

Privacy Policy

Company Secretary | May 2019 | Version 1.0

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Introduction

NSW Ports group of companies¹ (**NSW Ports**) respect's people's privacy and is bound by the Australian Privacy Principles in the Privacy Act 1988 (Cth) (the **Privacy Act**), as well as other applicable laws protecting privacy. NSW Ports may modify or update its Privacy Policy from time to time by publishing it on its website: www.nswports.com.au (**Website**) NSW Ports encourages individuals to check the Website periodically to ensure that they are aware of the current Privacy Policy.

Collection & use of personal information

What personal information does NSW Ports collect and why?

NSW Ports collects the personal information it needs to provide services and information to its customers, the community, for its business operations and to comply with the law. If an individual chooses not to provide certain personal information to NSW Ports, it may not be able to provide the individual with the services or information he or she requires.

Generally, if appropriate, NSW Ports will tell an individual why it is collecting personal information when NSW Ports collects the information and how NSW Ports plans to use the information or these things will be obvious when NSW Ports collects the information.

The following are the main types of personal information collected by NSW Ports and the main purposes for which they are collected:

- **To provide and improve NSW Ports services and facilities:**

NSW Ports may collect information about an individual such as his or her name and contact details, date of birth, gender, billing information, financial information (including transaction and credit or debit card details or in relation to the provision of credit) and about his or her use of NSW Ports' services and facilities. NSW Ports may use this information to supply its services and provide access to its facilities, collect information about usage of its services and facilities and to provide individuals with further information about NSW Ports' services and facilities. This extends to include information about your presence at any one of our sites (Port Botany, Port Kembla, Cooks River Intermodal Terminal or Enfield Intermodal Logistics Centre), including voluntary participation in NSW Ports' events or competitions. Importantly, it may also include information about your involvement in any incident that occurs on our sites.

- **To comply with the law:**

NSW Ports may also collect information about an individual as required or permitted by law (for example, the *Maritime Transport and Offshore Facilities Security Act 2003* (Cth) in respect of details contained on your Maritime Security Identification Card).

- **To assist with queries:**

An individual may also choose to provide NSW Ports with his or her name or other contact details when he or she calls NSW Ports by phone, writes to NSW Ports or contacts NSW Ports using its website so that NSW Ports can respond to requests for information about its services and facilities. For example:

- when an individual makes an enquiry using the Website, he or she will be asked to provide a name, email address, telephone number and other contact information.
- NSW Ports collects contact details (which may include names, email addresses and job titles) when individuals subscribe to NSW Ports news and media releases using the Website. Recipients may contact NSW Ports to have their contact information removed from NSW Ports' distribution lists.

- **As part of NSW Ports general business operations:**

NSW Ports collects personal information if it is necessary to carry out its functions and activities in managing, operating and developing the Ports, associated precincts and other operations including but not limited to:

- manage and ensure the security and safety of our sites
- communicate with the community, government and other stakeholders about its work and projects

¹ NSW Ports group of companies consists of NSW Ports Pty Ltd, NSW Ports Operations Hold Co Pty Ltd, Port Botany Operations Pty Limited, Port Kembla Operations Pty Ltd, NSW Ports Botany Property Co Pty Limited, NSW Ports Kembla Property Co Pty Limited and NSW Ports Finance Co Pty Limited.

- to comply with its reporting requirements or other legal requirements including under the *Ports and Maritime Administration Act 1995* (NSW)
- to contact you about our services.

We may do any of the above by phone, email, post, SMS or a combination of these.

- **Employees, contractors and job applicants:**

When an individual applies for a job or contract with NSW Ports, NSW Ports may collect certain information from the individual (including his or her name and contact details, information about his or her working history and relevant records checks), from any recruitment consultant and from the individual's previous employers and others who may be able to provide information to NSW Ports to assist it in its decision on whether or not to make the individual an offer of employment or engage the individual under a contract. This may include the collection of sensitive information about you. Sensitive information is a subset of personal information and includes information about your health, race, ethnic origin, membership of a professional or trade organisation and criminal record. This Privacy Policy does not apply to acts and practices in relation to employee records of NSW Ports' current and former employees, which are exempt from the Privacy Act.

- **Credit reporting:**

NSW Ports provides certain services to customers on commercial terms. NSW Ports may need to handle personal information about customer credit worthiness in connection with those arrangements, known as "credit –related personal information". If you are applying for customer credit with NSW Ports or you will be guaranteeing the obligations of a credit applicant, we may request a credit report about you from a credit reporting body or "CRB". These reports will only be used to assess your application and ability to repay credit.

How does NSW Ports use personal information?

NSW Ports generally uses and discloses personal information for the purposes for which it was collected, in order to provide its services and operate its facilities (including as described above), or otherwise as required or authorised by law. For example, when an individual sends NSW Ports a query, NSW Ports will use the individual's personal information for the purposes for which the individual provided it.

When NSW Ports collects personal information, it may sometimes also use that information to carry out market data analysis so that NSW Ports can continue to deliver enhanced services and facilities. As part of conducting NSW Ports' business, personal information may also be used to maintain and develop NSW Ports' business systems, including testing and upgrading them.

If an individual has agreed or asked NSW Ports to do so, NSW Ports may also use that individual's personal information to keep the individual up to date with information about NSW Ports' services and facilities. If the individual does not want NSW Ports to use the individual's personal information in this way or to be sent any further information, the individual can always let NSW Ports know by contacting NSW Ports Privacy Officer through the contact details given below.

Disclosing personal information

For the purposes described in this policy, NSW Ports may disclose personal information:

- to any of its related companies
- to its suppliers, contractors, professional advisers and agents
- to government agencies or individuals appointed by a government responsible for the investigation and resolution of disputes or complaints concerning use of its services and facilities
- to anyone to whom NSW Ports' assets or business (or any part of it) is transferred
- where an individual to whom the personal information relates has otherwise consented, or
- as otherwise required or authorised by law

Cookies & IP address tracking

The Website may use cookies for site administration purposes. If for any reason an individual wishes not to take advantage of cookies, the individual may have his or her browser not accept them, although this may disable or render unusable some of the features of the Website.

The Website may also detect and use an individual's IP address or domain name for internal traffic monitoring and capacity purposes or to otherwise administer the website. No personal information is obtained, rather the patterns of usage of visitors to the Website may be tracked for the purposes of providing improved service and content based on aggregate or statistical review of user site traffic patterns.

Security

NSW Ports implements a number of physical and electronic measures to protect personal information. Please note, however, that the internet is not a secure environment and although reasonable care is taken, NSW Ports cannot guarantee the security of information provided to it via electronic means.

Links to other sites

The Website may contain links to other websites. NSW Ports is not responsible for the privacy practices or the content of such other websites. The privacy policies applicable to such other websites may differ substantially from this Privacy Policy, so NSW Ports advises individuals to read them before using those websites. NSW Ports will not be liable for any use of those websites.

Access, correction & complaints handling

An individual has a right to, and NSW Ports will provide that individual with, access to most personal information that NSW Ports has about that individual. In some circumstances it may not be possible for NSW Ports to provide the individual with all of his or her personal information. Where this is the case, NSW Ports will tell the individual why.

When an individual requests access, NSW Ports may need to take measures to verify the individual's identity. If an individual thinks that any personal information NSW Ports holds about him or her is inaccurate, the individual may contact NSW Ports' Privacy Officer (contact details below) and NSW Ports will take reasonable steps to ensure that the information is corrected.

If an individual wishes to make a complaint about the way NSW Ports has handled his or her personal information (including if the individual thinks NSW Ports has breached the Privacy Act) the individual may do so to NSW Ports' Privacy Officer in writing, by mail or fax to the address or fax number set out at the end of this Privacy Policy. If a complaint is made, please include contact details such as email address, name, address and telephone number and clearly describe the complaint. NSW Ports' Privacy Officer will investigate the complaint and respond promptly. If the complainant considers that NSW Ports has failed to resolve the complaint satisfactorily, the complainant can complain to the Office of the Australian Information Commissioner.

For access and correction enquiries and complaints, please contact NSW Ports' Privacy Officer using the contact details provided below.

Mandatory reporting obligations

NSW Ports has robust procedures in place consistent with its obligations under the Privacy Act dealing with the identification and reporting of eligible data breaches which are captured in its *Data Governance and Data Response Plan*. In the event of a data breach, such as the unauthorised loss, use or disclosure of personal information, we will assess and respond in line with the requirements contained in the *Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)*.

Further information

For further information about NSW Ports privacy policies or practices please contact NSW Ports' Privacy Officer:

To: Privacy Officer/Company Secretary

Email: privacy@nswports.com.au

Phone: 1300 922 524

Address: PO Box 297, Botany NSW 1455