

**SECTION 4 - QUALITY MANAGEMENT SYSTEM****DOCUMENT 2.01 PRIVACY POLICY***(Document Identification Number IECS2.01.wpd)*

IECS's Privacy Policy sets out our commitment to the protection of personal privacy as required under the Privacy Act 1988 (Cth) ("the Privacy Act"). IECS's privacy principles are based on the National Privacy Principles contained in Schedule 3 of the Privacy Act. The information in this document details how IECS complies with the requirements of the Privacy Act in protecting the personal information we hold about individuals. These principles deal with the collection, use and disclosure of personal information, as well as access to information and intrusion issues.

**1. COLLECTION**

IECS will only collect personal information that is necessary for one or more of its functions or activities.

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

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

- (a) the identity of IECS and how to contact them;
- (b) the fact that he or she is able to gain access to the information;
- (c) the purposes for which the information is collected;
- (d) the organisations (or the types of organisations) to which IECS usually discloses information of that kind;
- (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.

If it is reasonable and practicable to do so, IECS will collect personal information about an individual only from that individual.

If IECS collects personal information about an individual from someone else, IECS will take reasonable steps to ensure that the individual is or has been made aware of the matters listed from (a) to (f) 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 & DISCLOSURE**

IECS will not use or disclose personal information about an individual for a 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 IECS 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 IECS to seek the individual's consent before that particular use; and
  - (ii) IECS will not charge the individual for giving effect to a request by the individual to IECS not to receive direct marketing communications; and
  - (iii) the individual has not made a request to IECS not to receive direct marketing communications; and
  - (iv) in each direct marketing communication with the individual, IECS 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 IECS with the individual (up to and including the communication that involves the use) sets out IECS 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 IECS can be directly contacted electronically; or
- (d) 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 IECS to seek the individual's consent before the use or disclosure; and
  - (ii) the use of disclosure is conducted in accordance with guidelines approved by the Privacy Commissioner under section 95A of the Privacy Act for the purposes of this subparagraph; and
  - (iii) in the case of disclosure - IECS reasonably believes that the recipient of the health information will not disclose the health information, or personal information derived from the health information; or
- (e) IECS 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

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- (f) IECS 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) IECS 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, breaches 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.

If IECS uses or discloses personal information under paragraph (h) above, it will make a written note of the use or disclosure.

The first paragraph above operates in relation to personal information that IECS has collected from a related body corporate as if IECS' primary purpose of collection of the information were the primary purpose for which the related body corporate collected the information.

**3. DATA QUALITY**

IECS 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**

IECS 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 IECS Privacy Protection Principle 2 Use and Disclosure.

**5. OPENNESS**

IECS has a document that clearly expresses policies on its management of personal information. IECS will make the document available to anyone who asks for it.

On request by an individual, IECS will take reasonable steps to let the individual know, generally, what sort of personal information it holds, for what purposes, and how it collects, uses, and discloses that information.

**6. ACCESS AND CORRECTION**

If IECS holds personal information about an individual, it will provide the individual with access to the information on request by the individual, in a form or manner suitable to the individual's reasonable needs, 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 IECS 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 IECS 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

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- (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 or its orders; by or on behalf of an enforcement body; or
- (k) an enforcement body performing a lawful security function asks IECS not to provide access would be likely to cause damage to the security of Australia.

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

If IECS is not required to provide the individual with access to the information because of the above reasons, IECS must, if reasonable consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

If IECS 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.

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

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

IECS will provide reasons for denial of access or a refusal to correct personal information.

**7. IDENTIFIERS**

IECS 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.

IECS will not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider mentioned above, unless:

- (a) the use of disclosure is necessary for IECS to fulfil its obligations to the agency; or
- (b) one or more of paragraphs (e) to (h) in Privacy Protection Principle 2 above (inclusive) apply to the use of disclosure; or
- (c) the use of disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

**8. ANONYMITY**

Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with an organisation.

**9. TRANSBORDER DATA FLOW**

IECS will transfer personal information about an individual to someone (other than IECS or the individual) who is in a foreign country only if:

- (a) IECS 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 IECS' Privacy Protection Principles;
- (b) the individual consents to the transfer.
- (c) the transfer is necessary for the performance of a contract between the individual and IECS, or for the implementation of pre-contractual measures taken in response to the individual's request.
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual

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between IECS and a third party.

- (e) All of the following apply:
- (i) the transfer is for the benefit of the individual; and
  - (ii) it is not practicable to obtain the consent of the individual to that transfer; and
  - (iii) If it were practicable to obtain such consent, the individual would be likely to give it;
- (f) IECS 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 IECS Privacy Protection Principles.

**10. SENSITIVE INFORMATION**

IECS 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 will not disclose the information without the individuals consent; or
- (e) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Despite the above paragraph, IECS 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 by law (other than the Privacy Act); or
  - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind IECS.

Despite the first paragraph, IECS 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 from which the individual's identity cannot reasonably be ascertained; and
- (c) it is impracticable for IECS to seek the individual's consent to the collection; and
- (d) the information is collected:
  - (i) as required by law (other than the Privacy Act); or
  - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind IECS; or
  - (iii) in accordance with guidelines approved by the Privacy Commissioner under section 95A of the Privacy Act.

If IECS collects health information about an individual in accordance with this last paragraph, IECS will take reasonable steps to permanently de-identify the information before IECS discloses it.

**Contacting IECS Pty Ltd**

If you require further information regarding IECS' Privacy Policy, you can contact the Company on:

Telephone: 07 3345 5255

Mobile: 0416 010 821

Email: [jason@iecspl.com.au](mailto:jason@iecspl.com.au), [jared@iecspl.com.au](mailto:jared@iecspl.com.au), [joel@iecspl.com.au](mailto:joel@iecspl.com.au),

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