

Hepburn Wind Privacy Policy

This privacy policy has been prepared in accordance with National Privacy Principles contained in the *Privacy Act 1988* (Cth) (**the Act**).

Definitions

For the purposes of the privacy policy contained below,

'agency' has the meaning contained in Section 6 of the Act;

'consent' has the meaning contained in Section 6 of the Act;

'enforcement body' has the meaning contained in Section 6 of the Act;

'Hepburn Wind' means Hepburn Wind Community Wind Park Cooperative Limited;

'personal information' has the meaning contained in Section 6 of the Act;

'sensitive Information' has the meaning contained in Section 6 of the Act;

'use' in relation to information, has the meaning contained in Section 6 of the Act.

1. Collection

1.1 Hepburn Wind Community Wind Park Cooperative Ltd (**Hepburn Wind**) will only collect personal information where that information is necessary for one or more of its functions or activities.

1.2 Hepburn Wind will only collect personal information by lawful and fair means and not in an unreasonably intrusive way.

1.3 At or before the time (or, if that is not practicable, as soon as practicable after) Hepburn Wind collects personal information about an individual from the individual, Hepburn Wind will take reasonable steps to ensure that the individual is aware of:

- (a) the identity of Hepburn Wind and how to contact it; and
- (b) the fact that he or she is able to gain access to the information; and
- (c) the purposes for which the information is collected; and
- (d) the organisations (or the types of organisations) to which Hepburn Wind usually discloses information of that kind; and
- (e) any law that requires the particular information to be collected; and
- (f) the main consequences (if any) for the individual if all or part of the information is not provided.

1.4 Where reasonable and practicable to do so, Hepburn Wind will collect personal information about an individual only from that individual.

1.5 If Hepburn Wind collects personal information about an individual from someone else, it will take reasonable steps to ensure that the individual is or has been made aware of the matters listed in subclause 1.3 above except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

2. Use and disclosure

2.1 Hepburn Wind will not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless:

- (a) both of the following apply:
 - i. the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection;
 - ii. the individual would reasonably expect Hepburn Wind to use or disclose the information for the secondary purpose; or
- (b) the individual has consented to the use or disclosure; or
- (c) if the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing:
 - i. it is impracticable for Hepburn Wind to seek the individual's consent before that particular use; and
 - ii. Hepburn Wind does not charge the individual for giving effect to a request by the individual to Hepburn Wind not to receive direct marketing communications; and
 - iii. the individual has not made a request to Hepburn Wind not to receive direct marketing communications; and
 - iv. in each direct marketing communication with the individual, Hepburn Wind draws to the individual's attention, or prominently displays a notice, that he or she may express a wish not to receive any further direct marketing communications; and
 - v. each written direct marketing communication by Hepburn Wind with the individual (up to and including the communication that involves the use) sets out Hepburn Wind's business address and telephone number and, if the communication with the individual is made by fax, telex or other electronic means, a number or address at which Hepburn Wind can be directly contacted electronically; or
- (d) if the information is health information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety:

- i. it is impracticable for Hepburn Wind to seek the individual's consent before the use or disclosure; and
- ii. the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A of the Act for the purposes of this subparagraph; and
- iii. in the case of disclosure Hepburn Wind reasonably believes that the recipient of the health information will not disclose the health information, or personal information derived from the health information; or

Alternatively (d) Hepburn Wind will not collect health information.

- (e) Hepburn Wind reasonably believes that the use or disclosure is necessary to lessen or prevent:
 - (i) a serious and imminent threat to an individual's life, health or safety; or
 - (ii) a serious threat to public health or public safety; or
- (ea) if the information is genetic information and Hepburn Wind has obtained the genetic information in the course of providing a health service to the individual:
 - (i) Hepburn Wind reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety (whether or not the threat is imminent) of an individual who is a genetic relative of the individual to whom the genetic information relates; and
 - (ii) the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95AA for the purposes of this subparagraph; and
 - (iii) in the case of disclosure the recipient of the genetic information is a genetic relative of the individual; or

Alternatively (ea) Hepburn Wind will not collect genetic information.

- (f) Hepburn Wind has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- (g) the use or disclosure is required or authorised by or under law; or
- (h) Hepburn Wind reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, reaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;

- (iii) the protection of the public revenue;
- (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
- (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

Note 1: Subclause 2.1 does not override any existing legal obligations not to disclose personal information. Nothing in subclause 2.1 requires Hepburn Wind to disclose personal information; Hepburn Wind is always entitled not to disclose personal information in the absence of a legal obligation to disclose it.

2.2 If Hepburn Wind uses or discloses personal information under paragraph 2.1(h), it will make a written note of the use or disclosure.

2.3 Subclause 2.1 operates in relation to personal information that Hepburn Wind has collected from a related body corporate as if Hepburn Wind's primary purpose of collection of the information were the primary purpose for which the related body corporate collected the information.

2.4 Despite subclause 2.1, should Hepburn Wind provide a health service to an individual, it may disclose health information about the individual to a person who is responsible for the individual if:

- (a) the individual:
 - (i) is physically or legally incapable of giving consent to the disclosure; or
 - (ii) physically cannot communicate consent to the disclosure; and
- (b) a natural person (the carer) providing the health service for Hepburn Wind is satisfied that either:
 - (i) the disclosure is necessary to provide appropriate care or treatment of the individual; or
 - (ii) the disclosure is made for compassionate reasons; and
- (c) the disclosure is not contrary to any wish:
 - (i) expressed by the individual before the individual became unable to give or communicate consent; and
 - (iii) of which the carer is aware, or of which the carer could reasonably be expected to be aware; and
- (d) the disclosure is limited to the extent reasonable and necessary for a purpose mentioned in paragraph (b).

2.5 For the purposes of subclause 2.4, a person is responsible for an individual if the person is:

- (a) a parent of the individual; or
- (b) a child or sibling of the individual and at least 18 years old; or
- (c) a spouse or de facto spouse of the individual; or
- (d) a relative of the individual, at least 18 years old and a member of the individual's household; or
- (e) a guardian of the individual; or
- (f) exercising an enduring power of attorney granted by the individual that is exercisable in relation to decisions about the individual's health; or
- (g) a person who has an intimate personal relationship with the individual; or
- (h) a person nominated by the individual to be contacted in case of emergency.

2.6 In subclause 2.5:

child of an individual includes an adopted child, a step-child and a foster-child, of the individual.
parent of an individual includes a step-parent, adoptive parent and a foster-parent, of the individual.

relative of an individual means a grandparent, grandchild, uncle, aunt, nephew or niece, of the individual.

sibling of an individual includes a half-brother, half-sister, adoptive brother, adoptive sister, step-brother, step-sister, foster-brother and foster-sister, of the individual.

3. Data quality

Hepburn Wind will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

4. Data security

4.1 Hepburn Wind will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

4.2 Hepburn Wind will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under National Privacy Principle 2.

Note 1: From time to time the Hepburn Wind website may contain links to other websites. Hepburn Wind is not responsible for the privacy practices or the content of those websites.

Note 2: Hepburn Wind has implemented substantial security measures in relation to its website, however as the website is linked to the internet and the internet is inherently insecure, Hepburn Wind cannot provide any absolute assurance regarding security of the information provided to it over the internet.

Note 3: Hepburn Wind will not be liable in any way in relation to any breach of security or unintended loss or disclosure of information due to the website being linked to the internet.

5. Openness

5.1 On request by a person, Hepburn Wind will take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

6. Access and correction

6.1 Where Hepburn Wind holds personal information about an individual, it will provide the individual with access to the information on request by the individual, except to the extent that:

- (a) in the case of personal information other than health information, providing access would pose a serious and imminent threat to the life or health of any individual; or
- (b) in the case of health information, providing access would pose a serious threat to the life or health of any individual; or
- (c) providing access would have an unreasonable impact upon the privacy of other individuals; or
- (d) the request for access is frivolous or vexatious; or
- (e) the information relates to existing or anticipated legal proceedings between Hepburn Wind and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- (f) providing access would reveal the intentions of Hepburn Wind in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- (g) providing access would be unlawful; or
- (h) denying access is required or authorised by or under law; or
- (i) providing access would be likely to prejudice an investigation of possible unlawful activity; or
- (j) providing access would be likely to prejudice:
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or
 - (iii) the protection of the public revenue; or
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders;by or on behalf of an enforcement body; or

- (k) an enforcement body performing a lawful security function asks the organisation not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

6.2 However, where providing access would reveal evaluative information generated within Hepburn Wind in connection with a commercially sensitive decision-making process, Hepburn Wind may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

Note: Hepburn Wind breaches subclause 6.1 if it relies on subclause 6.2 to give an individual an explanation for a commercially sensitive decision in circumstances where subclause 6.2 does not apply.

6.3 If Hepburn Wind is not required to provide the individual with access to the information because of one or more of paragraphs 6.1(a) to (k) (inclusive), Hepburn Wind will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

6.4 If Hepburn Wind charges for providing access to personal information, those charges:

- (a) will not be excessive; and
- (b) will not apply to lodging a request for access.

6.5 If Hepburn Wind holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up-to-date, Hepburn Wind will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.

6.6 If the individual and Hepburn Wind disagree about whether the information is accurate, complete and up-to-date, and the individual asks Hepburn Wind to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, Hepburn Wind will take reasonable steps to do so.

6.7 Hepburn Wind will provide reasons for denial of access or a refusal to correct personal information.

7. Identifiers

7.1 Hepburn Wind will not adopt as its own identifier of an individual an identifier of the individual that has been assigned by:

- (a) an agency; or
- (b) an agent of an agency acting in its capacity as agent; or
- (c) a contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.

7.2 Hepburn Wind will not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider mentioned in subclause 7.1, unless:

- (a) the use or disclosure is necessary for Hepburn Wind to fulfill its obligations to the agency; or
- (b) one or more of paragraphs 2.1(e) to 2.1(h) (inclusive) apply to the use or disclosure.

7.3 In this clause:

'identifier' includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of organisation's operations. However, an individual's name or ABN (as defined in the A New Tax System (Australian Business Number) Act 1999) is not an identifier.

8. Anonymity

8. 1 Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with Hepburn Wind.

9. Transborder data flows

9. 1 Hepburn Wind may transfer personal information about an individual to someone (other than Hepburn Wind or the individual) who is in a foreign country only if:

- (a) Hepburn Wind reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles; or
- (b) the individual consents to the transfer; or
- (c) the transfer is necessary for the performance of a contract between the individual and Hepburn Wind, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between Hepburn Wind and a third party; or
- (e) all of the following apply:
 - (i) the transfer is for the benefit of the individual;
 - (ii) it is impracticable to obtain the consent of the individual to that transfer;
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it; or
- (f) Hepburn Wind has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles.

10. Sensitive information

10.1 Hepburn Wind will not collect sensitive information about an individual unless:

- (a) the individual has consented; or
- (b) the collection is required by law; or
- (c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - (i) is physically or legally incapable of giving consent to the collection; or
 - (ii) physically cannot communicate consent to the collection; or
- (d) if the information is collected in the course of the activities of a non-profit organisation, the following conditions are satisfied:
 - (i) the information relates solely to the members of the organisation or to individuals who have regular contact with it in connection with its activities;
 - (ii) at or before the time of collecting the information, the organisation undertakes to the individual whom the information concerns that the organisation will not disclose the information without the individual's consent; or
- (e) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

10.2 Despite subclause 10.1, Hepburn Wind may collect health information about an individual if:

- (a) the information is necessary to provide a health service to the individual; and
- (b) the information is collected:
 - (i) as required or authorised by or under law (other than the Act); or
 - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind Hepburn Wind.

10.3 Despite subclause 10.1, Hepburn Wind may collect health information about an individual if:

- (a) the collection is necessary for any of the following purposes:
 - (i) research relevant to public health or public safety;
 - (ii) the compilation or analysis of statistics relevant to public health or public safety;
 - (iii) the management, funding or monitoring of a health service; and
- (b) that purpose cannot be served by the collection of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained; and
- (c) it is impracticable for Hepburn Wind to seek the individual's consent to the collection; and
- (d) the information is collected:
 - (i) as required by law (other than this Act); or

- (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation; or
- (iii) in accordance with guidelines approved by the Commissioner under section 95A for the purposes of this subparagraph.

10.4 If Hepburn Wind collects health information about an individual in accordance with subclause 10.3, Hepburn Wind will take reasonable steps to permanently de-identify the information before Hepburn Wind discloses it.

10.5 In this clause:

non-profit organisation means a non-profit organisation that has only racial, ethnic, political, religious, philosophical, professional, trade, or trade union aims.