

1. Scope

- 1.1. This Policy applies to the collection, use, disclosure and handling of personal and sensitive information collected by the Battery Stewardship Council (BSC).
- 1.2. The BSC is committed to protecting the privacy of individuals who deal with us and to managing personal information in an open and transparent way.
- 1.3. We are required to comply with the *Privacy Act 1988 (Act)* (amended by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)*) (**Act**) in order to maintain information handling standards.
- 1.4. This Privacy Policy sets out how we manage personal information. A copy of this Privacy Policy can be found at <https://bcycle.com.au/> or you may request it in a different form.

2. What is Personal and Sensitive information?

- 2.1. *Personal information* includes information collected, held, used or disclosed by BSC from time to time in accordance with this Policy. This may include an Individual's name, date of birth, current and previous residential addresses, telephone number, mobile number, fax number, email address, banking details, medical history or illness.
- 2.2. *Sensitive Information* includes information about an Individual's race, political opinion, political membership, religious beliefs, health, philosophical beliefs, sexual orientation or professional or trade association membership.

3. How the BSC collects personal information

- 3.1. The BSC may collect personal information in several ways, including:
 - (a) directly from Scheme participants or other external contacts when external contacts provide information or instructions;
 - (b) in the course of providing a Scheme participant, organisation or other contact with advice, services or solutions;
 - (c) in the course of offering employment to an Individual;
 - (d) in a business development context; and
 - (e) from publicly available sources of information.
- 3.2. Reasonable steps will be taken to ensure that an Individual is aware of why BSC is collecting personal information about them, what it will be used for, who it will be disclosed to and how to access it.
- 3.3. BSC will not collect personal information from an Individual unless the information is reasonably necessary for or is directly related to one or more of BSC's functions or activities.

4. Use of personal information by BSC

BSC may collect, hold, use and disclose personal information for the following purposes:

- 4.1. purposes related to the Individual's current or previous employment with BSC, e.g. for remuneration of the Individual;
- 4.2. marketing and business development purposes e.g. for the preparation of team-based fact sheets distributed to clients, suppliers and/or customers; and
- 4.3. purposes relating to the operation and transparency of the Scheme
- 4.4. purposes related to workplace health and safety, e.g. emergency contact details used in the event of a medical emergency.

5. Sensitive Information

5.1. BSC will not collect Sensitive Information except where:

- (a)** the Individual has consented to the collection of such information; or
- (b)** the collection is legally necessary or is authorised under an Australian law or by a court or tribunal, including where this is reasonably necessary to establish or defend a legal or equitable claim; or
- (c)** BSC believes that its collection is reasonably necessary (permitted general situation):
 - i.** to lessen or prevent a serious threat to the life, health or safety of any Individual, or to public health or safety, and it is unreasonable or impracticable to obtain the Individual's consent to the collection of the information;
 - ii.** to take appropriate action in relation to unlawful activity or misconduct of a serious nature relating to BSC's functions or activity which BSC has reason to suspect has been, or is being, engaged in;
 - iii.** to assist any entity, body or person to locate a person who has been reported as missing; or
 - iv.** for the purposes of a confidential alternative dispute resolution process; or
- (d)** the information is health information and its collection is necessary (permitted health situation):
 - i.** for research relevant to public health or safety in circumstances whereby obtaining the Individual's consent is impracticable and BSC reasonably believes that the recipient will not disclose the information;
 - ii.** in the case of genetic information obtained in the course of providing a health service, to lessen or prevent a serious threat to the life, health or safety of a genetic relative of the Individual, where the recipient of the information disclosed is a genetic relative of the Individual; or
 - iii.** to provide appropriate care or treatment of the Individual, or for compassionate reasons, in circumstances where the Individual is physically or legally incapable of giving consent to the disclosure, or physically cannot communicate consent to the disclosure, the recipient of the information is a responsible person for the Individual, and the disclosure is not contrary to any wish previously expressed by the Individual.

6. How BSC holds personal information

6.1. BSC may hold personal information in a number of ways, including:

- (a)** electronically on its onsite computer databases; and
- (b)** in hard copy, in the offices of relevant management staff or any other storage areas in each of its offices.

6.2. BSC takes several steps to protect personal information from misuse, unauthorised access, disclosure, modification or loss. This will be done by:

- (a)** storage of all digital files and data in secure two-factor authentication password protected Cloud based IT environments
- (b)** application of file level passwords on all personal data
- (c)** defined access restrictions and partitions to files and folders for employees based on defined roles and responsibilities
- (d)** employment contracts defining access to and usage of IT systems and personal data
- (e)** corporate policies for Information Security Management (ISM), Internet Security, Cyber Security, Data Storage, and Incident Management.

6.3. The BSC will take reasonable steps to destroy or de-identify the personal information it holds once the personal information is no longer needed for the purpose it was collected for.

7. When BSC will use or disclose personal information

7.1. The use or disclosure of an Individual's personal information will only be for the purpose for which it was collected or for related secondary purpose (a purpose other than the primary purpose but is related to the primary purpose) unless:

- (a)** BSC is under a legal duty or obligation to disclose personal information about the Individual, or BSC is otherwise compelled to disclose such information by an Australian law, or by order of a court or tribunal; or
- (b)** the Individual has consented to its use or disclosure;
- (c)** the Individual would reasonably expect BSC to use or disclose the personal information for the secondary purpose and the secondary purpose is directly related to the primary purpose (sensitive information) or related to the primary purpose (information other than sensitive information);
- (d)** one of the circumstances identified at clause 4 arises;
- (e)** BSC reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement related activities conducted by or on behalf of BSC.

7.2. BSC will not disclose personal information of an Individual to a third party without the express consent of the Individual.

7.3. If we are permitted by law to do so, we may use your personal information to send you newsletters, updates, invitations, articles, other information and material about our products and services.

- (a)** You can opt out at any time by contacting us at privacy@bsc.org.au .

8. Personal information of Individuals to be kept up-to-date

8.1. BSC will take all reasonable precautions to ensure that the personal information it collects, uses and discloses is accurate, complete and up-to-date.

9. Requests for access to personal information

9.1. An Individual is entitled to access any personal information that BSC holds about them, unless:

- (a)** BSC reasonably believes that giving access would pose a serious threat to the life, health or safety of any Individual;
- (b)** giving access would unreasonably impact the privacy of others;
- (c)** the request for access is frivolous or vexatious;
- (d)** the information relates to existing legal proceedings between BSC and the Individual, and would not be discoverable in those proceedings;
- (e)** giving access would reveal BSC's intentions in negotiations with the Individual and prejudice those negotiations;
- (f)** access would be unlawful;
- (g)** denying access is required or authorised by an Australian law or court or tribunal order;
- (h)** BSC has reason to suspect that unlawful activity or serious misconduct relating to its activities has been or is being engaged in, and giving access would prejudice its action in relation to this activity or misconduct;
- (i)** giving access would be likely to prejudice enforcement related activities being conducted by an enforcement body; or

- (j) giving access would reveal evaluative information generated within BSC in connection with a commercially sensitive decision-making process.

9.2. All requests for access to personal information should be addressed to the BSC Privacy Officer in writing.

9.3. Requests for access will be responded to as soon as practicable, and any refusal for access must be supported by reasons and applicable exceptions under the Privacy Act.

9.4. An Individual may request the correction of personal information which relates to them. BSC will take reasonable steps to correct the information as soon as practicable.

10. How to make a complaint about privacy

10.1. BSC will promptly acknowledge and investigate any complaints about the way it manages personal information.

10.2. Any complaints with respect to BSC's compliance with the Australian Privacy Principles should be addressed to the BSC Privacy officer in writing.

10.3. Once a complaint is received, the following procedures apply:

- (a) The Privacy Officer will acknowledge receipt of the complaint in writing.
- (b) The Privacy Officer will investigate and consider the complaint with regard to the Privacy Act and applicable Australian Privacy Principles.
- (c) The Privacy Officer will provide an initial written report (Complaint Report) on an anonymous basis to the Chair of the Board.
- (d) The Chair in receipt of the Complaint Report will review it and either:
 - i. determine that the complaint is rejected; or
 - ii. refer the matter to the CEO for further consideration.
- (e) The outcome of this review will be communicated to the Privacy Officer and relayed to the complainant in writing as soon as practicable.
- (f) If the complaint is referred to the CEO, a final determination on the complaint should be reached at the next scheduled meeting of the Board, communicated to the Privacy Officer, and relayed to the complainant in writing as soon as practicable.

10.4. For avoidance of doubt, the identity of a complainant will not be disclosed by the Privacy Officer unless otherwise decided between the Privacy Officer and complainant.

10.5. The Privacy Officer will endeavour, so far as is reasonably practicable, to provide a complainant with written reasons for a determination.

11. Contact details

11.1. If you have any queries about this Policy, wish to gain access to personal information BSC may hold about you or would like to make a privacy complaint, contact the Privacy Officer at privacy@bsc.org.au.