



# ACE Insurance Limited

## Privacy Policy

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## 1. ACE'S PRIVACY POLICY

ACE Insurance Limited ("ACE") is committed to the protection of your personal information. ACE collects, uses and retains personal information in accordance with the National Privacy Principles (NPP's) under the Privacy Act 1988 (Cth) (Privacy Act) and our own policies and procedures.

This Policy is intended to regulate the handling of any personal information that we collect. We have developed this Policy as part of our ongoing commitment to the protection of your privacy.

For a summary of our privacy commitment to you, including the type of information we collect, how we collect it, how to access, correct or update your information or what to do if you have a complaint about the treatment of your personal information, please refer to our privacy statement available on our website ([www.aceinsurance.com.au](http://www.aceinsurance.com.au)) or by contacting us.

## 2. OBJECTIVES

The objectives of this Policy are to:

- (a) provide a set of privacy standards which govern our procedures and which protect the privacy of your personal information;
- (b) demonstrate our ongoing commitment to protecting your privacy and addressing any privacy concerns that you might have;
- (c) describe the ways in which we collect, use and handle your personal information;
- (d) ensure that we comply with the National Privacy Principles (NPP's); and
- (e) facilitate our compliance with any further developments in the protection of privacy.

## 3. NATIONAL PRIVACY PRINCIPLES (NPP'S)

Below, we provide guidance on how we collect, use and handle your personal information in accordance with the NPP's and how we administer this Policy.

## 4. PRIVACY POLICY PROVISIONS

### Principle 1 – Collection of Personal Information

ACE will only collect personal information that is necessary for its legitimate functions or activities.

ACE will only collect personal information by lawful and fair means, not in an unreasonably intrusive way.

At or before the time ACE collects personal information from you (or, if that is not practicable, as soon as practicable thereafter), ACE will take reasonable steps to ensure you are aware of:

- (a) ACE's identify and how to contact us;
- (b) the fact that you are able to gain access to the information;
- (c) the purpose for which the information is collected;
- (d) the types of organisations to which ACE usually discloses information of this kind;
- (e) any law that requires the particular information to be collected; and
- (f) the consequences to you if information is not provided.

Where it is reasonable and practical to do so, ACE will collect personal information directly from you.

Where ACE collects personal information from a third party, ACE will take reasonable steps to ensure that you are aware of the matters listed in (a) to (f) above, unless telling you of those matters would pose a serious threat to the life or health of any individual.

### Principle 2 – Use and Disclosure of Personal Information

ACE will only use personal information for a purpose other than the primary purpose of collection or disclosure (a secondary purpose) if:

- (a) in the case of non-sensitive personal information:

- (i) the secondary purpose is related to the primary purpose of collection; and
  - (ii) it would be reasonable to expect ACE to use or disclose the information for the secondary purpose;
- (b) in the case of sensitive personal information: (see Principle 10 below):
- (i) the use or disclosure is for a purpose that is directly related to the primary purpose of collection; and
  - (ii) you would reasonably expect ACE to use or disclose the information for the secondary purpose; or
- (c) you consent to the use or disclosure;
- (d) the secondary purpose is direct marketing; and:
- (i) it is impractical for ACE to seek your consent before using the information;
  - (ii) you are not charged a fee when you ask not to receive direct marketing communications;
  - (iii) you have not made a prior request to ACE not to receive direct marketing communications; and
  - (iv) ACE gives you the opportunity at the time of first contact and subsequent contacts, to decline to receive any further direct marketing communications;
- (e) each written direct marketing communication sent by ACE sets out our address and telephone number and, if the communication is sent by fax or other electronic means, a number or address at which ACE can be contacted electronically;
- (f) ACE reasonably believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to your life, health or safety or a serious threat to health or public safety;
- (g) ACE suspects that unlawful activity has been or may be engaged in and discloses or uses the personal information to investigate or report the unlawful activity to the relevant person or authority;
- (h) ACE discloses or uses the information as required or specially authorised by law; and
- (i) ACE discloses or uses the information because ACE believes it to be reasonably necessary for one or more of the following by or on behalf of an enforcement body:
- (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches a prescribed law;
  - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
  - (iii) the protection of the public revenue;
  - (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 the orders of a court or tribunal.

If ACE uses or discloses personal information under paragraph (h) above, ACE will make a written note of the use or disclosure.

Where ACE has collected information from a related body corporate and wishes to use or disclose the information, the primary purpose of collection, for the purpose of applying the exceptions in (a) to (h) above, is the primary purpose for which the related body corporate collected the information.

### **Principle 3 – Data Quality**

ACE will take reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date.

#### **Principle 4 – Data Security**

ACE will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

ACE will take 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 under Principle 2.

#### **Principle 5 – Openness**

ACE has clearly set out in this Policy document its policies on the management of personal information.

A copy of this Policy is available on our website [www.aceinsurance.com.au](http://www.aceinsurance.com.au) or is available by contacting us.

On request, ACE will take reasonable steps to let you know, generally, what sort of personal information we hold, for what purposes, and how we collect, use and disclosure this information.

#### **Principle 6 – Access and Correction**

Where ACE holds personal information about you, ACE will provide you with access to the information on request, in a manner suitable to your reasonable needs, except to the extent that:

- (a) providing access would pose a serious and imminent threat to the life or health of any individual;
- (b) in the case of health information, where providing access would pose a serious threat to the life or health of any individual;
- (c) providing access would have an unreasonable impact on the privacy of other individuals;
- (d) the request for access is frivolous or vexatious;
- (e) the information relates to existing or anticipated legal proceedings between ACE and you and the information would not be accessible by the process of discovery in those proceeding;
- (f) access to the information would reveal the intentions of ACE in relation to negotiations with you in such a way as to prejudice those negotiations;
- (g) providing access would be unlawful;
- (h) denying access is required or authorised by or under any law;
- (i) providing access would be likely to prejudice an investigation of possible unlawful activity;
- (j) 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 a prescribed law;
  - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or
  - (iii) the protection of the public revenue;
  - (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
- (k) where an enforcement body performing a lawful security function asks ACE not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

ACE will not provide access to information if this would reveal evaluative information generated within ACE in connection with a commercially sensitive decision making process. ACE will

however give you an explanation for the commercially sensitive decision rather than access to the information.

If ACE is not required to provide you with access because of one or more of paragraphs (a) to (k) above ACE will, if it is reasonable, consider whether the use of a mutually agreed intermediary would allow sufficient access to meet your needs and ACE's needs.

ACE will not charge you for lodging a request for access to your information and if ACE levy any charges for providing information, they will not be excessive.

If ACE holds personal information about you and you are able to establish that the information is not accurate, complete and up to date, ACE will take reasonable steps to correct the information so that it is accurate, complete and up to date.

If you disagree about whether the information ACE holds about you is accurate, complete or up to date you can request ACE to associate with the information a statement claiming that the information is not accurate, complete or up to date and ACE will take reasonable steps to do so.

ACE will provide reasons for denial of access or a refusal to correct information.

### **Principle 7 – Identifiers**

ACE will not adopt as its own identifier an identifier that has been assigned to you by;

- (a) a government agency; or
- (b) an agent of an agency acting in its capacity as agent; or
- (c) a contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.

ACE will not use or disclose an identifier assigned to you by an agency or by an agent or contracted service provider unless:

- (a) the use or disclosure is necessary for ACE to fulfil our obligations to the agency; or
- (b) one or more of the paragraphs of Principle 2 e) to h) apply to the use or disclosure.

### **Principle 8 – Anonymity**

Whenever it is practicable and lawful, you will have the option of not identifying yourself when dealing with ACE.

### **Principle 9 – Transborder Data Flows**

ACE will not transfer personal data outside Australia unless the country is subject to a comparable scheme.

### **Principle 10 – Sensitive Information**

ACE will not collect sensitive information, that is, information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or details of health or sex life unless:

- (a) you have consented;
- (b) the collection is required by law;
- (c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
  - (i) is physically or legally incapable of consenting to the collection; or
  - (ii) physically cannot communicate consent to the collection; or
- (d) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

## **5. COMPLAINTS HANDLING AND DISPUTES PROCEDURE**

Should you be unhappy about our treatment of your personal information or you believe there has been a breach of this Policy, please contact ACE's Privacy Officer clearly setting out the nature of your concern.

Complaints can be made orally at first, or in writing. Where a complaint is made orally you must confirm the complaint in writing as soon as possible. If you require assistance in lodging your complaint, please contact us.

Your complaint will be reviewed and you will be provided with a written response. If it cannot be resolved, your complaint will be referred to ACE's Internal Disputes Resolution Service and you will receive a response in writing within fifteen (15) working days, setting out:

- (a) the general reasons for the outcome; and
- (b) information on the further action that you can take, should you remain dissatisfied with our handling of your complaint or the outcome of your complaint.

In either case, your complaint will be reviewed by someone with appropriate authority to deal with the complaint.

#### **Further Review of your Complaint**

If you are still not satisfied with our review, you may take your complaint to the Office of the Federal Privacy Commissioner. The Commissioner has the power to investigate complaints and recommend appropriate action to remedy your complaint. You can contact the Commissioner on 1300 363 992, or by writing to the Privacy Commissioner, GPO Box 5218, Sydney NSW 2001.

### **6. COMPLIANCE WITH THIS POLICY**

ACE implements this Policy through the use of proper procedures and staff training to ensure compliance with this Policy.

We ensure that all our employees and any representatives who deal with personal information are aware of the standards of this Policy.

ACE requires that all of its staff and representatives with access to personal information maintain confidentiality concerning that personal information. We implement that requirement through appropriate contractual terms and internal policies.

Our procedures for handling personal information are developed to implement the standards of this Policy. ACE trains its employees in the proper conduct of those procedures that are relevant to their duties.

### **7. REVIEW OF ACE'S PRIVACY POLICY**

ACE ensures that this Policy remains current and continues to fulfil its objectives. This is achieved through periodical reviews, having regard to:

- (a) the need to actively consider privacy issues as new products and services are developed or offered;
- (b) any guidance issued in relation to the Privacy Act; and
- (c) any changes to the Privacy Act.

### **8. ACE'S PRIVACY OFFICER – CONTACT DETAILS**

For further information about ACE & Your Privacy or to access our complaint handling and dispute procedure, please address your correspondence to:

The Privacy Officer  
ACE Insurance Limited  
GPO Box 4065  
Sydney NSW 2001  
**Telephone:** (02) 9335 3200  
**Email:** [privacy.aus@ace-ina.com](mailto:privacy.aus@ace-ina.com)