

Credit Ombudsman Service

COSL Privacy Policy

April 1

2010

This document sets out how we collect, store and use personal information and describes how information can be accessed and corrected. Our Privacy Policy is based on our obligations under the Privacy Act 1998 ("the Act") and the National Privacy Principles ("NPPs").

**Second
Version**



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1 Collection

- 1.1 We will only collect personal information where that is necessary for one or more of its functions or activities.
- 1.2 We will only collect personal information by lawful and fair means and not in an unreasonably intrusive way.
- 1.3 We collect information for the **primary purpose** of complaint resolution.
- 1.4 As soon as practicable after obtaining information from or about you, we will make sure that you are aware of:
 - (a) our identity and how to contact us
 - (b) the fact that you can, and how to, gain access to that information
 - (c) the purposes for which we have collected the information
 - (d) the organisations or types of organisations to which we usually disclose this kind of information
 - (e) any law that requires the particular information to be collected
 - (f) any main consequences for you if all or part of that information is not provided.
- 1.5 If it is reasonable and practicable to do so, we will only collect personal information about you, from you.
- 1.6 Where we collect information from another source about you, we will let you know the matters as listed in section 1.4, unless doing so would pose a serious threat to the life or health of you or another party.
- 1.7 We will collect information in the following ways:
 - (a) in writing from a complainant, member, third party or a complainant's representative; or
 - (b) orally from the complainant or member by telephone or in person; or
 - (c) electronically from the complainant, member, third party or the complainant's representative.
- 1.8 It can be assumed that when we collect information it will be used to allow:
 - (a) us to collect, keep, use, correct and disclose information about you or the complaint; and
 - (b) the person you are complaining about to give us such information about you or the complaint that we may request or which they may otherwise provide to us.



- 1.9 We will only use the information to review and investigate a complaint and, as part of our normal activities, we may disclose information about you:
- (a) to the person you are complaining about;
 - (b) to a government or regulatory authority, such as the Australian Securities and Investments Commission; and
 - (c) in accordance with compulsory legal process such as a Court subpoena ("primary purpose").
- 1.10 Our website will also collect "Cookies", which is information about your visit to the COSL website. You should adjust your own browser settings if you do not want "Cookies" to operate. COSL will not use this information to identify you.

2 Use and Disclosure

- 2.1 We will only use or disclose personal information for a purpose other than the primary purpose of collection ("Secondary Purpose") if:
- (a) the secondary purpose is related to the primary purpose (and if this is sensitive information about you, directly related to that primary purpose), and you would reasonably expect us to use or disclose the information for that secondary purpose; or
 - (b) you have consented to the use or disclosure; or
 - (c) we reasonably believe that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to someone's life, health or safety or a serious threat to public health or public safety; or
 - (d) we have reason to suspect that unlawful activity has been, is being, or may be engaged in, and we use or disclose that information as a necessary part of reporting our concerns to relevant persons or authorities such as the Australian Securities and Investments Commission.
- 2.2 We will, prior to using information for its primary purpose, seek a signed disclosure statement from a complainant.
- 2.3 As part of our normal activities, we may disclose information about you to:
- (a) the person about whom you are complaining; or
 - (b) Government regulatory authorities such as the Australian Securities and Investments Commission and in accordance with compulsory legal process such as a Court "subpoena"; or
 - (c) an industry expert as approved by the Board; or
 - (d) a qualified translator for the purpose of translating complaints from another language to English; or
 - (e) handwriting experts where fraud is alleged.



- 2.4 COSL will not disclose information to another party, for its primary purpose, if an individual explicitly expresses that the information not be disclosed.
- 2.5 Where we receive a complaint, we will seek authority from all account holders and parties to the complaint in order to use the information for its primary purpose.
- 2.6 COSL does not engage in any direct marketing activities and will not provide personal information about you to anyone else for the purposes of direct marketing.

3 Information Quality

- 3.1 We will take all reasonable steps to ensure that the personal information about you that it collects, stores, uses, corrects or discloses is accurate, complete and up to date.
- 3.2 We will review, on a regular and ongoing basis, our collection and storage practices to determine how improvements to accuracy can be achieved.

4 Information Security

- 4.1 We require our employees and contractors to perform their duties in a manner that is consistent with our legal responsibilities in relation to privacy.
- 4.2 We will take all reasonable steps to ensure that paper and electronic records containing personal information are stored in a manner that is only accessible by people within COSL who have a genuine "need to know" as well as "right to know".
- 4.3 We will review, on a regular and ongoing basis, our information security practices to ascertain how ongoing responsibilities can be achieved and maintained.
- 4.4 We will take steps to destroy or de-identify personal information after as short a time as possible and after a maximum of seven years, unless the law requires otherwise.
- 4.5 We do not share or hold information outside of Australia, unless it serves the primary purpose of complaint resolution.

5 Access and Correction

- 5.1 We will provide access to personal information to the individual concerned unless:
 - (a) providing access would pose a serious and imminent threat to someone's life or health;



- (b) providing access would have an unreasonable impact on someone else's privacy;
 - (c) the request for access is frivolous or vexatious.
- 5.2 There may be other circumstances in which we will deny access to your personal information. If we do so, we will tell you in writing our reasons for doing so and how our refusal to give you access can be reviewed.
- 5.3 In some cases where we are not required to provide you with access to your personal information, we will, if it is reasonable, consider using mutually agreed intermediaries to allow sufficient access.
- 5.4 We may charge a fee for providing personal information. If we do, then that fee will:
 - (a) not be excessive; and
 - (b) only be charged for providing information.
- 5.5 Any personal information about you that we obtain will be assumed to be accurate, complete and up to date. If you satisfy us that the information is not accurate, complete and up to date then we will take reasonable steps to correct that information so that it is accurate, complete and up to date. If you and we cannot agree whether the information is accurate, complete and up to date, we will include your statement on our file.

6 Openness

- 6.1 This Privacy Policy is intended to meet COSL's obligation under the National Privacy Principles to set out in a document clearly expressed policies on its management of personal information.
- 6.2 Individuals wishing to make an inquiry or complaint regarding privacy should do so by contacting us.
- 6.3 Our Privacy Policy is available to any persons asking for it and is also made available on our website.
- 6.4 We will let individuals know what sort of personal information we hold, for what purposes and how we collect, use and disclose that information in general terms.

7 Identifiers

- 7.1 We do not, and will not, use any government assigned identifier such as your Tax File Number to identify you.
- 7.2 We will not use any other identifier issued by any other body with regard to identifying you.



8 Anonymity

- 8.1 While we may allow anonymous enquiries from callers, we may ask for information such as your postcode for reporting purposes.
- 8.2 We cannot, however, accept anonymous complaints.

9 Sensitive Information

- 9.1 As a general rule, we will not collect "sensitive information" about you, but if we do, we will obtain your prior written consent.
- 9.2 Sensitive information includes:
- (a) racial or ethnic origins;
 - (b) political opinions or associations;
 - (c) religious beliefs;
 - (d) memberships held with other organisations;
 - (e) sexual preference/practices;
 - (f) health;
 - (g) criminal record; or
 - (h) philosophical beliefs.

10 Contacting COSL

- 10.1 Any complaint you might have about the way in which we handle your personal information should initially be referred to:
- Credit Ombudsman Service Limited
PO Box A252, Sydney South 1235
T (02) 9273 8400 **F** (02) 9273 8401 **E** feedback@cosl.com.au
- 10.2 If you are not satisfied with our response, you may contact the Federal Privacy Commissioner:
- GPO Box 5218 Sydney NSW 1042
T 1300 363 992 **F** (02) 9284 9666 **E** privacy@privacy.gov.au

