



## DIGEX AUSTRALIA

### Privacy Policy Declaration

Digex Australia ("DIGEX") is committed to respecting the privacy of our clients and their customers.

This policy discusses how information received and stored by DIGEX is dealt with. DIGEX is required by law to comply with the provisions of the **Privacy Act 1988** (also referred to as the **Privacy Principles Act** or the **Personal Information Privacy Principles Act**) in dealing with its clients, and their customer data.

DIGEX must not commit any action, or engage in any practice, that contravenes any information protection principles contained in the Privacy Act.

DIGEX also requires as part of its published **Terms and Conditions** that clients using the services provided will also fully comply with the requirements of the Privacy Act 1988.

### Section A: Information Protection Principles

DIGEX AUSTRALIA declares that it will:

1. Not collect personal information unless:
  - (a) the information is collected for a lawful purpose that is directly related to a function or activity of DIGEX, AND
  - (b) the collection of the information is reasonably necessary for that purpose;
2. Not collect personal information by any unlawful means;
3. Collect the information directly from the individual;
4. Make the individual to whom the information relates aware of:
  - (a) the fact that the information is being collected, AND
  - (b) the purposes for which the information is being collected, AND
  - (c) the intended recipients of the information, AND
  - (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided, AND
  - (e) the existence of any right of access to, and correction of, the information, AND
  - (f) the name and address of the company that is collecting the information and the company that is to hold the information.
5. Ensure that any information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and that the collection of the information does not intrude

- on the personal affairs of the individual;
6. Ensure that the information is kept for no longer than is necessary, that the information is disposed of securely, that the information is protected against loss, unauthorised access, use, modification or disclosure, etc.;
  7. Ensure that everything possible is done to prevent unauthorised use or disclosure of the information;
  8. Help an individual to ascertain whether DIGEX holds personal information, whether DIGEX holds personal information relating to them, and, if so, the nature of that information, its purpose, and their entitlement to gain access to the information;
  9. Provide the individual with access to the information;
  10. Make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information is accurate, and relevant, up to date, complete and not misleading;
  11. Attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of any amendment sought;
  12. Notify recipients of that information of the amendments made;
  13. Not use the information without ensuring that the information is relevant, accurate, up to date, complete and not misleading;
  14. Not use the information for a purpose other than that for which it was collected unless:
    - (a) the individual to whom the information relates has consented to the use of the information for that other purpose, OR
    - (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, OR
    - (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person;
  15. Not disclose unless the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
  16. Ensure that, if personal information is disclosed to a person or body that is a public sector agency, that agency does not use or disclose the information for a purpose other than the purpose for which the information was given to it;
  17. Not disclose personal information relating to:
    - (a) an individual's ethnic or racial origin; OR
    - (b) political opinions; OR
    - (c) religious or philosophical beliefs; OR
    - (d) trade union membership; OR
    - (e) health or sexual activities.

## Section B: Client Responsibility

DIGEX AUSTRALIA operates services for its clients which enable those clients to collect, maintain and store personal information about customers.

As part of the published **Terms and Conditions** associated with our services we require our clients to:

1. Provide full protection of their customers' data, and meet all data gathering requirements as stipulated in the Privacy Act 1988;
2. Ensure that their customers are made aware of their rights as provided for under the Privacy Act 1988;
3. Report any instance of a breach of privacy immediately to DIGEX AUSTRALIA in writing, including full details, where available, of the date and time of the breach, names of individual or individuals responsible, and other pertinent details relating to the breach of privacy;
4. Ensure that all user accounts, having access to client data, have sufficiently secure passwords;
5. Ensure that passwords are not written down or recorded in any way that may allow unauthorised system access;
6. Ensure that user-name and password details are not shared with, or disclosed to any other individual.

## Section C: Access to Data for Problem Resolution

As part of our ongoing maintenance and problem resolution DIGEX AUSTRALIA may at times need to view customer data. DIGEX declares that in regard to such access it will:

1. Only access that data which is relevant to the problem resolution process;
2. Not use any data accessed for any other purpose;
3. Never ask a user to provide DIGEX with their log-in password.<sup>1</sup>

Notes:

1. Passwords in our products are managed by one-way encryption. This means, that there is no way for DIGEX to determine the password of any particular user. In the event of a user forgetting their password, DIGEX may upon request, modify that user's password, but will always require the user to choose a new password once they have regained access to the system.

## Section D: Third Party Service Providers

DIGEX AUSTRALIA uses services provided by third-parties for web-hosting and text messaging. These third-party providers are bound by the same conditions as DIGEX with regard to privacy protection.

DIGEX AUSTRALIA makes every effort to ensure that these parties have appropriate protections and policies in place for the privacy of clients and their customer data.