



**LOWER MURRAY
WATER**

Privacy Charter

JUNE 2016



1.1 Introduction

The aim of privacy legislation (the *Privacy and Data Protection Act 2014*) is to give customers and individuals more control over the way organisations such as ours collect, use, secure and disclose personal information. It also gives customers the right to know what information we hold about them. To assist with this, Lower Murray Water (LMW) has developed this Privacy Charter that explains how LMW handles personal information.

All references in this Privacy Charter to “we”, “us” and “our” are to LMW.

1.2 Collection

We will only collect personal information for the purpose of providing water and sewerage related services. The types of personal information that may be collected by us for these purposes include, without limitation, name, address, telephone, e-mail and facsimile numbers, date of birth, driver licence details, pension card numbers, credit information and health information. We may also be required to collect some personal information in accordance with occupational health and safety laws.

We may collect personal information in a number of ways including, without limitation, over the counter and using forms, the telephone and internet. If individuals do not provide us with the personal information that we request then we may not be able to supply the services or products that the individual requests.

1.3 Use and Disclosure

Personal information collected is used for providing water and sewerage related services and products. We may need to disclose some personal information to our contractors and to other third parties for these purposes.

LMW provides notice to individuals that by using our website at lmw.vic.gov.au, personal information may be collected by us, and in some instances our Internet Service Provider, and that this personal information may be used for monitoring use of our website and for the purpose of promoting water and sewerage related services and products and market research.

We may also use and disclose personal information to facilitate our compliance with relevant statutory and other legal obligations and we may, on request by other statutory agencies, local government and the Victorian Government, disclose personal information to facilitate their compliance with their statutory and legal obligations and to facilitate their enforcement of applicable laws.

The personal information we collect will not be used or disclosed for any other purpose without your consent, unless permitted under privacy legislation.

We do not sell, rent, trade or otherwise make available customers' personal information.

1.4 Data Quality

We will make every effort to ensure that the personal information we collect, use and disclose is accurate, complete and up to date.

1.5 Data Security

We take reasonable steps to protect the information we hold from unauthorised use, disclosure, access, modification, loss or misuse and our employees are bound by a Code of Conduct.

We have appropriate procedures to safeguard and help prevent unauthorised access to personal information, to maintain data security and ensure we use and disclose the information we collect appropriately.

Where we hold personal information in conjunction with others (e.g. where an account is a joint one), we will allow each individual access to their own personal information and to the joint information (e.g. account balance and transaction details) but not to the personal information of other individuals.

Other individuals will not be given account balances, transaction details or other personal information relating to someone else's account, unless the account holder gives us express permission to disclose the information to individuals not listed on an account. Customers can contact us if they wish to arrange for someone else to have access to their account details.

We will destroy or permanently de-identify personal information if it is no longer needed for any purpose.

1.6 Openness

On request by an individual, we will take reasonable steps to let the individual know what sort of personal information we hold, for what purposes, and how we collect, hold, use and disclose that information.

1.7 Access and Correction

We take reasonable steps to hold only accurate, complete and current personal information. We will update and correct our records when customers advise us that their personal information has changed. If customers notify us that personal information we hold is not accurate, complete or up to date then we will correct the information.

Customers may request access to their personal information held by us by contacting us. We may not provide access to personal information where we are permitted to refuse to provide such access in accordance with privacy legislation. Examples include, without limitation, where providing access would have an unreasonable impact on the privacy of other individuals or the request for access is frivolous or vexatious.

Customers may request access to their personal information that we hold, by writing to:

The Privacy Officer
Lower Murray Water
PO Box 1438
Mildura Vic 3502

Alternatively, customers may email their request to the Privacy Officer at admin@lmw.vic.gov.au.

Customers are requested to provide us with as much detail as possible about the particular information sought in order to help us retrieve it. Please note we may charge for the reasonable cost of processing a request and in some instances customers may need to make an application under the *Freedom of Information Act 1982*.

1.8 Unique Identifiers

We will not assign unique identifiers to individuals unless the assignment of unique identifiers is necessary to enable us to carry out any of our functions efficiently. Further, we will not require an individual to provide a unique identifier unless provided for in privacy legislation.

1.9 Anonymity

Wherever it is lawful and practicable, we will provide individuals with the option of not identifying themselves when entering into transactions with us.

1.10 Trans-border Data Flows

We may transfer personal information about an individual to someone who is outside Victoria only if we reasonably believe 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 Information Privacy Principles, the individual consents or as otherwise provided for in privacy legislation.

1.11 Sensitive Information

We will not collect sensitive information about an individual unless the individual has consented, the collection is required under law, the collection is necessary to lessen or prevent a serious and imminent threat to the life or health of an individual, or the collection is necessary for a legal or equitable claim.

1.12 Charter of Human Rights and Responsibilities Act 2006 - Section 13 - Privacy and Reputation

LMW and its officers will respect the right of privacy conferred on persons under Section 13 of the *Charter of Human Rights & Responsibilities Act 2006*.

A person has the right -

- (a) Not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) Not to have his or her reputation unlawfully attacked.

1.13 Enquiries and Complaints

Customers can contact LMW's Privacy Officer if they have questions about our Privacy Policy or other privacy concerns. The Privacy Officer can be contacted via email at admin@lmw.vic.gov.au or by telephoning (03) 5051 3400.

We will encourage customers that have a privacy complaint to tell us so that we can act quickly. We will investigate the complaint, answer questions and do all we can to address the concerns of the complainant. Usually a phone call is all that is needed to resolve most issues.

An individual in respect of whom personal information is, or has at any time been, held by us may complain to the Privacy and Data Protection Commissioner, in writing, about an act or practice that may be an interference with the privacy of the individual. The Commissioner can be contacted via email at privacy@cpdp.vic.gov.au.

1.14 Definitions

personal information means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the *Health Records Act 2001* applies.

sensitive information means information or an opinion about an individual's: racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices; or criminal record; that is also personal information.

unique identifier means an identifier (usually a number) assigned to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name but does not include an identifier within the meaning of the *Health Records Act 2001*.