

JBO Communications Privacy Policy

1 Introduction

- 1.1 **Document Purpose:** The purpose of this document is to provide a policy for the collection, handling and use of personal information. It is based on the standards required by legislation and industry codes, and also JBO Communications's commitment to the protection of personal information of its customers, employees, potential employees and end users.
- 1.2 The objectives of this document are to:
- (a) Inform all employees of JBO Communications's Privacy Policy;
 - (b) Define the responsibilities and accountabilities of employees;
 - (c) Inform customers, employees and potential employees of JBO Communications's commitment to the privacy of their personal information.
 - (d) Provide the basis for specific Policy statements that relate to the business areas of JBO Communications.
- 1.3 Audience
- (a) All employees of JBO Communications;
 - (b) Contractors working directly or indirectly for JBO Communications;
 - (c) Customers or other third parties whose personal information JBO Communications may be required to collect, handle or use.
- 1.4 References and Related Documentation
- (a) ACIF Code C523 December 1999, and registered by the ACA in May 2000.
 - (b) Privacy Act (Cth) 1988
- 1.5 Privacy Policy: This policy sets out the principles that JBO Communications has adopted in order to protect information about individuals. These principles deal with the collection, use and disclosure of personal information as well as access to information and intrusion issues. These principles comply with Australian Communications Industry Forum Industry Code C523, Protection of Personal Information of Customers of Telecommunications Providers.

2 Collection:

- 2.1 JBO Communications will only collect personal information that is necessary for one or more of its legitimate functions or activities.
- 2.2 JBO Communications will only collect personal information by lawful and fair means, not in an unreasonably intrusive way.
- 2.3 At or before the time JBO Communications collects personal information from the subject of the information (or, if that is not practicable, as soon as practicable thereafter), JBO Communications will take reasonable steps to ensure that the subject of the information is aware of:
- (a) JBO Communications's identity and how to contact it;
 - (b) the fact that he or she is able to gain access to the information;
 - (c) the purpose for which the information was collected;
 - (d) to whom (or the types of individuals or organisations to which) JBO Communications usually discloses information of this kind;
 - (e) any law that requires the particular information to be collected; and



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- (f) the main consequences (if any) for the individual if all or part of the information is not provided.

2.4 Where it is reasonable and practicable to do so, JBO Communications will collect personal information directly from the subject of the information.

2.5 Where JBO Communications collects personal information from a third party, JBO Communications will take reasonable steps to ensure that the subject of the information is or has been made aware of the matters listed from (a) to (f) above.

3 Use

3.1 JBO Communications will only use personal information for a purpose other than the primary purpose of collection (a secondary purpose) if:

- (a)
 - (i.) the secondary purpose is related to the primary purpose of collection; and
 - (ii.) the subject of the information would reasonably expect JBO Communications to use the information for the secondary purpose; and
 - (iii.) the use is made in the performance of a person's duties as an employee, agent or contractor of JBO Communications; or
- (b) the individual has consented to the use; or
- (c) JBO Communications uses personal information for the purpose of direct marketing; and
 - (i.) it is impracticable for JBO Communications to seek the individual's consent before using the information;
 - (ii.) JBO Communications gives the individual the express opportunity at the time of the first contact, and thereafter upon request, and at no cost, to decline to receive any further direct marketing communications and the individual has consented; or
- (d) JBO Communications reasonably believes that the use is necessary to lessen or prevent a serious and imminent threat to an individual's life or health; or
- (e) JBO Communications has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses the personal information as a necessary part of its investigations of the matter or in reporting its concerns to relevant persons or authorities; or
- (f) the use is required or specifically authorised by law; or
- (g) the use is reasonably necessary for the enforcement of the criminal law, a law imposing a pecuniary penalty, or for the protection of the public revenue.

4 Disclosure

4.1 JBO Communications will only disclose personal information for a purpose other than the primary purpose of collection (a secondary purpose) if:

- (a)
 - (i.) the secondary purpose is related to the primary purpose of collection; and
 - (ii.) the subject of the information would reasonably expect JBO Communications to disclose the information for the secondary purpose; and



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- (iii.) the disclosure is made in the performance of a person's duties as an employee, agent or contractor of JBO Communications; or
- (b) the individual has consented to the disclosure; or
- (c) JBO Communications reasonably believes that the disclosure is necessary to prevent or lessen a serious and imminent threat to an individual's life or health; or
- (h) the disclosure is required or specifically authorised by law; or
- (i) the disclosure is made to an officer or employee of ASIO authorised to receive it in connection with the performance of ASIO's functions; or
- (j) JBO Communications has reason to suspect that unlawful activity has been, is being or may be engaged in, and discloses the personal information as a necessary part of its investigations of the matter or in reporting its concerns to relevant persons or authorities; or
- (k) the disclosure is reasonably necessary for the enforcement of the criminal law or a law imposing a pecuniary penalty, or for the protection of the public revenue or has been certified as reasonably necessary by an Authorised Officer of an Enforcement Agency; or

5 Data Quality

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

6 Data Security

- 6.1 JBO Communications will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- 6.2 JBO Communications will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose.

7 Openness

- 7.1 JBO Communications will continue to make this policy, and any specific Privacy Statements readily available for review.
- 7.2 JBO Communications, within its subject specific Privacy Statements will take reasonable steps to set out what sort of personal information it holds, for what purposes, and how it collects, uses, and discloses that information.

8 Access and Correction

8.1 Access

- 8.1.1 Where JBO Communications holds personal information about an individual, it will provide the individual with access to the information on request, in a form or manner suitable to the individual's reasonable needs, except to the extent that:
 - (a) providing access would pose a serious and imminent threat to the life or health of an individual; or
 - (b) providing access would have an unreasonable impact upon the privacy of other individuals; or
 - (c) the request for access is frivolous or vexatious; or
 - (d) the information relates to existing legal dispute resolution proceedings between JBO Communications and the individual, and the information would not be accessible by the process of discovery in those proceedings; or



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- (e) providing access would reveal the intentions of JBO Communications in relation to negotiations with the individual in such a way to prejudice those negotiations; or
 - (f) providing access would be unlawful; or
 - (g) denying access is specifically authorised by law; or
 - (h) providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - (i) providing access would be likely to prejudice:
 - (i.) the prevention, detection, investigation, prosecution or punishment of
 1. criminal offences; or
 2. breaches of a law imposing a penalty or sanction
 - (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 Serious Improper Conduct; or
 - (v.) preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders;by or on behalf of an enforcement agency; or
 - (j) ASIO, ASIS or an enforcement agency performing a lawful national security function asks JBO Communications not to provide access on the basis that providing access would be likely to cause damage to the national security of Australia.
- 8.1.2 Where providing access would reveal evaluative information generated within JBO Communications in connection with a commercially sensitive decision making process, JBO Communications may give the individual an explanation for the decision rather than direct access to the information.
- 8.1.3 If JBO Communications has given an individual such an explanation and the individual believes that direct access to the evaluative information is necessary to provide a reasonable explanation of the reasons for the decision, JBO Communications will, at the request of the individual, undertake a review of the decision. Personnel other than the original decision maker will undertake the review.
- 8.1.4 Charges
- 8.1.5 If JBO Communications levies 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.
- 8.2 Corrections
- 8.2.1 If JBO Communications holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up to date, JBO Communications will take reasonable steps to correct the information so that it is accurate, complete and up to date.
- 8.2.2 If the individual and JBO Communications disagree about whether the information is accurate, complete and up to date, and the individual asks JBO Communications to



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associate with the information a statement claiming that the information is not accurate, complete or up to date, JBO Communications will take reasonable steps to do so.

8.2.3 JBO Communications will provide reasons for denial of access or correction

9 Identifiers

9.1 JBO Communications will not adopt as its own identifier an identifier that has been assigned by a government agency (or by an agent of, or contractor to, a government agency acting in its capacity as agent or contractor).

9.2 JBO Communications will not use or disclose an identifier assigned to an individual by a government agency (or by an agent of, or contractor to, a government agency acting in its capacity as agent or contractor) except where paragraphs (d) to (g) of section 3.1 or paragraphs (c) to (f) of section 4.1 apply.

10 Anonymity

10.1 Whenever it is lawful and practicable, individuals will have the option of not identifying themselves when dealing with JBO Communications.

11 Transborder Data Flows

11.1 JBO Communications will not transfer personal data outside Australia unless:

- (a) JBO Communications reasonably believes that the recipient of the information is subject to a statute, binding scheme or contract which effectively upholds principles for fair information handling that are substantially similar to these rules; or
- (b) the individual concerned consents to the transfer; or
- (c) the transfer is necessary for the performance of a contract between the individual concerned and JBO Communications, or for the implementation of pre-contractual measures taken in respect 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 concerned between JBO Communications and a third party.
- (e) the transfer is for the benefit of the individual concerned; and
 - (i.) it is not practicable to obtain the consent of the subject of the information to that transfer; and
 - (ii.) if it were practicable to obtain such consent, the subject of the information would give it; or
- (f) JBO Communications has taken reasonable steps to ensure that the information, which it has transferred, will not be collected, held, used or disclosed by the recipient of the information inconsistently with these rules.

12 Sensitive Information

12.1 JBO Communications will not collect personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, or details of health, disability or sexual activity or orientation unless:

- (a) the subject of the information has consented; or
- (b) the collection is required or specifically authorised by law;
- (c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the subject of the information is physically or legally incapable of giving consent; or



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- (d) the collection is necessary for the establishment, exercise or defence of a legal claim.

13 Privacy of Network Communications

- 13.1 When installing, operating, or maintaining its network, JBO Communications will take whatever measures are practicable, or are required by law to ensure the privacy of communications passing over its network.

14 Interception (Monitoring and Recording)

- 14.1 Interception of a communication during the course of its passage across the network is prohibited unless it is necessary for the effective performance of functions or activities relating to:
 - (a) the installation of any line or equipment used in connection with the network; or
 - (b) the operation or maintenance of the network; or
 - (c) the identifying or tracing of a person suspected of having contravened a provision of Part VIIIB of the Crimes Act 1914.
- 14.2 Recording will only be undertaken where aural/visual monitoring is not suitable for the purpose and voice recording will only be undertaken where authorised by the customer or by law.

15 Participant Monitoring

- 15.1 Participant monitoring may be undertaken for the purposes of improving the quality of service to customers and the training of staff, or where there is a specific operational, security or technical reason to do so. Customer consent will be obtained prior to undertaking participant monitoring unless it is not practicable to do so, such as in the case of calls which are typically of very short duration.

16 Interception for Law Enforcement and Security Agencies

- 16.1 Interception requested by law enforcement and security agencies will only be undertaken on production of a lawful warrant and where JBO Communications is satisfied that the warrant has been issued in accordance with the requirements of the Telecommunications (Interception) Act 1979 (Cth).

