

BOHLER UDDEHOLM (AUSTRALIA) PTY LTD
PRIVACY AMENDMENT (PRIVATE SECTOR) ACT
(now incorporated in the Privacy Act)

BUAU recognises the importance of protecting personal information which it may be required to collect from individuals who become associated with BUAU. The purpose of the Policy is to ensure that any individual who provides information to BUAU is protected according to the National Privacy Principles (NPP) as set out in the Privacy Act 1988 (amended by the Privacy Amendment (Private Sector) Act 2000)

Exemptions from the Act include acts and practices of employers in relation to employee records. A general right of privacy exists so that employee records are handled in a manner that respects employee's rights and maintains confidentiality.

For the purpose of this policy 'information' is described as:

'Personal Information' means information relating to an individual, including an opinion, which may be provided to BUAU as part of its credit reporting, employee records, contractors, service providers and sales and marketing in material form or not, and whether true or not. Such information may personally identify an individual or make the person's identity apparent.

'Sensitive Information' means information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs, philosophical beliefs, membership of a trade union, sexual practices, criminal record or health information.

National Privacy Principles (NPPs)

NPP1 Collection

BUAU may collect and hold personal information such as your name, proprietors of organisations, address, telephone/mobile phone number, e-mail address, facsimile number, trade reference details and ABN.

BUAU will only collect information that is necessary for its business activities and will be fair in the way this information is collected.

BUAU will, where practicable, collect personal information directly from you.

The reasons BUAU collect personal information include, but are not limited to, setting up and administering a credit account for our customers, determine our customer requirements, to provide the appropriate service to our customers and assess our customers satisfaction and ongoing needs.

When collecting information BUAU will make you aware of the purpose for the collection, what we intend to do with the information, any law requiring collection, to whom the information may be disclosed and how you may access the information in the future.

If you choose not to provide personal information, we may not be able to provide you with the services you require.

NPP 2 Use and Disclosure

BUAU will only use and disclose information

- if the individual has consented
- for the purpose it was collected
- to provide the products and services you require
- to administer and manage the provisions of these products and services including invoicing and collection of outstanding monies.
- Inform you of improvements in our products and services
- if it is related to law enforcement or crime prevention
- to our professional advisors, including our accountants, auditors and lawyers
- to government and regulatory authorities and other organisations as required or authorized by law

NPP 3 Data Quality

BUAU will take all reasonable steps to ensure that personal information collected, used or disclosed is accurate, complete and up to date. However, the accuracy of the information depends to a great extent on the information you provide.

We, therefore, recommend that you notify us if:

- there are any errors in your personal information
- there are any changes to personal information such as name and address.

NPP 4 Data Security

BUAU will take all reasonable steps to protect personal information that it holds. This includes misuse, loss, unauthorized access, modification or disclosure. This also includes appropriate measures to protect electronic materials and materials stored and generated in hard copy.

BUAU will permanently de-identify personal information no longer needed for any purpose. This principle applies to information collected before and after the commencement of the Act.

NPP 5 Openness

BUAU will make available its policy on the management of personal information. This policy and the privacy policy can be accessed on our website.

NPP 6 Access and Correction

Individuals have a general right to access information about themselves subject by law to some exemptions. If an exemption applies, the use of a mutually agreed intermediaries may allow sufficient access to meet the needs of both parties.

If an individual can establish that information held about them is not accurate, complete and up to date BUAU will take reasonable steps to correct the record.

A small access fee for reasonable administrative costs may be incurred.

NPP 7 Identifiers

BUAU will not adopt as its own identity of an individual an identifier assigned by a federal government agency eg Tax File Number or Medicare number (excludes ABN)

NPP 8 Anonymity

Where possible and practical, individuals will have the option of dealing with BUAU anonymously

NPP 9 Transborder Data Flow

Limitations apply in sending personal information overseas. BUAU will only transfer personal information to related overseas companies if we believe that the recipient is subject to a law binding scheme of contract which effectively upholds principles similar to NPP's, the individual consents to the transfer or in other limited circumstances.

NPP 10 Sensitive Information

Sensitive information may only be collected if the individual has consented, if required by law or if certain other conditions are met.

The Amended Privacy Legislation and the Employment Relationship

Certain personal information may be exempt under the Act, such as employee records.

The Act will have a different impact on the various employment relationships such as:

- employer and employee relationship
- prospective employees during the recruitment stage; or
- contractors, subcontractors and consultants

Employer/Employee Relationship

The impact of the new legislation on the employment relationship between employers and employees is limited because of the current exemption relating to employee records. BUAU will collect, use and store employee records without having obligation to comply with the National Privacy Principles provided that these records are directly related to current or former employment relationship. The exemption does not apply to BUAU disclosing information to another organization such as workers compensation insurer - or a direct marketing organization. This means that while these records are in the hands of another organization they are no longer exempt from the Act.

BUAU will maintain good human resources practices by maintaining wherever possible the confidentiality of our employees personal information.

Prospective Employees

The employee records exemption does not apply to prospective employees.

BUAU will have regard to the privacy of job applicants and the personal information they supply. Any information collected will remain confidential and this will apply to any information gathered from referees.

The type of personal information that may be collected in the recruitment process is applications forms, resumes, interview notes and reference information.

Any personal information collected about a prospective employee will not fall under the employee records exemption of the Act as there has not been an employment relationship established, therefore BUAU will comply with the Act when handling this information.

Personal information for unsuccessful applicants will be destroyed once a successful applicant has been appointed.

Contract Staff

Contractors, Subcontractors and Consultants are not employees of BUAU and therefore no employment relationship has been established, therefore personal information collected from these people will be subject to the Act.

Breach of the Act

An individual affected by a breach of the Act may bring a complaint in the first instance, to BUAU against whom the breach is alleged. If the matter is not resolved then a complaint may be taken to the Privacy Commissioner. The Commissioner has broad powers including the power to determine monetary compensation. Determinations of the Commissioner can be enforced by the Federal Court of Australia or Federal Magistrates Court. The Commissioner has also made clear an intention to use media publicity as a weapon against non-compliance.