



Privacy Policy

Byron Bay Telecom, P.O. Box 277, Byron Bay, NSW, 2481

Contact: 1300 502 994

Web: www.byronbaytelecom.com.au

Email: accounts@byronbaytelecom.com.au

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Privacy Policy Foundation

This policy has been drafted in accordance with the *Telecommunications Act 1997* (Cth) and the *Privacy Act 1988* (Cth), and Byron Bay Telecom's obligations thereunder.

This Policy sets out the approach that Byron Bay Telecom will take in relation to the treatment of private information, including how Byron Bay Telecom collects, uses, discloses and keeps secure, said private information. This Policy also covers how Byron Bay Telecom makes the private information it holds available to an organisation or individual customer for access and/or amendment.

This Policy is a public document pursuant to the Office of the Australian Information Commissioner's Australian Privacy Principles as contained in the *Privacy Act 1988* (Cth).

1. Collection

1.1 Byron Bay Telecom will only collect private information where the information is necessary for Byron Bay Telecom to perform one or more of its functions or activities. In this context, “*collect*” means gather, acquire or obtain by any means, information in circumstances where the individual is identifiable or identified.

1.2 Byron Bay Telecom collects private information primarily to supply customers with the services ordered from it. Byron Bay Telecom also collects and uses private information for secondary purposes including:

- i. invoicing;
- ii. account management;
- iii. business planning; and
- iv. services development.

1.3 Byron Bay Telecom will notify customers of the matters listed below before collecting any private information:

- i. the main reason for the collection (the primary purpose);
- ii. other possible use or disclosure of the information (secondary purpose);
- iii. our identity and how customers can contact us;
- iv. customer access to their information held by Byron Bay Telecom;
- v. that customers can contact Byron Bay Telecom to access, correct or inquire about their private information held by Byron Bay Telecom;
- vi. the organisations to whom Byron Bay Telecom may disclose the private information;
- vii. any law that requires the private information to be collected; and
- viii. any consequences for the customer if the required private information is not provided to Byron Bay Telecom.

- 1.4** Where it is not practicable for Byron Bay Telecom to notify customers before the collection of private information, Byron Bay Telecom will ensure that customers are notified of the collection as soon as possible after the collection.
- 1.5** Byron Bay Telecom will not collect sensitive information from customers except with consent and only where it is necessary for Byron Bay Telecom to collect such information in order to provide a service.
- 1.6** Byron Bay Telecom will not covertly or dishonestly collect private.

2. Use

2.1 Byron Bay Telecom will obtain a customer's consent for use of non-sensitive private information for secondary purposes at the time of collection, unless the use is a related secondary purpose that would be within the customer's reasonable expectations.

2.2 Byron Bay Telecom uses private information primarily for the purposes listed in 1.2, above.

2.3 If Byron Bay Telecom relies on the Direct Marketing Exception to direct market to customers it will ensure that:

- i. customers are clearly notified of their right to opt out from further direct marketing;
- ii. there is only one use of the information before the opt out right is given;
- iii. the customer is given an opt out in all further instances of direct marketing if they have not previously chosen to opt out; and
- iv. if the customer opts out of all direct marketing, the opt out will be respected by Byron Bay Telecom.

2.4 Byron Bay Telecom will not use sensitive information for direct marketing.

2.5 Byron Bay Telecom may use private information to avoid an imminent threat to a person's life or to public safety.

- i. It may also use private information for reasons related to law enforcement or internal investigations into unlawful activities.

2.6 Byron Bay Telecom will not use private information without taking reasonable steps to ensure that the information is accurate, complete and up to date.

2.7 Byron Bay Telecom will not attempt to match data with an individual.

3. Disclosure

3.1 Byron Bay Telecom may disclose private information to related or unrelated third parties if consent has been obtained from the customer. This will include obtaining the customer's consent for disclosures made under the credit reporting requirements of the *Privacy Act 1988* (Cth).

3.2 Byron Bay Telecom may disclose private information internally.

- i. Where information is so disclosed, to such a Related Body Corporate, Byron Bay Telecom is bound by the original primary purpose for which the information was collected.

3.3 Byron Bay Telecom may disclose private information to unrelated third parties to enable outsourcing of functions (such as invoicing), where that disclosure or use for a related secondary purpose has been notified to the customer or where such a disclosure is within the customer's reasonable expectations.

- i. Customers will be notified of Byron Bay Telecom's usual disclosures via the Collection of Information, as outlined in 1.3, above.

3.4 Byron Bay Telecom will take reasonable steps to ensure that its contracts with third parties include requirements for third parties to comply with the use and disclosure requirements of the *Privacy Act 1988* (Cth).

3.5 Byron Bay Telecom may disclose private information to law enforcement agencies, government agencies, courts or external advisers where permitted or required by law.

3.6 Byron Bay Telecom may disclose private information to avoid an imminent threat to a person's life or to public safety.

3.7 Byron Bay Telecom may disclose private information to third parties involved in the sale or transfer of assets of the business, including unpaid debts.

3.8 If a disclosure is not for a primary purpose; is not for a related secondary purpose; or upfront consent has not been obtained, Byron Bay Telecom will not disclose private information otherwise than in accordance with the exceptions set out at 3.1 to 3.6, above.

3.9 Byron Bay Telecom does not sell or share its customer list on a commercial basis with third parties.

4. Information Quality

4.1 Byron Bay Telecom will review, on a regular and ongoing basis, its collection and storage practices to ascertain how improvements to accuracy can be achieved.

4.2 Byron Bay Telecom will take steps to destroy or de-identify private information after as short a time as possible and after a maximum of seven years, unless the law requires otherwise.

5. Information Security

5.1 Byron Bay Telecom requires employees and contractors to perform their duties in a manner that is consistent with Byron Bay Telecom's legal responsibilities in relation to privacy.

5.2 Byron Bay Telecom will take all reasonable steps to ensure that paper and electronic records containing private information are stored in facilities that are only accessible by people within Byron Bay Telecom who have a genuine "need to know" as well as "right to know".

5.3 Byron Bay Telecom will review, on a regular and ongoing basis, its information security practices so as to ascertain how ongoing responsibilities can be achieved and maintained.

6. Access and Correction

- 6.1** Byron Bay Telecom will allow its records containing private information to be accessed by the individual concerned in accordance with the *Privacy Act 1988* (Cth).
- 6.2** Byron Bay Telecom will correct its records containing private information as soon as practically possible, at the request of the customer concerned in accordance with the *Privacy Act 1988* (Cth).
- 6.3** Customers wishing to lodge a request to access and/or correct their private information should do so by contacting Byron Bay Telecom, per the details included in this document.
- 6.4** Byron Bay Telecom will not normally charge a fee for processing an access request unless the request is complex or is resource intensive.
- 6.5** Where Byron Bay Telecom offers on-line account management facilities, customers can use this capability to control aspects of their account, including amending or updating certain private information.

7. Transparency

7.1 Byron Bay Telecom's representatives will be the point-of-contact for inquiries about privacy issues. Customers wishing to make an inquiry or complaint regarding privacy should do so by contacting Byron Bay Telecom per the details included in this document.

7.2 Privacy complaints will be managed in accordance with Byron Bay Telecom's Complaint Handling Policy, which complies with the Telecommunications Consumer Protections Industry Code (as amended).

7.3 The Byron Bay Telecom website will contain a prominently displayed privacy statement and will include a copy of this Privacy Policy.

8. Anonymous Transactions

8.1 Byron Bay Telecom will not make it mandatory for visitors to its website to provide private information unless such private information is required to answer an inquiry or provide a service.

- i. Byron Bay Telecom may, however, request visitors to provide private information voluntarily to Byron Bay Telecom as part of a competition or questionnaire.

8.2 Byron Bay Telecom will allow its customers to transact with it anonymously wherever that is reasonable and practicable.

9. Transferring Private Information Overseas

9.1 Byron Bay Telecom will take reasonable steps to limit the amount of private information it sends to unrelated organisations overseas.

9.2 If private information must be sent by Byron Bay Telecom overseas for sound business reasons, Byron Bay Telecom will require the overseas organisation receiving the information to provide a binding undertaking that it will handle that information in accordance with the National Privacy Principles as contained in the *Privacy Act 1988* (Cth) and as an immutable element of the services contract.

10. Glossary

Collection Information: the information outlined in 1.3 notified to customers prior to, or as soon as practical after, the collection of their private information.

Direct Marketing: the marketing of goods or services through means of communication including written, verbal or electronic means.

Disclosure: the release of information outside Byron Bay Telecom, including under a contract to carry out an outsourced function.

Byron Bay Telecom: includes all potential future companies in the Byron Bay Telecom Group

Private Information: information or an opinion (including information or an opinion forming part of a database), whether true or not and whether recorded in a material form or not, about a customer whose identity is apparent, or can reasonably be ascertained from the information or opinion.

Primary Purpose: the dominant or fundamental reason for information being collected in a particular transaction.

Reasonable Expectation: an expectation that a customer's private information may be used or disclosed for a particular purpose during the regular course of business and with respect to the services invoiced to the customer.

Sensitive Information: information or an opinion about a customer's:

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

Use: the handling of private information within Byron Bay Telecom.



11. Contacting Byron Bay Telecom

If you require further information regarding Byron Bay Telecom's Privacy Policy, you can contact us via:

Telephone

1300 502 994

Web

www.byronbaytelecom.com.au/contact

E-mail

accounts@byronbaytelecom.com.au

Mail

P.O. Box 277, Byron Bay, NSW, 2481

