

# Privacy Policy

**Telecommunications Industry Ombudsman  
Limited**

December 2021

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## Who we are

1. The Telecommunications Industry Ombudsman Limited (**we, us, our, TIO**) provides a fair, independent, and accessible external dispute resolution service for residential consumers and small businesses who have unresolved complaints about their phone or internet services. We also have a statutory obligation to resolve objections to land access activities proposed by Carriers.

## TIO Privacy Policy

2. This policy explains how we collect, use, disclose, and protect your Personal Information. It also explains your rights regarding access to Personal Information we hold about you and what to do if you have a privacy complaint about us.

## Guide to words and phrases used in this document

3. This glossary explains the meaning of key terms. We will highlight the use of these terms in our policy by using capital letters.

|                                      |   |
|--------------------------------------|---|
| <b>Australian Privacy Principles</b> | The 13 principles set out in Schedule 1 of the <i>Privacy Act 1988</i>  |
| <b>Carrier</b>                       | “Carrier” has the meaning given to that term in the <i>Telecommunications Act 1997</i> . A Carrier is a type of Provider who operates telecommunications networks and infrastructure.   |
| <b>Personal Information</b>          | Personal Information has the meaning given to it by the <i>Privacy Act 1988</i> and includes Sensitive Information.<br><br>We outline the types of information we collect in this Policy.   |
| <b>Member</b>                        | A Provider who is a member of Telecommunications Industry Ombudsman Limited.  |
| <b>Sensitive Information</b>         | Sensitive information has the meaning given to it in section 6 of the <i>Privacy Act 1988</i> .   |
| <b>Provider</b>                      | A person or entity involved in the supply of telecommunications services (such as telephone, mobile or internet services) including a person or entity who: <ul style="list-style-type: none"> <li>a) supplies retail telecommunications services to consumers; or</li> <li>b) is a wholesaler or any other intermediary in the telecommunications services supply chain; or</li> <li>c) is a Carrier.</li> </ul> |
| <b>Third-Party</b>                   | A person other than you or TIO.   |

## Collection of Personal Information

4. We collect Personal Information we need to perform our functions and activities. Our functions and activities include:
  - handling complaints and resolving disputes about phone and internet services
  - handling land access objections
  - being a voice in the telecommunications industry,and related business and commercial activities. You can read more about our functions and activities in our Terms of Reference.
5. We will collect your Personal Information over the telephone (including through voice recording), electronically (including email, fax, and other online channels), by post, and in person (such as at an outreach event).
6. The main way we collect Personal Information about you is directly from you. Sometimes we may collect Personal Information about you from others, such as:
  - your authorised representative (if you have one)
  - your Provider, who may give us Personal Information about you to try to resolve your complaint
  - another complaint handling body that had identified we may be able to help resolve your complaint.
7. The Personal Information we collect about you depends on your reason for dealing with us.

### If you are a consumer or occupier, or their authorised representative

8. If you are a consumer making a complaint or enquiry to us, we may collect:
  - your contact details, including your name, address, telephone number and email address
  - details about your complaint (such as your telephone number or account number, and details of the issue you want to resolve)
  - the name of your Provider and details of your account, including payment details, invoices and other evidence related to your complaint
  - Personal Information about you that helps us improve our service, such as demographic information
  - Any other Personal Information that is relevant to resolving your complaint.
9. If you are an occupier with a complaint about property damage, we may collect the information in paragraph 8, as well as information about the property and the damage done.
10. If you are a landowner or occupier with a land access objection (or their representative) we collect information (including Personal Information about you) from the Carrier who is proposing to carry out activities on the land. We may also collect Personal Information from you directly while considering your objection. This Personal Information includes details about you and the land you or the party you represent owns or occupies.
11. If you are the authorised representative of a consumer, we collect the Personal Information about you that we need to confirm you are authorised to handle the complaint on the consumer's behalf. We also collect your contact information (such as telephone number, email address, and postal address), so we can contact you about the complaint.

### If you represent a Provider

12. The types of information we collect depends on your role and on how the Provider you represent deals with us. We may collect:
  - your contact information, including your name, telephone number and email address
  - job title
  - information about your role and responsibilities.
13. We collect contact information about employees of Providers to resolve complaints and land access objections, and to conduct our governance, Membership, and financial activities.
14. We also collect information about owners or directors of a Provider for complaint handling, administrative, governance and credit management purposes.
15. We may collect credit information for our finance and credit management activities about a Provider who is a sole trader. This might include Personal Information such as your name and address, court proceedings information, personal insolvency information and credit reports.

### If you deal with us in a different capacity

16. We aim to only collect the Personal Information we need. For example, if you deal with us as part of our work with industry, community, and government, or you are a member of the media, we may collect Personal Information from you such as your name and contact details.
17. Visitors to our website can request TIO publications and add their details to our mailing list to receive news about our activities. We collect these details for these purposes only. Our website uses cookies to collect aggregated data about site visitors including limited demographic information. Individuals are not identifiable to us from the data collected through cookies. Data collected through cookies is automatically deleted on a regular basis.
18. We collect your Personal Information if you apply to work with us. We will keep this information for up to 6 months, for recruitment purposes. If you want us to delete this information, please contact [privacy@tio.com.au](mailto:privacy@tio.com.au).

### If you do not want us to collect your Personal Information

19. If you are a consumer or occupier making a complaint and you do not want us to collect your Personal Information, we may be unable to handle your complaint. For example, if you have given us insufficient information for your Provider to identify the service your complaint is about, we will not refer your complaint to your Provider.

### Use and disclosure of your Personal Information

20. The different ways we use and disclose Personal Information to perform our functions and activities are explained below.

### Complaint handling and land access objections

21. To resolve your complaint with us, we need to disclose your Personal Information to your Provider. We may also disclose your Personal Information to other Providers, such as wholesalers or companies related to your Provider. If you are changing Providers, we may need to disclose your Personal Information to both your previous and new Provider.
22. We will not discuss your complaint with your partner, friends, or family unless they are authorised to handle your complaint. We may ask you to complete a representative form or take other steps to confirm you consent to us discussing your complaint with them.

23. If you are a landowner or occupier (or represent a landowner or occupier) who has objected to a Carrier's land access activity, we may disclose Personal Information about you to the Carrier while considering your objection.
24. When disclosing Personal Information under paragraphs 21 and 23 above, we do not always know whether Provider contact details given to us by a Provider are for people located overseas. However, we understand many Providers do have a presence, agent, or third-party contractor overseas (including in countries such as India, the Philippines, South Africa, and New Zealand). We may send your Personal Information overseas at the request of Providers for the purposes noted in paragraphs 21 and 23. We therefore suggest you review the privacy policy of your Provider to confirm where they may (or may have us) send your Personal Information and for what purposes.

#### Member information disclosed on our website

25. We make information about Providers publicly available on our website. This information includes Members':
  - name and trading name
  - postal address
  - customer service phone number
  - fax number
  - web address
  - Carrier licence status.

#### Disclosure to other bodies

26. We may be authorised or required by law to disclose your Personal Information to bodies such as:
  - the Australian Communications & Media Authority (ACMA)
  - the Australian Competition and Consumer Commission (ACCC)
  - law enforcement agencies
  - the Office of the Australian Information Commissioner (OAIC).
27. Specifically, we may be required to disclose Personal Information to the ACMA under section 522 of the *Telecommunications Act 1997* and the ACCC under s 155 of the *Competition and Consumer Act 2010*.
28. If you authorise us to, we may also disclose your Personal Information to other bodies such as industry bodies, members of parliament, government departments or other complaint handling bodies. We will also disclose your Personal Information to the bodies listed in paragraph 26 if we are not authorised or required by law to do so but you authorise us to.

#### Use and disclosure for business activities

29. We may use your Personal Information and disclose it to our service providers in connection with our business and commercial activities. For example:
  - We may use or disclose Personal Information to improve our services by undertaking surveys or contacting you about your experience with us. We may contact consumers and Providers, or we may engage a research organisation to conduct these surveys.
  - We use Personal Information to understand geographic areas or communities we deliver services to. This information helps us better service those areas and communities. Without identifying anyone, we may also use this information to publicise our services and provide

reports about those services. We will not publish your Personal Information in connection with these activities.

- We may disclose Personal Information to people and companies who provide services to us, such as lawyers, consultants, contractors, accountants, auditors, and information technology providers. We may disclose Personal Information to these people and companies to improve our services, to ensure compliance with the law, to improve and manage our systems, and for auditing and credit management activities. Where possible Third Parties will be subject to privacy obligations and may also be subject to the Australian Privacy Principles.
  - We use information technology service providers (for example, cloud services providers) to store Personal Information.
30. We do not use Personal Information for direct marketing. We will not disclose your Personal Information to third parties (including Providers) for direct marketing.
31. For the disclosures noted in paragraph 29, as at September 2021 no Personal Information is sent overseas by us to any of our service providers. If in future, we do send your Personal Information overseas for any of the purposes in listed in paragraph 29 we will comply with the terms of paragraph 33.

#### Disclosure of Personal Information overseas

32. Other than as expressly noted in paragraph 24 and subject to paragraph 31, we do not knowingly send any of your Personal Information outside of Australia.
33. We take reasonable steps to ensure overseas recipients of Personal Information are either themselves bound by the Australian Privacy Principles or are contractually obliged to comply with the Australian Privacy Principles.

#### How we secure Personal Information

34. We take reasonable steps to protect your Personal Information from misuse, interference, and loss, and from unauthorised access, modification, or disclosure.
35. Our security steps include:
- regular security penetration testing of our system
  - independent intrusion detection and alerts on company digital resources to proactively monitor when data may be compromised
  - sharing data via secure or encrypted sites
  - regular forced password changes combined with minimum complexity requirements
  - two factor authentication for access to servers when staff are working remotely
  - restricted use of removable data storage devices (such as USBs)
  - secure storage and secure destruction of hardcopy documents containing Personal Information.
36. We hold information physically and in electronic databases and information systems. Information is stored on and off our premises, in archives and databases. Some databases are hosted and managed by third parties.

#### Internet security

37. We use all reasonable efforts to secure information collected via our website (including webforms) either by encrypting it or using a private network. However, there is a possibility the information you submit could be observed by a third party in transit.

38. If you would like to use another method to provide us with information, please contact us.

### Making a request or privacy complaint

39. You can:

- request access to Personal Information we hold about you
- request that we correct your Personal Information
- make a privacy complaint about how we have handled your Personal Information.

### Accessing your Personal Information

40. You can request access to Personal Information we hold about you by speaking to your case manager, calling 1800 062 058 or emailing [privacy@tio.com.au](mailto:privacy@tio.com.au).
41. Subject to any exemptions permitted by the *Privacy Act 1988*, we will provide you with a copy of the Personal Information we hold about you. For example, if you are a consumer with a complaint about a Provider, we provide you with a copy of our records about your complaint (subject to paragraph 42).
42. Your complaint file may contain Personal Information about other people, including the name or phone number of an employee of a Provider. Personal Information about other people will be removed from the records we provide to you to protect their privacy. We may also remove information we received in confidence, or that we are otherwise permitted by law to remove.
43. We will respond to your request for access to your Personal Information within 4 weeks. Whilst normally free, if the request is large, we may require a contribution to our costs.
44. If you are not satisfied with our handling of your request for access to Personal Information you can make a privacy complaint to us.

### Correcting your Personal Information

45. You can ask us to correct Personal Information we hold about you by speaking to your case manager, calling 1800 062 058 or emailing [privacy@tio.com.au](mailto:privacy@tio.com.au).
46. Where permitted by the *Privacy Act 1988*, we may refuse your request to correct your Personal Information. If it is unreasonable to or we cannot correct your Personal Information, we will tell you why. If we do not make a correction to your Personal Information that you ask us to make, we may offer to add a note to the file about your request for a correction.
47. If you are not satisfied with our handling of your request for us to correct your Personal Information you can make a privacy complaint to us.

### How to make a privacy complaint

48. You can complain to us about how we have handled your Personal Information by emailing your complaint to [privacy@tio.com.au](mailto:privacy@tio.com.au) or calling 1800 062 058.
49. Please contact us with your privacy complaint before approaching other bodies. We are committed to protecting your privacy and appreciate the opportunity to resolve your privacy complaint.
50. Our Privacy Officer or a member of their team will investigate your complaint. We respond to and investigate privacy complaints within 4 weeks (or sooner if your complaint is urgent).
51. If you are not satisfied with the outcome of your privacy complaint, you can contact the Office of the Australian Information Commissioner:



Phone 1300 363 992  
Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Website <http://www.oaic.gov.au>

### Change to this policy

52. This policy can only be amended by our Board and was last updated in November 2021. When a change is made to this policy, it will be updated on our website. By continuing to use our services or providing us further Personal Information, we assume you have accepted any amendments to the policy.

### Contact details

#### Telecommunications Industry Ombudsman Limited

FREECALL 1800 062 058 (calls from mobiles will be charged at applicable rates)  
FREEFAX 1800 630 614  
Interpreter Service 131 450  
Website [www.tio.com.au](http://www.tio.com.au)  
Postal PO Box 276, Collins Street West VIC 8007  
Email [tio@tio.com.au](mailto:tio@tio.com.au)