

Leasing Services of Western Australia

PRIVACY POLICY

Leasing Services of Western Australia (“**LSWA**”) respects your privacy and complies with the Commonwealth Privacy Act 1998 (“**Act**”). The Act requires LSWA to provide this Privacy Policy to you on request, but LSWA will usually provide you with this policy as a matter of course. This policy sets out LSWA’s policies for management of personal information. This policy was released on 22 October 2007 but may be superseded some time in the future. A copy of the then current policy can be found at any time at <http://www.lesingservices.com.au/privacypolicy.pdf>

The Act defines “**Personal information**” as meaning: “information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion”. This is a very wide definition.

1. Collection

- 1.1 LSWA only collects *personal information* that is necessary for one or more of its functions or activities.
- 1.2 LSWA collects *personal information* only by lawful and fair means and not in an unreasonably intrusive way.
- 1.3 At or before the time (or, if that is not practicable, as soon as practicable after) LSWA collects *personal information* about an individual from the individual, LSWA takes reasonable steps to ensure that the individual is aware of:
 - (a) its identity and how to contact it, namely:

Pacit Pty Ltd (ACN 009 282 704)
t/as **Leasing Services of Western Australia**
P O Box 1409
Osborne Park Business Centre WA 6916
Tel: (08) 9244 4493
Fax: (08) 9244 4497

Privacy Officer: Mr Harry Peirce

and
 - (b) the fact that he or she is able to gain access to the information; and
 - (c) the purposes for which the information is collected – we collect *personal information* for the following purposes:
 - (i) identifying and corresponding with our client, finance providers and other parties to their transactions, and generally to enable us to conduct our

- business, provide and market our services and meet our legal and obligations;
- (ii) matters implicit in our management including service monitoring, planning, evaluation and accreditation activities and compliance with quality assurance audits; and
 - (iii) generally anything necessary and expedient to achieve the above; and
- (d) the organisations (or the types of organisations) to which LSWA usually discloses *personal information* - the usual persons and organisations to whom *personal information* is disclosed are:
- (i) our clients and other parties to their transactions including finance providers and other representatives of those other parties;
 - (ii) Government Departments and Authorities, Banks and other institutions as necessary to effect transactions;
 - (iii) our clients' and our own accountants and auditors, including quality auditors and advisers if necessary for them to provide their services or conduct their business;
 - (iv) contractors for information technology and the like if necessary for them to provide their services to our business, and
 - (v) other persons or organisations that need to be given *personal information* in order for us to provide our services and conduct our businesses properly; and
- (e) any law that requires the particular information to be collected; and
- (f) the main consequences (if any) for the individual if all or part of the information is not provided.

1.4 If it is reasonable and practicable to do so, LSWA collects *personal information* about an individual only from that individual.

1.5 If LSWA collects *personal information* about an individual from someone else, it takes reasonable steps to ensure that the individual is or has been made aware of the matters listed in subclause 1.3.

2. Use and disclosure

LSWA only uses or discloses *personal information* about an individual for a purpose (the secondary purpose) other than the primary purpose mentioned in 1.3(c) above unless:

- (a) both of the following apply:

- (i) the secondary purpose is related to the primary purpose of collection;
 - (ii) the individual would reasonably expect LSWA to use or disclose the information for the secondary purpose; or
- (b) the individual has consented to the use or disclosure; or
- (c) the use or disclosure is required or authorised by or under law.

3. Data quality

LSWA takes reasonable steps to make sure that the *personal information* it collects, uses or discloses is accurate, complete and up-to-date.

4. Data security

4.1 LSWA takes reasonable steps to protect the *personal information* it holds from misuse and loss and from unauthorised access, modification or disclosure.

4.2 LSWA takes reasonable steps to destroy or permanently de-identify *personal information* if it is no longer needed for any purpose for which the information may be used or disclosed.

5. Openness

5.1 LSWA sets out in this document its expressed policies on its management of *personal information*. LSWA makes the document available to anyone who asks for it. It is also available on LSWA's website.

5.2 On request by a person, LSWA takes reasonable steps to let the person know, generally, what sort of *personal information* it holds, for what purposes, and how it collects, holds, uses and discloses that information.

6. Access and correction

6.1 If LSWA holds *personal information* about an individual, it provides the individual with access to the information on request by the individual, except to the extent that:

- (a) providing access would have an unreasonable impact upon the privacy of other individuals; or
- (b) the request for access is frivolous or vexatious; or
- (c) the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- (d) providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or

- (e) providing access would be unlawful; or
 - (f) denying access is required or authorised by or under law; or
 - (g) providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - (h) providing access would be likely to prejudice:
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or
 - (iii) the protection of the public revenue; or
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders;
- by or on behalf of an enforcement body; or
- (i) an enforcement body performing a lawful security function asks the organisation not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

6.2 However, where providing access would reveal evaluative information generated within LSWA in connection with a commercially sensitive decision-making process, LSWA may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

6.3 If LSWA is not required to provide the individual with access to the information because of one or more of paragraphs 6.1(a) to (i) (inclusive), LSWA will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

6.4 If LSWA charges for providing access to *personal information*, those charges:

- (a) will not be excessive; and
- (b) will not apply to lodging a request for access.

6.5 If LSWA holds *personal information* about an individual and the individual is able to establish that the information is not accurate, complete and up-to-date, LSWA takes reasonable steps to correct the information so that it is accurate, complete and up-to-date.

6.6 If the individual and LSWA disagree about whether the information is accurate, complete and up-to-date, and the individual asks LSWA to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, LSWA takes reasonable steps to do so.

6.7 LSWA provides reasons for denial of access or a refusal to correct *personal information*.

7. Identifiers

7.1 LSWA does not adopt as its own identifier of an individual an identifier of the individual that has been assigned by a Federal Government Agency or contractor thereof, e.g. tax file number or Medicare number.

7.2 LSWA will not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider mentioned in subclause 7.1, unless:

- (a) the use or disclosure is necessary for the organisation to fulfil its obligations to the Federal Government Agency; or
- (b) the use or disclosure is required or authorised by or under law; or
- (c) the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

7.3 In this clause identifier includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or ABN (as defined in the *A New Tax System (Australian Business Number) Act 1999*) is not an identifier.

8. Anonymity

Wherever it is lawful and practicable, individuals have the option of not identifying themselves when entering transactions with LSWA, but this is rarely feasible.

9. Trans-Border data flows

LSWA as a rule does not send information overseas, but in the rare case that it might do so, LSWA only transfers *personal information* about an individual to someone (other than LSWA or the individual) who is in a foreign country if:

- (a) the individual consents to the transfer; or
- (b) LSWA reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles of the Act; or

- (c) the transfer is necessary for the performance of a contract between the individual and LSWA, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between LSWA and a third party; or
- (e) all of the following apply:
 - (i) the transfer is for the benefit of the individual;
 - (ii) it is impracticable to obtain the consent of the individual to that transfer;
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it; or
- (f) LSWA has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles of the Act.

10. **Sensitive information**

10.1 LSWA does not collect sensitive information about an individual unless:

- (a) the individual has consented; or
- (b) the collection is required by law; or
- (c) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

10.2 In this clause "**Sensitive Information**" means:

- (a) health information; or
- (b) *personal information* which is also about the individual's: racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record.