

Privacy policy

Telecommunications Industry Ombudsman Ltd (TIO)

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The TIO and your personal information

The TIO is committed to protecting personal information that it handles, and complies with the *Privacy Act 1988* (**Privacy Act**), including the Australian Privacy Principles (**APPs**). This Policy explains how the TIO collects, uses and discloses personal information of individuals and explains some other matters about the TIO's handling of personal information.

More information about the TIO can be found on our website www.tio.com.au or by contacting us.

The TIO's contact details can be found at the end of this Policy.

What is personal information?

Personal information under the Privacy Act means information or opinion about an identified individual, or an individual who is reasonably identifiable (for example, the name, postal address, email address, and telephone number of an individual).

Collection

What personal information does the TIO collect?

The TIO's primary function is to provide a dispute resolution service that is accessible, independent, fair, efficient, responsive and effective for residential, personal and small business customers who have a complaint about their telephone or internet service. Most telecommunications providers are required to be members of the TIO and participate in the Telecommunications Industry Ombudsman Scheme.

The TIO's functions and activities also include being an independent and expert telecommunications voice about matters affecting telecommunications consumers, and helping the telecommunications industry and service providers improve services to consumers.

To operate effectively, as an organisation the TIO also conducts day-to-day business activities.

The TIO only collects personal information where it is reasonably necessary for one or more of its functions or activities. If the relevant personal information is not collected, the TIO will not be able to undertake an activity as intended, such as not being able to handle a consumer's complaint about a telecommunications provider.

Depending on the nature of your dealing with the TIO, the TIO may collect different types of personal information about you, and in different ways. **If you have used a TIO website** (including our annual report site), or if you have downloaded documents or submitted information through those websites, at the end of this Policy is some further information.

If you are a consumer or consumer representative who deals with the TIO's dispute resolution function – if you have a complaint or enquiry about a telecommunications service

When you lodge a complaint or enquiry with the TIO about a telecommunications provider (or otherwise become a party to a complaint, such as when you request a carrier to refer a land access matter to the TIO), we collect personal information that is necessary for the TIO to handle your complaint or enquiry. This is explained further below, and applies to complaints as well as enquiries.

When handling your complaint we will collect your personal information over the telephone (including through voice recording) or from documents and messages we receive, and the personal information collected would generally include:

- Your full name and address;
- Contact details, which may include a day time contact number;
- Email address, which the TIO will collect if you sent us an email message or otherwise provide it to us as a method of contact;
- Details of the service the complaint is about – e.g. telephone number or Internet account;

- Name of the telecommunications provider your complaint is about;
- Details of your complaint including relevant dates, accounts numbers, user names and, payment details; and
- Documents, evidence and other information relating to your complaint, which could include bills, bank and credit card statements, authority forms, and correspondence to and from the telecommunications provider and sometimes others.

In the course of dealing with the TIO about your complaint, you may provide other individuals' personal information to the TIO because it is necessary and relevant to your complaint (for example, you may be an authorised representative of a consumer, or you may believe it is necessary to provide details about your family's circumstances to us). If you do so, it is important that you tell those individuals (preferably beforehand, or if that's not practicable - afterwards) and explain why, what you have told the TIO, as well as telling them about the TIO and how they can access the TIO's privacy policy (this document).

If you deal with the TIO because you represent a telecommunications provider

If you are an individual operating as a telecommunications provider, or are an officer or representative of a telecommunications provider, the TIO may collect your personal information to deal with that telecommunications provider (usually as part of the TIO's governance, membership or financial activities).

The types of information the TIO collects depends on your role within the telecommunications provider and how the provider deals with the TIO. For example, the TIO may collect contact personal telephone or address details that a representative or provider may have provided to the TIO, or other information which may appear on external records such as details about a company director.

If you are a sole trader who operates as a telecommunications provider and you are a member of the TIO, in the course of its business the TIO may collect credit information about you as part of its finance and credit management activities, such as your name and address, court proceedings information, personal insolvency information and credit reports.

If you deal with the TIO as part of its work with industry, community and government, or as a member of the media

As part of the TIO's work with the telecommunications industry, government, regulators and community groups (including for example, industry and consumer groups, forums, and community representatives), we may collect personal information of individuals in some situations, such as non-workplace contact details.

If you deal with the TIO in the course of its day to day commercial, business and operational activities

The TIO may also collect personal information in the course of carrying out its day to day business and commercial activities. The type of information it collects largely depends on your dealings with the TIO. Some examples include:

- Where you are a sole trader, a consultant, or a representative of an organisation that the TIO has a business relationship with (for example, a vendor who supplies or may supply goods or services to the TIO), the TIO may collect the personal contact details of individuals that are the same as their business contact details.

- Where you have asked to receive TIO publications and media releases, including information about the TIO's annual report, the TIO may collect personal information to maintain a contacts database. If you are a journalist or are one of the TIO's media contacts, the TIO may collect your personal contact details such as mobile numbers which you might use for both work and personal purposes.
- Where you are a potential employee who participates in the TIO's recruitment process, the TIO may collect personal information about you as part of that process and from your employment application, including identification information, employment history, academic records and other relevant information.

In some cases, the TIO may collect your personal information even though you may not directly deal with us

In most cases, the TIO collects your personal information directly from you. However, there are some circumstances where this is not reasonable or practicable and where your personal information may be collected by the TIO from other parties, such as when you have authorised a representative to act on your behalf in a complaint. As an additional example, during the course of handling your complaint, the TIO may also collect other personal information about you from your telecommunications provider, such as correspondence between you and the provider.

This TIO privacy policy applies to personal information the TIO collects and holds about you and explains your rights in relation to that personal information, even if you have not directly dealt with the TIO.

Use and Disclosure

How is personal information used by the TIO?

The TIO uses and discloses personal information it collects in the course of performing its different functions and activities.

Using and disclosing personal information in the course of dispute resolution (complaints)

In handling a complaint, the TIO treats each complaint as a confidential alternative dispute resolution process between the complainant (i.e. telecommunications consumer), the relevant TIO member or members (i.e. telecommunications providers), and the TIO.

In dealing with a complaint, the TIO will use your personal information to liaise with you. The TIO will also forward personal information relevant to a complaint and other complaint details to telecommunications providers who the TIO considers will assist in the resolution of your complaint. This will usually be the telecommunications provider involved in your complaint, but may also include other telecommunications providers you don't directly deal with such as wholesale providers. In complaints involving a problem transferring a service from one telecommunications provider to another, the TIO will generally disclose your personal information to both telecommunications providers. **By choosing to have the TIO handle your complaint, you consent to your personal information being disclosed by the TIO in this way.** Importantly, you should note that telecommunications providers may be overseas entities (or may have offices or staff located overseas), so personal information relating to a complaint may be sent or accessible overseas. The TIO cannot guarantee that the overseas recipient will comply with Australian privacy laws (see further information below under the heading "**Disclosing information to overseas recipients**").

If you wish to remain anonymous or use pseudonyms when communicating with the TIO in relation to a complaint, or do not wish to supply specific information to the TIO, you may do so. However, please note that in most cases, for reasons of practicality the TIO will not be able to register your complaint against the provider concerned if you wish to remain anonymous or have used a pseudonym, and that if the dispute is not resolved at an early stage the TIO will not be able to formally investigate your complaint.

From time to time, the TIO may be contacted by persons who attempt to seek information about the progress of a complaint, which may include a request for personal information. These people may include members of parliament, legal and financial advisers/counselors, as well as spouses, partners or friends and family. During the TIO's complaint handling process, unless evidence of authority is provided, we do not discuss a complaint with any person other than the consumer and the telecommunications provider involved (except where a complaint was originally lodged through an account holder's representative, when we will discuss the complaint with the account holder of the service).

In the course of handling a complaint, if a telecommunications provider has provided the TIO with personal information about its officers or employees in the course of that complaint (such as contact details), we will use it for the purpose for which it was collected (such as liaising about the complaint; or passing the information onto consumers, as relevant).

Using personal information related to Member telecommunications providers

Where a telecommunications provider or carrier has provided the TIO with personal information of its officers or employees as a means of contact, the TIO may use this for general liaison, the distribution of information about TIO activities which may be relevant to Members, and for issuing invoices and related material.

Other use and disclosures (including to third parties, law enforcement and regulatory bodies)

The TIO may use or disclose your personal information for the purpose for which it was collected, and where:

- The use or disclosure is required or authorised by or under an Australian law or a court/tribunal order, or otherwise permitted under privacy laws; or
- The use or disclosure is done with your express or implied consent.

In addition, to effectively fulfil our functions and conduct our activities, the TIO may also use or disclose your personal information for other purposes which are related to our purpose of collecting your personal information:

- To conduct and manage the TIO's operations, including managing the demand for its dispute resolution services, and to improve the provision and quality of our services (including for internal auditing and training purposes).
- To carry out day-to-day business activities, such as carrying out credit management activities.
- To publicise the TIO's services and provide reports about those services, for example where the TIO has provided services to individuals within certain geographic areas or communities.

- The TIO may disclose your personal information to third parties, including professional advisers (such as accountants, auditors and lawyers), consultants, contractors and information technology providers, for the purpose of improving its services and improving compliance with the law and regulatory requirements, to manage the TIO's information technology and communications systems, and to facilitate the provision of services. These third parties will be subject to confidentiality obligations.
- **The TIO does not use personal information it collects for direct marketing, and will not disclose your personal information to third parties (such as telecommunications providers) for direct marketing.** The TIO does periodically contact consumers and providers for the purpose of conducting surveys. These surveys are voluntary, and are carried out either by the TIO directly or through research organisations we engage. If you wish to discuss a concern about being contacted for a TIO survey you can contact the TIO's Executive Director - Industry, Community and Government on 1800 062 058.

From time to time the TIO may provide complaint information, including personal information, to government agencies such as the Australian Communications & Media Authority (**ACMA**), the Australian Competition and Consumer Commission (**ACCC**), Commonwealth and State or Territory Government departments dealing with telecommunications or consumer affairs matters, and relevant industry bodies. Complaint information may be provided to another dispute resolution scheme to assist you in the resolution of a dispute. As a recognised external dispute resolution scheme under the Privacy Act, the TIO is also required to provide information and reporting to the Office of the Australian Information Commissioner (**OAIC**) concerning privacy related complaints it has handled. Where the TIO makes a decision that information about your complaint or your personal information should be provided to another body, we will gain your consent prior to disclosing any of your personal information.

Certain bodies, such as the police, courts of law and regulators such as the ACMA and the ACCC have the legal authority to require the TIO to supply complaint or other details that may include personal information. If this occurs, we will comply with the requirements and where possible, advise you that we have done so.

Disclosing information to overseas recipients

While the TIO will only use or disclose personal information in the way described in this privacy policy, **there are instances where the TIO discloses information to a person who is not in Australia or an external Territory** and where that overseas recipient may not have an Australian link.

For example, the telecommunications provider you have lodged a complaint about, or its staff, may be located overseas, or the TIO's information technology systems may have servers or elements which are located or handled by a supplier or contractor overseas.

The countries where such disclosures are likely to be made include: United Kingdom, Germany, USA, Luxembourg, Hong Kong, South Africa, New Zealand, Belgium, Japan, Singapore, Philippines, Fiji, India and Sri Lanka. This list is not exhaustive. The TIO will use reasonable efforts to keep this list updated.

The steps that the TIO would take to ensure that an overseas recipient complies with Australian privacy laws depends on the circumstances.

When handling a complaint, the TIO may not have knowledge that overseas recipients may be involved as part of a telecommunications provider's internal processes, and in any event the TIO does not have control over such processes. For vendors who provide information technology services

to the TIO, the level of assurances the TIO could seek about the protection of personal information depends on its bargaining power and the nature of the services being provided to the TIO.

For these reasons, if the TIO holds your personal information, **Australian Privacy Principle 8.1 will not apply** - however the TIO will take such steps as are reasonable in the circumstances to ensure that an overseas recipient of personal information does not breach the Australian Privacy Principles (other than Australian Privacy Principle 1) in relation to the information.

If you deal with the TIO, you consent to the TIO's disclosure of personal information to any overseas recipients in the course of its activities, and accept that it is unable to ensure that an overseas recipient of personal information will comply with the Australian Privacy Principles.

Other Matters

Government related identifiers

The TIO does not adopt any government related identifier (for example, your driver's licence number or passport number) as its own identifier of individuals.

How the TIO holds personal information

The TIO holds information physically (on and off premise), as well as in electronic databases and information systems (on and off premise, as well as in archives and databases hosted and managed by third parties). The TIO takes such steps as are reasonable in the circumstances to protect your personal information from misuse, interference and loss, and from unauthorised access, modification or disclosure.

Access to, and correction of, personal information

Under the Privacy Act, you have the right (with some exceptions) to access the personal information about you that the TIO may have collected and held. You also have the right to ask for your personal information to be corrected. Access to, and correction of, your personal information can be arranged by contacting the TIO by calling 1800 062 058 or using the contact details provided at the end of this document, and asking for access or to make a correction.

If you deal with the TIO because you have contacted us about a complaint, the TIO's file relating to your complaint may contain more than your personal information. If you request access to your personal information held by the TIO, we may choose to provide you with a copy of only the portions of the file which contain your personal information. This is assessed on a case-by-case basis depending on the purpose of your request for access. If your file contains reference to a third person, the personal details of whom may have been collected by the TIO during the handling a complaint, we may delete all reference to that third person when giving you access to documentation or information from the file. This helps ensure that the privacy of those other individuals is protected.

If you ask us to correct personal information that the TIO holds about you, we will take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading. We may choose to do this by adding additional information to your file, rather than deleting any personal information the TIO holds about you.

Complaints or concerns about how the TIO handles personal information

Any complaints about issues that are covered by the TIO's privacy policy (including any potential breach of the Australian Privacy Principles by the TIO) can be made to the TIO's Privacy Officer.

Privacy Officer
Telecommunications Industry Ombudsman Ltd
PO Box 276 West
Melbourne VIC 8007
Freecall 1800 062 058
Freefax 1800 630 614
TTY 1800 675 692
Email privacy@tio.com.au

(Alternatively, complaints can also be made using the TIO online feedback form on our website: <https://www.tio.com.au/about-us/general-feedback>)

You should first contact us about your privacy complaint, and give us a reasonable opportunity to resolve it, before approaching other bodies. The TIO's Privacy Officer will investigate your complaint in accordance with the TIO's Compliments and Complaints Policy, and will acknowledge your complaint within 48 hours and advise you of an expected response timeframe. Generally this will be within 20 working days, however we aim to respond to and resolve complaints more quickly where this is possible.

If you are not satisfied with the outcome of a complaint about a potential breach by the TIO of the Australian Privacy Principles or issues that are covered by the TIO's privacy policy, you can contact the OAIC (by telephone on 1300 363 992, by email through enquiries@oaic.gov.au, or on through its website <http://www.oaic.gov.au>).

About this TIO privacy policy

This policy may change from time to time, and was last updated on **22 September 2014**.

For the purposes of privacy laws, this document is the TIO's APP privacy policy; and for the purposes of credit reporting laws it is also the TIO's credit reporting policy (to the extent relevant).

Details about information collection and TIO websites

To help ensure that TIO websites provide useful information to as many people as possible, some statistical information is collected by the service provider that hosts those sites.

When a TIO website is visited, the following information will be collected:

- The visitor's server address
- The visitor's top level domain name (e.g. .com, .gov, .au, etc)
- Time and date of the visit
- Website pages accessed and documents downloaded
- Previous site visited
- Type of browser used

This information is collected for statistical purposes only. The TIO will not be able to identify a website visitor based on the information collected, and no attempt will be made to identify visitors to a TIO website or their browsing activities. It is, however, possible that a law enforcement agency may exercise a warrant to inspect the Internet service provider's log files of access to websites in the unlikely event of an investigation (such as a criminal investigation).

Website searches

Search terms that you enter when searching a TIO website are collected, but are not associated with any other information that we collect. That is, they will not be attributable to any specific visitor. We use these search terms to ascertain what people are looking for at our site, and to improve the services that we provide.

Complaints lodged online

When you lodge a complaint on the TIO website about your telephone or Internet service provider, you are required to provide some personal information. The TIO's collection, use and disclosure of personal information provided in an online complaint is explained in this privacy policy.

Member information

Telecommunications providers who are members of the TIO are able to check and update their details through the TIO's website. A member's name, trading name, postal address, customer service phone number, fax number, web address and category of membership (e.g. telephone service provider or Internet service provider) are made publicly available on this site.

TIO mailing list and requests for publications

The TIO website provides for visitors to request TIO publications, and to add their details to the TIO mailing list to receive regular copies of our newsletter. Personal information provided for these requests will be used for these purposes only. It will not be distributed further or disclosed without the user's consent.

Links to other sites

TIO websites contain links to other sites. The TIO is not responsible for the privacy compliance or the content of these other websites and the links are provided for general information.

User feedback

We seek feedback from users of TIO websites to improve the services and information offered. Answering feedback questions is voluntary. Any personal information provided through the feedback process will only be used for those purposes.

Cookies

Cookies are not used on www.tio.com.au. However, please note that cookies are used on annualreport.tio.com.au but only for the purpose of text resizing.

Internet security

If you are providing information over the Internet that you wish to remain private, you should be aware that although all reasonable efforts are made to secure information transmitted using TIO websites, there is a possibility that information you submit could be observed by a third party while in transit.

If you would like to use another method to contact us or provide us with information, please telephone, fax or mail us.



Telecommunications Industry Ombudsman

Telecommunications Industry Ombudsman Limited

FREECALL	1800 062 058 (calls from mobiles will be charged at the applicable rates).
FREEFAX	1800 630 614
TTY (teletype)	1800 675 692
Interpreter Service	131 450
Web	www.tio.com.au
Postal	PO Box 276 Collins Street West VIC 8007
Email	tio@tio.com.au