

## CONTENTS

1. Purpose
2. Commencement of Policy
3. Application of Policy
4. What is personal information?
5. Collection of personal information
6. Use and disclosure of personal information
7. Prospective employees/job applicants
8. Employees
9. How long will personal information be kept?
10. Variations
11. Availability of this Policy
12. Implementation of this Policy
13. Integrity of personal information, enquiries and complaints

<b>Policy Number:</b>	SRHPP-P01	<b>Version Number:</b>	1.0
<b>Prepared by:</b>	Group HR Manager	<b>Date:</b>	12/3/2014
<b>Approved by:</b>	Chief Executive Officer/Managing Director	<b>Date:</b>	12/3/2014
<b>Effective Date:</b>	12/3/2014	<b>Review Date:</b>	March 2016

## 1 PURPOSE

The SeaRoad Group comprising SeaRoad Holdings Pty Ltd, SeaRoad Shipping Pty Ltd, SeaRoad Logistics Pty Ltd and SeaRoad Vessels Pty Ltd (**SeaRoad**) is committed to complying with the privacy laws of Australia.

In Australia these are set out in the Privacy Act 1988 (**the Act**), which contains the Australian Privacy Principles (**APPs**), and in relevant privacy codes.

See <http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles> .

SeaRoad understands that personal information may only be used by SeaRoad in limited circumstances. Personal information concerning employees is confidential and will only be used for purposes for which the information is relevant.

This Policy outlines the circumstances surrounding the management of personal information in accordance with Australian privacy laws.

## 2 COMMENCEMENT OF POLICY

This Policy commenced on 12 March 2014. It replaces all other privacy and disclosure of personal information policies of SeaRoad.

## 3 APPLICATION OF POLICY

This Policy applies to all SeaRoad's dealings with individuals, including employees (past and present) and prospective employees of SeaRoad.

This Policy does not form part of any employee's contract of employment.

## 4 WHAT IS PERSONAL INFORMATION?

**Personal information** is information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not (i.e. digitally or hard copy).

**Sensitive information** is a special category of personal information and includes information or an opinion about a person's health, race or ethnic origin, political or religious beliefs, membership of a trade union or association, criminal record, sexual orientation and genetic and 'biometric' information.

SeaRoad will only collect a person's sensitive information where it is reasonably necessary for one or more of SeaRoad's functions or activities and with the person's consent.

## 5 COLLECTION OF PERSONAL INFORMATION

### 5.1 *Kinds of personal information SeaRoad collects and holds*<sup>1</sup>

The kinds of personal information that SeaRoad collects will depend upon the dealings the relevant individual may have with SeaRoad. SeaRoad may collect and hold information about:

- purchasers or potential purchasers of SeaRoad's products (for example, in the ordinary course of dealings, in relation to credit applications and sales and marketing and promotional activities);
- suppliers (for example, when establishing records and systems to enable payment for goods or services);
- job applicants (for the purposes of employment);
- individuals as contractors (for example, when establishing records and systems to enable payment for services);
- other individuals who may come into contact with SeaRoad.

The kinds of personal information may include, but are not limited to:

- information that identifies the individual (for example, name, address, contact details);
- information about the individual's financial position (creditworthiness);
- information about the individual that is required or authorised by law;
- where the individual is an employee or prospective employee or contractor, their date of birth, tax file number, employment history, references, educational qualifications, dependants, driver's licence, passport details, residency or visa status etc;
- the individual's opinion about SeaRoad's products, services or staff.

### 5.2 *How SeaRoad collects and holds personal information*<sup>2</sup>

Whenever it is reasonable and practical to do so, SeaRoad only collects personal information directly from an individual. In some circumstances, however, it may be unsolicited.

SeaRoad will take reasonable steps to inform an individual before, or at the time it collects personal information or, if this is not practicable, as soon as practicable after collection that it has obtained their personal information, unless it is obvious from the circumstances of its collection (for example, exchanging business cards at a trade function).

The individual whose personal information has been obtained by SeaRoad should be advised of the following:

- SeaRoad's identity and contact details including their title, telephone number and email address of a contact who handles enquiries and requests relating to the Act;
- the facts and circumstances of the collection;
- whether the collection is required or authorised by law;
- the purposes of collection;
- the consequences if personal information is not collected;
- how and to whom else SeaRoad may disclose that personal information;

---

<sup>1</sup> APP1.4(a)

<sup>2</sup> APP1.4(b) & 4

- information about SeaRoad's Privacy Policy, including an individual's right to access and seek correction of personal information held by SeaRoad relating to them; and
- whether SeaRoad is likely to disclose personal information to overseas recipients, and if practicable, the countries where they are located (see 5.5 below).<sup>3</sup>

To the extent practicable, SeaRoad will provide individuals with the option of not identifying themselves or of using a pseudonym when dealing with SeaRoad.<sup>4</sup>

In the case of unsolicited information, this will generally be destroyed or de-identified unless SeaRoad could have validly solicited the information and kept it.

SeaRoad will not adopt or use a government related identifier (e.g. Tax File Number, Medicare number) of an individual unless it is permitted to do so by law.<sup>5</sup>

### **5.3 Credit information**

SeaRoad may obtain information that has a bearing on: an individual's eligibility to be provided with credit; or their history in relation to credit; or their capacity to repay credit (all, 'credit information') directly from an individual or from a Credit Reporting Body (CRB) in connection with an application for commercial credit or provision of a guarantee relating to such an application.

SeaRoad will only do so where an individual has consented to the disclosure of that information.<sup>6</sup>

Where SeaRoad obtains such credit information, it will only use that information for the credit guarantee purpose; or internal management purposes of SeaRoad that are directly related to the provision or management of any credit by it or for debt collection purposes.<sup>7</sup>

SeaRoad will take such steps (if any) as are reasonable in the circumstances to ensure that the credit information it collects is accurate, up-to-date and complete. When it no longer needs it for the purpose for which it was collected, SeaRoad will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.<sup>8</sup>

The rights of individuals to access that information are set out in section 13.2 below. Otherwise, the provisions of this Policy as they relate to personal information will generally also apply to credit information in relation to an individual.

### **5.4 Purposes for which SeaRoad collects personal information<sup>9</sup>**

SeaRoad only collects personal information which is reasonably necessary for its dealings with the relevant individual in the course of SeaRoad's business, unless there is a need to collect such information in accordance with the Act or to comply with any other legislation.

---

<sup>3</sup> APP 5.1 & 5.2 - the Privacy Commissioner has published guidelines on this.

<sup>4</sup> APP 2

<sup>5</sup> APP 9.1

<sup>6</sup> Schedule 2, section 20F

<sup>7</sup> Schedule 2, section 21H and 21M

<sup>8</sup> Schedule 2, section 2

<sup>9</sup> APP 1.4(c)

### 5.5 Storage/location of personal information<sup>10</sup>

SeaRoad utilises security measures to protect sensitive data and personal information in all of its operations.

SeaRoad will take such steps as are reasonable to ensure that overseas recipients, if any, of an individual's personal information comply with the APPs in relation to that information.<sup>11</sup>

Where that is not the case, SeaRoad will expressly advise the individual that, if he or she consents to the disclosure of their personal information to an overseas recipient, it may not be covered by the APPs.<sup>12</sup>

Such advice will be made before SeaRoad obtains any such consent and, if consent is not given, disclosure will not be made to that overseas recipient unless SeaRoad is otherwise permitted to do so on other grounds as set out in APP 8.

If the individual consents to the disclosure to an overseas recipient and they handle the personal information in breach of the APPs:

- SeaRoad will not be accountable under the Privacy Act; and
- the individual will not be able to seek redress under the Privacy Act.
- individuals should be aware that the overseas recipient may be subject to a foreign law that could compel the disclosure of personal information to a third party, such as an overseas authority.

## 6 USE AND DISCLOSURE OF PERSONAL INFORMATION<sup>13</sup>

SeaRoad's Policy is only to use personal information for the purpose which was either specified or reasonably apparent at the time when the information was collected. SeaRoad may also use or disclose the information collected for any other related purpose for which the individual would reasonably expect it to be used.

SeaRoad will not use personal information for the purpose of direct marketing without an individual's express or inferred consent and only where SeaRoad has provided a simple means by which the individual may easily request not to receive direct marketing communications from us (and the individual has not made such a request).<sup>14</sup> Note that the Spam Act and Do Not Call Register Act continue to apply.

If SeaRoad wishes to use or disclose the personal information in other circumstances, it needs to obtain the individual's consent to do so.

In general, SeaRoad uses personal information for the following purposes:

- providing products or services that have been requested;
- communicating with the individual;
- assessing the creditworthiness of prospective customers;
- helping SeaRoad manage and enhance its products and services, including analysing customer feedback and future customer needs;
- providing ongoing information about SeaRoad's products and services to individuals that SeaRoad believes may be interested;
- complying with regulatory and legal obligations; or
- recruiting employees and engaging contractors.

<sup>10</sup> APP 1.4(b) , (f) & (g), 5.2(j)

<sup>11</sup> APP8.1

<sup>12</sup> APP 8.2(b)

<sup>13</sup> APP1.4(c)

<sup>14</sup> APP 7

## **7 PROSPECTIVE EMPLOYEES/JOB APPLICANTS**

### **7.1 Information collected**

SeaRoad collects personal information from job applicants and candidates in the recruitment process.

A failure by an applicant to provide any lawfully requested information may result in the processing of the application being delayed or may result in the application being unsuccessful. Any information which is provided by a job applicant which is later found to be false may result in the person's application being unsuccessful. If the person is employed, it may result in the termination of that person's employment.

### **7.2 Unsuccessful applications**

If a job applicant applies for a job and their application is unsuccessful but they would like SeaRoad to retain their application to consider them for other positions which may arise from time to time, the applicant should provide their written consent to SeaRoad to do so.

Unsolicited information will be destroyed or de-identified unless SeaRoad could have validly solicited it and kept it.<sup>15</sup> In the case of unsolicited résumés, SeaRoad will consider whether it could have validly collected the information and, if so, may retain these for the purpose of considering applicants for positions within the company when they arise. In that case, SeaRoad will treat unsolicited résumés in the same way as if it had collected that information pursuant to this Policy.

### **7.3 Security of personal information**

SeaRoad will take reasonable steps to keep a job applicant's personal information confidential and secure in the same way which it keeps confidential company information secure.<sup>16</sup>

## **8 EMPLOYEES**

### **8.1 Access of certain records by employees**

SeaRoad employees are entitled to access certain statutory employment records including the following:

- the name of the industrial instrument or instrument under which the employment is regulated. For example, the name of the relevant award or agreement;
- the employee's time and wages records;
- records of the employee's leave;
- records of superannuation contributions made on behalf of the employee;
- individual flexibility arrangements and guarantees of annual earnings; and
- workers' compensation records relevant to the employee.

SeaRoad will provide an employee with a copy of these records within 5 days of the request being made. These records will be made available to the employee at either the premises where the employee works or at other mutually agreed premises. All other employment records are exempt from the Act and those employment records and personnel records may not be made available to employees.

An employee will not be provided with access to the records of any other employee.

---

<sup>15</sup> APP 4

<sup>16</sup> APP 11

**8.2 Non-disclosure**

Employees of SeaRoad are not permitted to disclose confidential or personal information which is collected by SeaRoad about its suppliers, customers, agents or contractors. If an employee is not sure whether information is confidential or personal, they must check with Human Resources or their immediate manager.

Confidential and personal information is information that is not in the public domain. It includes, but is not limited to, the following types of information:

- any personal information about an individual which has been collected by SeaRoad;
- any information about a supplier, customer, agent or contractor of SeaRoad;
- any personal information about an employee or colleague (including a prospective or former employee); and
- any information about SeaRoad’s business affairs or business systems.

**9 HOW LONG WILL PERSONAL INFORMATION BE KEPT?**

SeaRoad will not keep personal information about any individual for any longer than it needs to.<sup>17</sup> Generally speaking, SeaRoad will keep employee records for seven years or as required by law.

**10 VARIATIONS**

SeaRoad reserves the right to vary, replace or terminate this Policy from time to time.

**11 AVAILABILITY OF THIS POLICY<sup>18</sup>**

An up-to-date version of this Policy is available at <http://searoad.net/>.

If you do not have access to the internet, SeaRoad will send you a copy upon request.

**12 IMPLEMENTATION OF THIS POLICY**

SeaRoad will ensure that appropriate training is provided to employees in relation to implementation of this Policy and the procedure set out in this Policy will be integrated into SeaRoad’s risk management procedures.

---

<sup>17</sup> APP 11

<sup>18</sup> APP 1.5, 1.6

### **13 INTEGRITY OF PERSONAL INFORMATION, ENQUIRIES AND COMPLAINTS<sup>19</sup>**

SeaRoad will take such steps as are reasonable to ensure that personal information it collects uses or discloses is accurate, up-to-date and complete.<sup>20</sup>

#### **13.1 Complaints**

If an individual has a complaint about SeaRoad's privacy practices it should contact SeaRoad's Compliance Officer – see contact details below.

#### **13.2 Access to and correction of personal information**

Subject to any agreed or lawful exceptions, an individual has a right to:

- access and copy their personal information which is held by SeaRoad; and
- correct any incorrect information held by SeaRoad about the applicant.

If an individual requests access to the personal information SeaRoad holds about them, or requests that SeaRoad change that personal information, it will respond within a reasonable period and, if it is reasonable and practicable to do so, allow access unless it considers that there is a sound reason under the Act or other relevant law to withhold the information.

If SeaRoad is satisfied that the personal information is incorrect, SeaRoad will take such steps as are reasonable to correct that information.

If SeaRoad refuses to correct personal information as requested by an individual, it will explain its decision to the applicant and advise them of mechanisms available to them to complain about that refusal.<sup>21</sup>

APP 12.3 sets out some grounds upon which SeaRoad may refuse to provide an individual access to personal information.

#### **13.3 SeaRoad contact details**

Compliance Officer: Chief Financial Officer

Telephone: +61 (0)3 9250 8700

Address: PO Box 5038, Garden City VIC 3207

More information:

- <http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles>

<sup>19</sup> APP 1.2(b), 1.4(d) and (e), APP12 & 13

<sup>20</sup> APP 10

<sup>21</sup> APP 13.3