

Council SmartBonds

Privacy Policy

Our Policy

Asurety Pty Ltd ABN 24 072 366 968 (“Asurety”) is the managing agency responsible for the delivery of our SmartBonds products. Asurety is bound by the Privacy Act 1988 (Cth) (Privacy Act) and the Australian Privacy Principles (APPs) and is committed to protecting your privacy.

This Policy applies to all personal information collected by us. It explains how we collect, use, disclose and handle your information including your rights to access and correct your personal information and or make a complaint for any breach of the APPs.

What is personal information?

The Privacy Act defines personal information to mean: “information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether recorded in a material form or not.”

What personal information do we collect and hold?

Asurety collects and holds information which we require to assess, underwrite and administer applications for performance bond facilities requested by you. Typical personal information includes:

- Your contact information including your full name (first and last), e-mail address, current postal address, delivery address (if different to postal address) and phone numbers
- Your date of birth
- Previous performance bond facilities incl. claims and or losses
- Any other information specific to our products or services including your opinions, statements, warranties, endorsements and
- Any relevant payment or billing information, including but not limited to bank account details, direct debit, credit card details, and billing address.

What is sensitive information?

“Sensitive information” is a subset of personal information and means: “information or opinion about an individual’s racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, health information about an individual, genetic information, biometric information or templates.

How we collect and hold Solicited Personal Information?

We only collect personal information by lawful and fair means and where it is reasonably necessary for, or directly related to, one or more of our activities or services.

Unless it is unreasonable or impracticable for us to do so, or as provided otherwise under this Privacy Policy, we collect your information either directly from you, your nominated referrer or third-party credit reference provider.

If we collect details about you from anyone else, we will take reasonable steps to make you aware of the collection in accordance with the APPs.

We minimise the collection and use of information from you unless we are required to do so to carry out the services we provide to you. We do not collect sensitive information without your consent.

We hold the personal information we collect within our own data storage devices or with a third party provider of data storage.

Why we collect, hold, use and disclose your solicited personal information

We collect, hold, use and disclose your personal information where it is reasonably necessary for, or directly related to, one or more of our products or services. These will include our underwriting activities including all administrative duties required to provide our products or services to you. This may extend to any other obligations we have at law e.g. identity checks required by the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and other legislation. We may also use it for direct marketing purposes explained below.

We typically need to collect, hold, use and disclose personal information where:

- you have requested a performance bond/s and or advice from us;
- we arrange a performance bond facility on your behalf, including liaising with insurer(s) as required;
- we amend, alter or cancel a performance bond facility on your behalf.

We do not use or disclose personal information for any purpose that is unrelated to our products or services and that you would not reasonably expect (except with your consent). We will only use your personal information for the primary purposes for which it was collected or as consented to.

We may request third parties to disclose personal information on your behalf to assist us in the provision of our services. Your personal information is disclosed by them only in connection with the services we provide to you or with your consent.

The third parties can include our related companies, our agents or contractors, insurers, their agents and others they rely on to provide their products and services (e.g. reinsurers), other insurance intermediaries, insurance reference bureaus, loss adjusters or assessors, credit agencies, lawyers and accountants, prospective purchasers of our business and our alliance and other business partners.

These parties are prohibited from using your personal information except for the specific purpose for which we supply it to them and we take such steps as are reasonable to ensure that they are aware of the provisions of this Privacy Policy in relation to your personal information.

We may also use personal information to develop, identify and offer products and services that may interest you, conduct market or customer satisfaction research. From time to time we may seek to develop arrangements with other organisations that may be of benefit to you in relation to promotion, administration and use of our respective products and services. We will not use sensitive information to send you direct marketing communications without your express consent.

If we give third parties (including their agents, employees and contractors) your personal information, we require them to only use it for the purposes we agreed to.

Unsolicited personal information

If we receive personal information even though we didn't ask for it, then within a reasonable period after we have received it we'll decide if its information we could have lawfully collected by asking you for it. If we decide we couldn't have asked you for the information, we will destroy or de-identify it if it's lawful and reasonable to do so.

What if you do not provide some personal information to us?

If your required personal information is not provided, we or any involved third parties may not be able to provide the products and services we offer. If you do not provide the personal information we request we will explain what the impact will be.

What do we expect of you/ third parties we deal with when providing personal information about another person?

If you provide us with personal information about other individuals, we rely on you to have made them aware that you will or may provide their information to us, and how we collect, use, disclose and handle it in accordance with this Privacy Policy and our relevant Privacy Statements. If it is sensitive information we rely on you to have obtained their consent to provide such information. If you have not done these things, you must tell us before you provide us with the relevant information.

Unless an exemption applies or we agree otherwise, all third parties must meet the requirements of the Privacy Act, when collecting, using, disclosing and handling personal information on our behalf. All third parties must also ensure that their agents, employees and contractors meet the above requirements.

How do we manage the security of your personal information?

We take steps to ensure that your personal information is safe.

We retain personal information in hard copy records and electronically with us or our appointed data storage provider(s).

You will appreciate, however, that we cannot guarantee the security of all transmissions of personal information, especially where the internet is involved.

Notwithstanding the above, we endeavour to take all reasonable steps to:

- protect any personal information that we hold from misuse, interference and loss, and to protect it from unauthorised access, modification or disclosure both physically and through computer security measures;
- destroy or permanently de-identify personal information in accordance with the Privacy Act.

We maintain computer and network security; for example, we use firewalls (security measures for the internet) and other security systems such as user identifiers and passwords to control access to computer systems.

Data quality

We take reasonable steps to ensure that personal information is current, accurate, up-to date and complete whenever we collect or use or disclose it.

Throughout our dealings with you we will take reasonable steps to confirm the details of your personal information we hold and ask you if there are any changes required.

The accuracy of personal information depends largely on the information you provide to us, so we rely on you to:

- let us know if there are any errors in your personal information you become aware of; and
- keep us up-to-date with changes to your personal information (such as your name or address).

Access to and correction

You are entitled to have access to any personal information relating to you which we possess, except in some exceptional circumstances provided by in law. For example, we may refuse access where the:

- information may have an unreasonable impact on the privacy of others; request is frivolous or vexatious;
- information relates to existing or anticipated legal proceedings and would not be accessible by the process of discovery in those proceedings;
- information would reveal our intentions in relation to negotiations in such a way as to prejudice those negotiations.

Where providing access would reveal evaluative information generated by us in connection with a commercially sensitive decision-making process, we will provide an explanation for the decision rather than direct access to the information.

If we refuse access or to give access in the manner requested by you we will let you know why in writing and provide you with details about how to make a complaint about the refusal.

If we make a correction to your personal information we may retain a copy of the previous information for our records or as required by law.

If you wish to access your personal information please write to our Privacy Officer:

Level 6, 352 Kent Street Sydney NSW 2000

We typically do not charge for receiving a request for access to personal information or for complying with a correction request.

Do we transfer information overseas?

Any personal information provided to us in providing you with our products and services may be transferred to, and stored at, a destination outside Australia, including but not limited to New Zealand, Singapore, United Kingdom, the Philippines, the European Union and the United States of America. Details of the countries we disclose to may change from time to time.

Personal information may also be processed by staff or by other third parties operating outside Australia who work for us or for one of our suppliers, agents, partners or related companies.

Complaints

If you have a complaint about how we manage your privacy we ask that you contact our office first to help us to assist you in the first instance we will try to resolve the matter within one business day. You may also access our internal dispute (IDR) process by contacting us.

In order to resolve a complaint, we:

- Will liaise with you to identify and define the nature and cause of the complaint;
- May request that you detail the nature of the complaint in writing;
- Will keep you informed of the likely time within which we will respond to your complaint;
- Will inform you of the reason for our decision in resolving such complaint; and
- Keep a record of the complaint and any action taken in the Register of Complaints.

If you have a complaint, please write to us at Level 6, 352 Kent Street Sydney NSW 2000 and our Privacy Officer will then attempt to resolve the issue or complaint.

When we make our decision, we will also inform you of your right to take the matter to the Office of the Australian Information Commissioner (OAIC) if you are not satisfied.

In addition, if you have not received a response from us of any kind to your complaint within 30 days, then you have the right to take the matter to the OAIC ().

The contact details of the OAIC are:

Office of the Australian Information Commissioner

GPO Box 2999, Canberra ACT 2001
1300 363 992 - www.oaic.gov.au
enquiries@oaic.gov.au

Our website

You are able to visit our website without providing any personal information. We will only collect personal information through our websites with your prior knowledge such as when you submit an enquiry or application online.

Email addresses are only collected if you send us a message and will not be automatically added to a mailing list.

Direct Marketing

We may use your personal information, including any email address you give to us, to provide you with information and to tell you about our products, services or events or any other direct marketing activity (including third party products, services and events which we consider may be of interest to you).

Without the limitation just described, if it is within your reasonable expectations that we send you direct marketing communications given the transaction or communication you have had with us, then we may also use your personal information for the purpose of sending you direct marketing communications which we may consider may be of interest to you.

We may request our related parties to contact you about services and products that may be of interest to you.

Further information

If you wish to gain access to your personal information, want us to correct or update it, have a complaint about a breach of your privacy, wish to withhold your consent (opt out) of providing consent to any of the uses of your information including receiving offers of products or services from us, or have any other query relating to our Privacy Policy, contact our Privacy Officer during business hours on:

1300 247 300

Level 6, 352 Kent Street Sydney NSW 2000

Website: www.smartbonds.com.au