



PORT WARATAH
COAL SERVICES

POLICY AND PROCEDURE

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Department: Human Resources

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1 CONTEXT

Port Waratah's collection, use and management of personal information complies with The Privacy Act 1988 Cth (Privacy Act) and the Australian Privacy Principles (APPs), which mandates the way individuals' personal information is handled.

2 PURPOSE

This policy sets out what personal information Port Waratah collects, and how we manage and use that personal information, and should be read in conjunction with the Australian Privacy Principles guidelines (APPs).

3 POLICY EXEMPTION

This policy does not apply to employee records if it directly relates to a current or former employment relationship between Port Waratah and an individual. The handling of employee records is exempt from the Privacy Act however Port Waratah manages these records in accordance to the applicable workplace legislation, the Fair Work Act (2009).

Note: Personal information about individuals who have not yet been successful in securing employment with Port Waratah (i.e. a job applicants), are not employee records and the handling of this information is covered by this Policy and governed under the Privacy Act and APPs.

4 DEFINITIONS

Term	Definition
Employee Record	<p>Employee records include personal information relating to the employment of an employee, including (but not limited to) the following:</p> <ul style="list-style-type: none">• the engagement, training, disciplining, resignation or termination of employment of an employee;• the terms and conditions of employment of an employee;• the employee's personal and emergency contact details, performance or conduct, hours of employment or salary or wages;• the employee's membership of a professional or trade association or trade union membership;• the employee's leave records; and• the employee's taxation, banking or superannuation affairs.



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Term	Definition
Personal Information	Personal information includes a broad range of information, or an opinion, that could identify an individual. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances.
Sensitive Information	<p>Sensitive information is personal information that includes information or an opinion about an individual's:</p> <ul style="list-style-type: none"> • racial or ethnic origin; • political opinions or associations; • religious or philosophical beliefs; • trade union membership or associations; • sexual orientation or practices; • criminal record; • health or genetic information; and • some aspects of biometric information. <p>Sensitive information has a higher level of privacy protection than other personal information</p>

5 POLICY

5.1 WHAT KIND OF PERSONAL INFORMATION IS COLLECTED OR HELD BY PORT WARATAH?

The types of personal information about an individual (non-employee) that Port Waratah may collect and hold include:

- Name(s);
- Date of Birth;
- Identification;
- Personal Contact Details;
- Emergency Contact Details;
- Permits and Licences;
- Employer details and Position Title; and
- Banking, tax and superannuation details.

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5.1.1 Information collected from the Port Waratah website

Each time a user visits the Port Waratah website, Port Waratah's web server makes an anonymous record (including through the use of cookies) of:

- the date and time of access;
- the pages accessed by the user and any information downloaded;
- the search terms entered on the website;
- the URL of any web page which referred the user to the Port Waratah website; and
- the web browser used to access the website.

This information is collected anonymously, and the user's identity cannot be reasonably ascertained from the collection of this information. This information is dealt with in accordance with the terms of this policy and the APPs, and is used solely to allow Port Waratah to measure visitor traffic and deliver personalised content to users of the website.

If in order to access the Port Waratah secure portal, make an online enquiry, or access some other function of the Port Waratah website, an individual is required to submit personally identifiable information including, but not limited to, a unique username, email, or password, Port Waratah may collect and retain such information to facilitate future access to that function.

5.1.2 Sensitive information

Port Waratah will only collect sensitive information in the circumstances set out in the APPs. For example, if the individual consents to the collection of the sensitive information or if the sensitive information is reasonably necessary for one of more of Port Waratah's functions or activities.

5.1.3 Information about job applicants

Port Waratah will retain psychological appraisals, pre-employment medicals, records of interview and other relevant information relating to unsuccessful job applicants for a minimum period of one (1) month, but for no longer than six (6) years. The information may be destroyed earlier or kept for longer if the applicant makes a request in writing.

Unsuccessful applicants may request the return of material supplied by them in support of their application. They will also be able to request access to information collected during the process of applying for employment in accordance with the Privacy Act.

Port Waratah will not contact an applicant's previous employer without the permission of the applicant, however inclusion by the provision of referees in the application or their resume will be regarded as permission to contact such referees.

5.1.4 References

Confirmation of employment or other personal information being requested about a former employee will only be provided if the former employee has provided Port Waratah with their prior written consent to the disclosure of their personal information.

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Where a person has listed Port Waratah as a previous employer, Port Waratah will provide a verbal reference relating to the period of employment and type of work the employee performed. Port Waratah does not provide written references. Guidelines about the provision of references are set out in Port Waratah's Termination of Employment Policy.

5.2 HOW WILL PORT WARATAH COLLECT AND HOLD PERSONAL INFORMATION?

5.2.1 Collection of personal information

Port Waratah generally collects personal information directly from the individual, unless it is unreasonable or impracticable to do so. Port Waratah may also collect information indirectly. The ways in which Port Waratah may collect information include:

- telephone calls;
- correspondence;
- subscription to our publications;
- public records;
- current or potential customers;
- contractors and sub-contractors;
- via our website and/or services portal;
- recruitment agencies;
- government agencies;
- current or former employers;
- Information Service Providers; and
- other organisations with whom individuals have any dealings.

5.2.2 Collection of unsolicited personal information

If Port Waratah receives unsolicited personal information about a person, it will assess whether it could have otherwise collected the information in accordance with the APPs. It may be necessary for Port Waratah to use or disclose the information to make this assessment.

If Port Waratah decides that it could not have collected the information under the APPs, it will either destroy or de-identify the information as soon as practicable, as long as it is lawful and reasonable to do so.

If Port Waratah could have collected the information under the APPs, it will otherwise comply with its obligations under the APPs and this policy.

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5.2.3 Storage of personal and sensitive information

Personal information will be maintained in Port Waratah's secure storage systems as follows:

- electronic Information Management System (**IMS**);
- electronic Human Resource Information System (**HRIS**);
- electronic Contractor Management System (**CMS**);
- online Customer Interface;
- hardcopy files stored securely by Port Waratah onsite; and
- a secure storage service provider for offsite storage.

Port Waratah has security measures designed to protect its hardcopy, electronic and web accessible information against the loss, misuse and/or alteration of information. Controls include but are not limited to firewalls, encryption and restricted access.

Any person responsible for the maintenance or use of personal information on Port Waratah systems must ensure that the information is adequately protected against:

- misuse;
- interference;
- loss; and
- unauthorised access, modification or disclosure.

5.2.4 Disposal of information

Port Waratah will take reasonable steps to destroy or de-identify any personal information it holds if:

- the information is no longer needed for any purpose;
- the information is not contained in a Commonwealth record; and
- Port Waratah is not required by Australian law or a court or tribunal to retain the information.

All personal information will be disposed of in a manner that is designed to protect the privacy of the individual to whom it relates. This may include by means of shredding or secure disposal by a registered waste contractor. Electronic records will be permanently erased and overwritten in a way that is designed to prevent the effective use of data recovery tools.

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5.3 WHY DOES PORT WARATAH COLLECT, HOLD, USE AND DISCLOSE PERSONAL INFORMATION?

5.3.1 To carry out its normal business functions

Port Waratah collects, holds, uses and discloses personal information for purposes including:

- Contractor Management System (**CMS**);
- employee and contractor training;
- induction records;
- visitor records;
- provision of health services;
- alcohol and other drug testing;
- distributing, via email, Port Waratah publications;
- Government and/or Agency reporting;
- audit compliance;
- employment and payroll activities; and
- community consultation.

Port Waratah will only collect and use personal information:

- in accordance with the APPs;
- that is reasonably necessary for its functions and activities; and
- where it sufficiently relates to the purpose for which the information was collected, unless one of the exemptions in the APPs applies (eg. where disclosure is required by a Court or tribunal).

Individuals providing personal information will be advised of the general purpose for which the information is sought and how that information may be used in the future. Port Waratah may use this personal information to provide you with information about other services it offers but will respect any request from an individual that their information not be used for this purpose.

When Port Waratah contracts a third party to perform certain functions (such as courier services, outbound coal sample collection etc), Port Waratah may disclose certain personal information to that third party to the extent necessary to allow it to complete the contracted function. Port Waratah will take all reasonable steps to ensure the third party observes confidential and privacy obligations in respect of the protection of personal information.

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5.3.2 To comply with its Maritime Security obligations

Port Waratah collects, holds and uses personal information about individuals for the purpose of complying with its legal obligations in relation to maritime security. This includes obligations under the Maritime Transport and Offshore Facilities Security Act 2003 (Cth), the Customs Act 1901 (Cth) and corresponding Regulations (**Maritime Security Laws**).

In order to comply with its obligations under Maritime Security Laws, Port Waratah may collect and hold personal information from individuals entering premises operated by Port Waratah.

In accordance with its obligations under Maritime Security Laws, Port Waratah may also disclose personal information about individuals to the relevant authorities, if required to do so.

5.4 HOW CAN A PERSON ACCESS OR CORRECT PERSONAL INFORMATION?

5.4.1 Accessing personal information

Authorised users of the Services Portal website can amend personal information at any time by accessing the relevant menu option.

Otherwise, individuals have a right to request access to personal information held by Port Waratah. Port Waratah may, at its discretion, impose a fee on the giving of access to any personal information it holds, provided such a fee is not excessive and is reflective of the costs involved in locating and providing the requested information.

A person wishing to access such personal information should contact the Senior Human Resources Business Partner or email hr@pwcs.com.au.

5.4.2 Correcting personal information

Upon receipt of a request from an individual, Port Waratah will take reasonable steps to correct personal information about that person that is not accurate, complete or up-to-date, or that is irrelevant or misleading.

A person may contact the Senior Human Resources Business Partner or email hr@pwcs.com.au to seek corrections to any of their personal information held by Port Waratah.

Port Waratah will respond to any requests for corrections within a reasonable period of time without charge. If Port Waratah decides not to correct personal information, it will provide the person with written notice about the reasons for this decision (unless this would be unreasonable) and how the individual may submit a complaint if they so choose.

If Port Waratah corrects personal information which it has disclosed to a third party, it will take reasonable steps to notify that third party, if requested by the individual concerned.

If Port Waratah and the individual disagree about whether the personal information is accurate, complete, up-to-date, irrelevant or misleading, Port Waratah will (at the request of that individual) take reasonable steps to associate with the personal information a statement from the person setting out their objections to the personal information.

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5.5 HOW CAN A PERSON SUBMIT A COMPLAINT IF THEY BELIEVE PORT WARATAH HAS BREACHED THE AUSTRALIAN PRIVACY PRINCIPLES (APP)?

Port Waratah is required to comply with its obligations under the APPs.

All Port Waratah employees must comply with this policy, although it does not form part of their contract of employment. Failure to comply with this policy may result in disciplinary action up to and including the termination of employment.

Any person that knows about or suspects a breach of this policy must immediately:

- report the matter to the Manager Human Resources or the Senior Human Resources Business Partner; or
- email the details to hr@pwcs.com.au.

Port Waratah will review and investigate any reports of breaches accordingly.

Port Waratah has a Fair Treatment Policy to manage privacy risks and issues. Employees may raise concerns about privacy in accordance with the Fair Treatment Policy.

Faircall is another avenue to raise concerns using the contact details set out below. Callers have the option to remain anonymous.

In addition, any person can make a complaint to the Office of the Australian Information Commissioner (OAIC) if they believe Port Waratah has breached the APPs.

5.6 DOES PORT WARATAH DISCLOSE PERSONAL INFORMATION TO OVERSEAS RECIPIENTS?

Port Waratah does not disclose personal information to overseas recipients.

5.7 CHANGES TO OUR PRIVACY POLICY

Port Waratah reserves the right to change this policy at any time. Port Waratah will provide notice of any changes to this policy by posting an updated version on the Port Waratah website.

6 ACCOUNTABILITIES

Role	Accountabilities
Chief Executive Officer	Approval of this Policy and any variations.
Managers	Accountable for ensuring the confidentiality of personal information which is collected, used, disposed or stored in their Department.

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Role	Accountabilities
Manager Human Resources	Perform an annual audit and review of this Policy. Provide advice on the application of this Policy as appropriate.
Senior Human Resources Business Partner	Review any requests from individuals wishing to access or correct their personal information. Provide advice on the application of this Policy as appropriate.
Human Resources, Commercial Services, IT Services, Service Assurance, Sustainability & Corporate Affairs, Health and Safety Teams	Authorised to collect and provide information on behalf of Port Waratah. Maintenance of personal records and confidential documents.
Employees	Comply with this policy. Maintain confidentiality. Report any breaches of this Policy.

7 REFERENCES

Document Title
Anti-Discrimination and Equal Opportunity Policy
Code of Business Conduct Policy
Fair Treatment System Policy
Recruitment and Selection Procedure
Termination of Employment Policy

8 APPENDIX

Faircall	Details
Telephone	A free independently monitored, external, anonymous call hotline operating 7am – 5pm business days. Ph: 1800 500 965.
Website	The FairCall website can be used to anonymously enter details in the report form via a 'drop-box' facility. http://faircall.kpmg.com.au/

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Faircall	Details
Post	Information can be mailed to: The FairCall Manager PO Box H67 Australia Square NSW 1213.



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