property. <p>Section 194 of the <i>Social Security (Administration) Act 1999</i> also allows the Secretary to obtain information about a person who owes a debt to the Commonwealth if it believes a person may have information or a document:</p> <ul style="list-style-type: none"> • that would help the Department locate another person (the debtor) who owes a debt to the Commonwealth under or as a result of the social security law or the Farm Household Support Act 1992, or • that is relevant to the debtor's financial situation. <p>Section 197 of the <i>Social Security (Administration) Act 1999</i> provides that a person must not refuse or fail to comply with a requirement under this Division to give information or produce a document. A failure to comply without a reasonable excuse can result in strict fines.</p> <p>Section 198 of the <i>Social Security (Administration) Act 1999</i> provides that no State or Territory laws operate to prevent a person from giving information or evidence, or producing a document, that the person is required to give or produce to the Department or an officer for the purposes of the social security law.</p>
NSW Office of State Revenue	
Property address details	<p>Under section 72 of the <i>Taxation Administration Act 1996</i> (NSW) the Chief Commissioner of State Revenue may require a person, by written notice, to provide to the Chief Commission (either orally or in writing) information that is described in the notice, or to produce to the Chief Commissioner, an instrument or record in the person's custody or control that is described in the notice.</p> <p>The OSR also administers various other non-taxation laws. These laws may also give the OSR power to obtain information in the exercise of functions conferred under such law.</p> <p>Under section 117 of the <i>Fines Act 1996</i> (NSW), a member of a government agency is authorised and required to provide to the State Debt Recovery Office the address of a fine defaulter for the purposes of the Office taking action against the person to enforce payment of a fine.</p>

ANNEXURE ONE | WHERE HUNTER WATER IS LEGALLY OBLIGED TO DISCLOSE A CUSTOMER'S PERSONAL INFORMATION cont.

Nature of information	Why it must be disclosed
NSW Office of Fair Trading	
Plumbing Confirmation of property owner or tenant's details	<p>Under section 9A of the <i>Fair Trading Act 1987</i> (NSW) the Director-General may enter into, or approve of, an arrangement (an information sharing arrangement) with a relevant agency for the purposes of sharing or exchanging information held by the Director-General and the agency. The information to which an information sharing arrangement may relate is limited to the following:</p> <ul style="list-style-type: none"> • information concerning investigations, law enforcement, assessment of complaints, licensing or disciplinary matters, • probity assessments and reference checks concerning persons who provide, or propose to provide, goods or services to consumers, • any other information affecting the interests of consumers • any other information of a type prescribed by the regulations <p>Under an information sharing arrangement, the Director-General and the relevant agency are, despite any other Act or law of the State, authorised to request, receive and disclose information held by the other party to the arrangement, but only to the extent that the information is reasonably necessary to assist in the exercise of functions under this Act (or any other Act administered by the Minister of Fair Trading, whether solely or jointly with another Minister) or of the functions of the relevant agency concerned.</p> <p>Furthermore, section 20 of the <i>Fair Trading Act 1987</i> (NSW) grants the Director-General the power to obtain information relevant to a complaint, or a possible contravention of the Act or any other legislation administered by the Minister. The NSW Office of Fair Trading administers roughly 70 pieces of legislation, and may have the power to require information in specific circumstances.</p> <p>Office holders also have the power to request information. For example, section 199B of the <i>Residential Tenancies Act 1981</i> allows the Tenancy Commissioner or authorised investigator to issue a written notice to a person to require them to give information or produce a document relevant to a commission of an offence under that Act.</p>
Customs	
Confirmation of property owner or tenant's details	<p>Plumbing Under section 273GAB of the <i>Customs Act 1901</i>, you are authorised but not obliged to disclose to a customs officer, personal information or any information about any matter relating to actual or proposed travel:</p> <ul style="list-style-type: none"> • of any person or goods on the way (directly or indirectly) to Australia, or • involving the departure from Australia of any person or goods. <p>There are various provision in the <i>Customs Act 1901</i> that allow customer officers to seek specific types of information. For example section 296sF allows customers to seek information or documents relating to the revocation of a tariff concession order. Furthermore, Customs administers the following Acts, which contain various specific information collection powers:</p> <ul style="list-style-type: none"> • <i>Customs (Prohibited Exports) Regulations 1958</i> • <i>Customs (Prohibited Imports) Regulations 1956</i> • <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> • <i>Aviation Transport Security Act 2004</i> • <i>Crimes Act 1914</i> • <i>Environment Protection and Biodiversity Conservation Act 1999</i> • <i>Migration Act 1958</i> • <i>Quarantine Act 1908</i> • Various State and Territory legislation.
Local government	
Confirmation of customer's postal address	<p>The Privacy Code of Practice for Local Government states that local council are only able to collect information for a lawful purpose. Before providing information to a local government, Hunter Water should seek that the relevant Council provide statutory authority for the request for information.</p>
Inspection and certification of water supply, sewerage and stormwater drainage work	<p>Under clause 21(c) of the <i>Local Government (General) Regulations 2005</i> (NSW) a person undertaking the construction of a water supply, sewerage or stormwater drainage work must provide every reasonable facility and all necessary information to enable inspection of the work for the purposes of performing such work. Under clause 143 of the Regulations, the council may, at any reasonable time:</p> <ul style="list-style-type: none"> • inspect any service pipe connected to a water main, and • inspect any drain connected to a sewer main, and • install meters or other devices for measuring the quantity of water supplied to, or the quantity of sewage discharged from, premises, and • measure the quantity of water supplied to, or the quantity of sewage discharged from, premises.

ANNEXURE ONE | WHERE HUNTER WATER IS LEGALLY OBLIGED TO DISCLOSE A CUSTOMER'S PERSONAL INFORMATION cont.

Nature of information	Why it must be disclosed
Real Estate Agents	
Account and meter reading where authorised by owner.	<p>A real estate agency has a fiduciary relationship with their client and as such is authorised by the relationship to act on behalf of the client, where specifically authorised. The agent must act strictly within the interests of a client.</p> <p>When conducting business with third parties, the agent has the authority usually arising out of the relationship of agent and client. Rule 2 of the <i>Property, Stock and Business Agents Regulation 2003</i> (NSW) provides that an agent must comply with the fiduciary obligations arising as an agent. Furthermore, Rule 8 provides that an agent must not act as an agent or represent himself or herself as acting as an agent on behalf of a person without written authority. Therefore, Hunter Water should only provide information to a real estate agent on receipt of a written authority from the relevant party.</p>
Solicitors	
<p>Section 47 information for Conveyancing</p> <p>Account details for an estate</p>	<p>A solicitor has a fiduciary relationship with their client, and as such the solicitor is authorised by the relationship to act on behalf of the client, but strictly within the interests of a client. When conducting business with third parties, the solicitor has all the actual and ostensible authority usually arising out of the relationship of solicitor and client. If the Solicitor is acting for the executor of an estate, you should only release information where you are provided with an authority from the executor and a copy of a Grant of Probate or a copy of the will and death certificate. In the absence of a will, you should request a copy of the Letters of Administration.</p> <p>The <i>Revised Professional Conduct and Practice Rules 1995 (Solicitors' Rules)</i> published by the Law Society of NSW governs the conduct of solicitors. Rule 32 is relevant where Hunter Water charges for its services. Rule 33 provides that a practitioner who deals with a third party on behalf of a client for the purpose of obtaining some service in respect of the client's business, must inform the third party when the service is requested, that the practitioner will accept personal liability for payment of the fees to be charged for the service or, if the practitioner is not to accept personal liability, the practitioner must inform the third party of the arrangements intended to be made for payment of the fees.</p> <p>Rules 33 provides that a practitioner who, in the course of providing legal services to a client, and for the purposes of the client's business, communicates with a third party orally, or in writing, in terms which, expressly, or by necessary implication, constitute an undertaking on the part of the practitioner to ensure the performance of some action or obligation, in circumstances where it might reasonably be expected that the third party will rely on it, must honour the undertaking so given strictly in accordance with its terms, and within the time promised (if any) or within a reasonable time.</p>
Defence Housing Australia	
Request copy of account; (when not property owner, but has an employee as a tenant)	Defence Housing has a Fast Connect authority system available where its employees sign a written consent to Defence Housing to connect to disconnect their premises to utilities. Defence Housing is then able to access and provide information necessary to connect the utilities. Personal information should not be provided to Defence Housing without the party's written authority.
Attorney General's Department (NSW Trustee and Guardian)	
Account details: Person in jail, mentally ill, person in protection	Since 1 July 2009 the Office of the Protective Commissioner has been known as the New South Wales Trustee and Guardian. Under section 116 of the <i>NSW Trustee and Guardian Act 2009</i> the NSW Trustee may by notice in writing given to a person, order the person to furnish to the NSW Trustee such information or records as the NSW Trustee requires in connection with any matter relating to the responsibilities of the NSW Trustee when acting in a protective capacity. Any such notice must specify the manner in which the information or records required to be furnished and a reasonable time (not less than 14 days after the giving of the notice) by which the information or records are required to be furnished. Furthermore, under section 57, the NSW Trustee has all the functions of a managed person that the person would have if they could exercise capacity or were not missing.
Australian Bureau of Statistics	
Water consumption data and sewer connection data in total for all properties	<p>All ABS surveys are conducted under the <i>Census and Statistic Act 1905</i> (Cth). If the Australian Statistician directs you in writing to provide the information, you are legally obliged to do so. Section 9 of the <i>Census and Statistic Act 1905</i> (Cth) provides for the Statistician to collect such statistical information in relation to matters prescribed as he or she considers appropriate. Matters in relation to which the Statistician may collect statistical information are prescribed in clause 5 of the <i>Statistics Regulations</i> (Cth). Prescribed matters include:</p> <ul style="list-style-type: none"> • water resources: clause 5(t) • housing: clause 5(aa) • repairs and maintenance: clause 5(ac) • prices and charges: clause 5(am) • business, professional, personal and household services: clause 5(am) • real estate including land and property development: clause 5(aw).