



Privacy Policy

Energy and Water Ombudsman Western Australia
Free, independent and fair dispute resolution

About this Policy

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1 Policy Statement

The Energy and Water Ombudsman Western Australia is committed to the open and transparent management of your personal information and to adhering to the Australian Privacy Principles contained in the *Privacy Act 1988* (Commonwealth).¹

We will only collect, retain, use and disclose your personal information in accordance with these principles.

2 Who is the Energy and Water Ombudsman?

The Energy and Water Ombudsman Western Australia is an independent, impartial body that investigates and resolves complaints about electricity, gas and water services providers.

The Parliamentary Commissioner for Administrative Investigations (more commonly known as the Western Australian Ombudsman), performs the functions of the Energy and Water Ombudsman under a service agreement with the Board of the Energy and Water Ombudsman (Western Australia) Limited. The Energy and Water Ombudsman is not affiliated with any electricity, gas or water providers or consumer organisations and therefore acts impartially in the investigation and resolution of complaints.

3 What does the Energy and Water Ombudsman do?

The role of the Ombudsman is principally to do three things:

- Investigate and resolve complaints about a Member of the Energy and Water Ombudsman Scheme;
- From complaints, to identify systemic and emerging issues, as well as monitor the outcomes of complaints and report these issues and outcomes to the Economic Regulation Authority and in other relevant forums; and
- Undertake outreach, education, liaison and other activities to ensure awareness of, and access to, the Energy and Water Ombudsman, particular for under-represented Western Australians (in terms of complaints to the Energy and Water Ombudsman compared to representation in the general population).

4 Application of Policy

This Policy applies to all staff of the Energy and Water Ombudsman, including full time, part time, temporary or contract employees, as well as consultants and contracted service providers.

Although companies and businesses are not accorded the same protection as individuals under Australia's privacy laws, we will apply this Policy to any information we obtain about individuals, businesses and organisations. We will treat their personal information as information requiring confidentiality and in accordance with this Policy.

¹ The Energy and Water Ombudsman must operate in accordance with the *Privacy Act 1988* (Cth) as if the Ombudsman were an "organisation" as defined in Section 6C of the *Privacy Act 1988* ... to the extent consistent with the duties and obligations of the Parliamentary Commissioner for Administrative Investigations in respect to the relevant information (Clause 7.1 (d) of the Charter of Energy and Water Ombudsman (Western Australia) Limited.

5 Definitions

Australian Privacy Principles – Australian Privacy Principles (**APPs**) outline how we must handle, use and manage personal information. The APPs are contained in the *Privacy Act 1988* (Commonwealth).

Personal Information – Information or an opinion about an identified person (or business or organisation) or a person who could reasonably be identified from the information. This applies whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.

Sensitive Information – Information such as:

- Personal information that includes information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs, membership of a profession or trade association or trade union, sexual orientation or practices, or criminal record;
- Health information about an individual; or
- Genetic and biometric information.

6 What personal information do we collect and why?

All collection, use and disclosure of personal information by us will be done for the purposes of complaint investigation and resolution or for associated purposes, such as reporting aggregated information to government bodies and regulators and continuing operational and service improvement.

If you are making a general enquiry not related to a specific complaint you will not be required to identify yourself if you do not wish to do so, or you may use a pseudonym. However, we may be unable to properly respond to you or investigate your concerns and may not be able to help you apart from providing basic information. We will discuss this with you at the time.

If you are lodging a complaint with us, we require the following details:

- Full name and address;
- Contact details;
- Details of the service the complaint is about, which may include an account number with an energy or water services provider;
- Name of the energy or water services provider;
- Authority to act from the account holder where you are making the complaint on the account holder's behalf; and
- Other relevant information that may assist us to resolve the complaint.

Although we don't generally require it, you may also choose to provide additional personal or sensitive information relevant to your energy or water issue, which reveals details about your health, finances, employment, family circumstances or housing situation. You may provide information about your cultural background if you require an interpreter, or information about a disability if you would like us to modify the way we communicate with you or deal with your complaint. Where you do provide such details, we will assume you

have given consent to use any relevant personal or sensitive information you provide to investigate and resolve your complaint.

We may ask you for additional demographic information for statistical purposes such as reporting to government bodies and regulators and for continuing operational and service improvement. This information will only be collected with your consent and will be published or used in a de-identified format. The types of demographic information we collect include:

- Your country of birth;
- Your date of birth;
- Your primary language;
- If you have a disability;
- If you identify as Aboriginal or Torres Strait Islander; and
- How you heard about the Energy and Water Ombudsman.

7 How do we collect your personal information?

We may collect your personal information from you in person, by telephone or through written information or forms that you submit to us, including online forms.

When you make a complaint to us, we may obtain your personal information from the energy or water services provider you are complaining about, to assist us to investigate your complaint.

We may also collect your personal information from your representative provided you have given your consent for the person to represent you.

In the case of a joint account we assume that one account holder has permission to provide us with the account details and relevant personal information of the other account holder.

Personal information about a third party

From time to time we may receive personal information about a third party who has no active interest or involvement in a complaint. For example, you may provide documents to support your complaint which reveal details of a third party.

The APPs require us to take reasonable steps to notify an individual that we have received personal information about them. In many cases it will not be reasonable or practicable for us to notify an individual about the personal information we have received, because to inform them would disclose the fact that you have made a complaint to us, and we may not have their contact details. We will, where practicable, and only if it is lawful and reasonable to do so, delete or destroy the third party's personal information or ensure that the information is de-identified.

Your personal information from another source or third party

Alternative dispute resolution schemes, such as the Energy and Water Ombudsman, use information from a range of sources to carry out its primary function of dispute resolution. This may include personal information provided by third parties.

If we collect your personal information from a third party (other than your authorised representative or the energy or water provider you complained about), we will inform you of this.

Collection via website

Our website can be accessed without disclosing personal information. When you visit our website, the statistics software on the website host's server collects certain information such as your IP address, the device and browser you use, and which pages you visit, but it does not identify you. The information is stored on servers located in Western Australia. We do not currently use Google Analytics on our website, but we may in the future to analyse website visitors' behaviour. Information and data collected through Google Analytics is stored by Google on servers in the USA and other overseas locations. You can opt out of the collection of information via Google Analytics by downloading the Google Analytics Opt-out browser ad on.

When you lodge a complaint using the online form, an email with the information you entered is sent to energyandwater@ombudsman.wa.gov.au and the information is stored in a secure environment.

8 How do we use your personal information?

Personal information that is provided to us is used primarily for the purpose of resolving and investigating complaints. It may also be used for other purposes such as:

- Investigating and reporting systemic or emerging issues;
- Maintaining and developing our services or systems including testing or upgrading of systems; or
- Staff training.

From time to time we may conduct surveys to measure and evaluate aspects of our performance and to measure satisfaction with our services. Your personal information may be used to contact you by telephone, email or post, to invite you to participate in the survey. Survey results use aggregated data and do not identify any individual who has responded.

We do not, and will not, use any government assigned identifier, such as a Medicare Number or Tax File Number to identify you.

Distribution lists are held with contact details of organisations, sourced from publically available information or provided upon request. Organisations can unsubscribe from our mailing list, and lists are held securely and are not provided to third parties.

We do not engage in marketing and will not provide your personal information to another body for the purposes of direct marketing.

9 When will we disclose your personal information?

When we may disclose your personal information

Personal information you provide to us will be disclosed to the electricity, gas or water services provider you complained about, in order to obtain a response to your complaint and enable us to investigate. Sensitive information will only be disclosed if the information is directly relevant to resolving your complaint.

We may also disclose your personal information to a third party in order to investigate your complaint, such as an independent person to provide us with expert advice. If a consultant is employed as an independent expert they are required to sign a confidentiality agreement prior to personal information being disclosed to them.

We may conduct surveys to evaluate our performance and measure satisfaction with our services. If we engage a third party, such as a market research company to conduct surveys, we will only disclose personal information required to conduct the surveys. The third party will be required to maintain confidentiality over all personal information and apply this Policy or have their own privacy policy and adequate controls to maintain your privacy.

When we will not disclose your personal information

We will not disclose your personal information to another party if you have explicitly denied consent for the disclosure. However, if you do deny disclosure, we may be limited in the assistance which can be offered and may not be able to investigate your complaint. We will discuss this with you at the time.

We do not disclose your personal or sensitive information for any other purpose than the purpose for which it was collected, unless:

- There are reasonable grounds to believe that the disclosure is necessary to prevent or lessen a serious threat to life, health, safety or welfare of an individual, or public health, safety and welfare;
- There are reasonable grounds to believe that the disclosure is necessary to take appropriate action in relation to suspected unlawful activity or serious misconduct; or
- The disclosure is otherwise required by law.

If you copy a third party in to correspondence to us, we do not consider this as your authorisation for us to disclose information to that third party. We will not send information to the third party and we will not disclose your personal information if the third party contacts us, unless you have provided us with your authorisation.

We will not provide your personal information to another body for the purposes of direct marketing.

Cross-border disclosure

We do not routinely disclose your personal information to any overseas recipient. The energy and water providers who are Members of the Energy and Water Ombudsman Scheme are generally based in Australia. The circumstances in which information could potentially be disclosed to an overseas recipient include:

- The investigation requires contact with staff of a Member of the Energy and Water Ombudsman Scheme who are overseas;
- You or your representative are overseas and we send information relating to your complaint;
- A consultant engaged by us to provide expert advice or review our operations is based overseas;
- We may disclose certain personal information to an online survey platform such as Survey Monkey, which is stored in overseas locations; or
- A backup of our data servers may be maintained overseas.

Any overseas disclosure will only be for the purposes set out in this Policy.

10 Information we publish

We use your personal information to report de-identified information or aggregated data to third parties such as regulators, government agencies and other organisations including:

- Survey results;
- Statistics about complaints; or
- Case studies.

We will not publish your personal information.

11 Access to and correction of personal information

We take reasonable steps to ensure that the personal information collected, used or disclosed is accurate, complete and up to date.

If you believe the personal information we hold is inaccurate, incomplete or out of date, please contact us. Our contact details are on the inside cover of this Policy and on our [website](#). If we are satisfied that any personal information we hold about you is not accurate, complete or up to date, we will amend our records as soon as is practicable. To protect your privacy and the privacy of others it will be necessary for you to provide us with sufficient identification before processing your request.

We will provide you with access to the personal information you provided to us free of charge, upon request and within a reasonable period unless one or more of the exceptions in the APPs applies. The exceptions are set out in APP 12 and include where:

- We reasonably believe giving access would pose a serious threat to the life, health or safety of any individual or to public health or public safety;
- We have reason to suspect that an unlawful activity, or misconduct of a serious nature that relates to our functions has been or may be engaged in and giving access would likely prejudice the taking of appropriate action in relation to the matter;

- Giving access would have an unreasonable impact on the privacy of other individuals;
- To do so would be unlawful; or
- Giving access would be likely to prejudice enforcement related activities or commercially sensitive decision-making processes, or certain negotiations.

It is our general policy not to provide you with documents acquired from someone other than you, unless required by law.

We will provide written reasons if we deny access or refuse to correct your personal information. If we refuse to correct your personal information, you can provide a statement about why you believe the information is incorrect and we will record that statement with the relevant personal information.

12 Security and Storage

We will take reasonable steps to protect personal information from misuse, interference, loss or unauthorised use, modification or disclosure. We hold personal information as either physical records or electronic records on our servers which are located onsite or as a backup in another secure location.

We use a range of security measures to protect personal information, including locked and alarmed offices, locked files and cabinets, passwords on all our computers and a firewall on our computer network, which is monitored by virus protection software. We update and test our security technology on an ongoing basis.

We will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for the purposes of dispute resolution or associated purposes.

However, we may need to reference historical complaint data for a number of reasons, including:

- Analysis and reporting to government bodies and regulators;
- Retaining a full picture of a particular complaint history – this can be relevant if you contact us with continuing issues or re-emergence of a dispute, even years after your initial complaint was resolved;
- To assist us to assess how we have resolved similar complaints, as we have regard to previous complaints when assessing new complaints; or
- Continuing operational and service improvement, including staff training.

Some personal information may be embedded into our electronic records, making it impracticable to de-identify or remove personal information without losing the integrity of the data. For these reasons some personal information stored electronically may be retained indefinitely.

13 Making a complaint about our management of your personal information

If you have any questions, concerns or complaints about how we manage your personal information, please write to the Assistant Energy and Water Ombudsman and include a return email or postal address. We will acknowledge receipt of your correspondence and then respond to you within a reasonable timeframe. We take complaints about potential privacy breaches seriously and will investigate the circumstances of a privacy complaint.

How to contact us

Email: energyandwater@ombudsman.wa.gov.au

Mail: The Deputy Energy and Water Ombudsman
PO Box Z5386
St George's Terrace
PERTH WA 6831

Further ways you can contact us are on the inside cover of this Policy and on our [website](#).

14 References

- Australian Privacy Principles contained in the [Privacy Act 1988 \(Commonwealth\)](#); and
- [Charter of Energy and Water Ombudsman \(Western Australia\) Limited, November 2013](#)

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