



# Privacy Policy

**Tango Energy Pty Ltd**

V.1.2

Release Date 24<sup>th</sup> January 2018

## Table of Contents

Privacy at Tango Energy.....	3
What is Personal Information? .....	3
How to access Personal Information? .....	3
How to make a complaint?.....	3
Data breach.....	4
Identifying persons .....	4
How long does Tango Energy keep Personal Information on file?.....	4
Schedule 1: Privacy principles .....	4
1. Australian privacy principle 1: Open and transparent management of Personal Information .	4
1.1 Personal Information collected: .....	4
1.2 Examples of Information required:.....	4
1.3 Why Personal Information is collected: .....	4
1.4 How Personal Information may be assessed: .....	5
1.5 Your consent is important to us: .....	5
2. Australian Privacy Principle 2: Anonymity and pseudonymity.....	5
3. Australian Privacy Principle 3: Collection of solicited Personal Information.....	5
3.1 Personal Information other than Sensitive Information .....	5
3.2 Sensitive Information .....	5
4. Australian Privacy Principle 4: Dealing with unsolicited Personal Information.....	6
5. Australian Privacy Principle 5: Notification of the collection of Personal Information .....	6
6. Australian Privacy Principle 6: Use or disclosure of Personal Information.....	6
6.1 Use of disclosure .....	6
6.2 Written note of use or disclosure .....	7
6.3 Related bodies corporate.....	7
7. Australian Privacy Principle 7: Direct marketing.....	7
7.1 Direct marketing.....	7
8. Australian Privacy Principle 8: Cross-border disclosure of Personal Information .....	8
9. Australian Privacy Principle 9: Adoption, use or disclosure of government related identifiers	8
9.1 Adoption of government related identifiers .....	8
10. Australian Privacy Principle 10: Quality of Personal Information .....	8
11. Australian Privacy Principle 11: Security of Personal Information .....	8
12. Australian Privacy Principle 12: Access to Personal Information .....	8
12.1 Access .....	8
12.2 Dealing with requests for access.....	9
12.3 Refusal to give access .....	9
13. Australian Privacy Principle 13: Correction of Personal Information .....	9
13.1 Corrections .....	9
13.2 Notification of correction to third parties .....	10
13.3 Refusal to correct information.....	10
13.4 Request to associate a statement .....	10
13.5 Dealing with requests .....	10

## Privacy at Tango Energy

Tango Energy Pty Ltd (ABN 155 908 839) (“Tango Energy”) takes privacy seriously.

The Privacy Act requires organisations to ensure that the collection, use, transfer and disclosure of Personal and or Sensitive Information is consistent with the Privacy Act’s Australian Privacy Principles set out in Schedule 1. This gives individuals the right to know what information Tango Energy holds about them and how that information is used.

### What is Personal Information?

Personal Information means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.

### How to access Personal Information?

A person may access their own Personal Information held by Tango Energy, by requesting so in writing to the Privacy Officer. A fee will not be charged for this request but you may be asked to provide proof of identification.

### How to make a complaint?

A person may make a complaint if they feel their Personal Information has been handled inappropriately, or where they suspect that there may have been a Data Breach, or Tango Energy is in breach of its privacy obligations under the Privacy Act. In the first instance, complaints may be directed to Tango Energy’s Privacy Officer via in writing, using the details provided below. The Privacy Officer will investigate the complaint and prepare a response to the complainant in writing within 30 days.

**Privacy Officer:** Adam Lourey, Retail Regulatory & Compliance Manager

**Email address:** [privacyofficer@tangoenergy.com](mailto:privacyofficer@tangoenergy.com)

**Mail address:** Privacy Officer  
East 1A 3-35 Mackey Street,  
North Geelong, VIC 3125 Australia

If the complainant is not satisfied with the Privacy Officer’s response or the manner in which Tango Energy has dealt with the complaint, the individual may make a formal complaint to the Office of the Australian Information Commissioner (“Information Commissioner”) using the following contact details:

**Email address:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**Mail address:** GPO Box 5218 Sydney NSW 2001

**Telephone** 1300 363 992

The Information Commissioner will provide Tango Energy with the opportunity to respond to the complaint. Following its enquiries, if the Information Commissioner decides that there is insufficient evidence to support the complaint, the Information Commissioner may dismiss the complaint. Alternatively, if the Information Commissioner believes there is enough evidence to support the complaint, it will try to conciliate the matter.

## Data breach

Where Tango Energy suspects that there has been an unauthorised access or unauthorised disclosure of an individual's Personal Information, it will within 30 days carry out a reasonable and expeditious assessment to determine whether there are reasonable grounds to believe that the relevant circumstances amount to an eligible data breach and take reasonable endeavours to make contact with the affected individual to inform them of their options to rectify or mitigate this situation. Where Tango Energy is unable to make contact with the affected individual, it will publish a statement on its website [www.tangoenergy.com](http://www.tangoenergy.com) to inform its readers that an unidentified breach may have occurred.

## Identifying persons

Tango Energy may require identification of persons before they are able to release Personal Information.

## How long does Tango Energy keep Personal Information on file?

There is no legislative requirement to keep Personal Information for a minimum or maximum period. Tango Energy will maintain Personal Information for as long as is necessary.

## Schedule 1: Privacy principles

### 1. Australian privacy principle 1: Open and transparent management of Personal Information

The object of this principle is to ensure that Tango Energy manages Personal Information in an open and transparent way and takes reasonable steps to implement procedures, systems and practices that uphold the Australian Privacy Principles (APP's).

Tango Energy will maintain a clearly expressed and up to date policy (this Retail Privacy Policy) about the management of Personal Information collected by Tango Energy. This section describes the types of Personal Information Tango Energy collects, why that information is collected, and how an individual may access Personal Information held by Tango Energy.

#### 1.1 Personal Information collected:

In order to meet our obligations under energy law and other relevant obligations and to facilitate the supply of electricity to our retail customers', Tango Energy is required to collect Personal Information about customers, including prospective customers and or properties, or people, whom we have approached in our marketing activities.

#### 1.2 Examples of Information required:

- name, address/es, supply address/es and or mailing address, national metering identifiers and or metering reference numbers;
- telephone numbers (including mobile), email and or other forms of contact information;
- some banking and or credit card information, where direct debit or a payment arrangement is agreed to;
- where applicable, some concession and or medical information to facilitate the delivery of community services such as energy concessions, rebates and or other government administered programs; and
- file notes, recordings, and requests made to call centre staff.

#### 1.3 Why Personal Information is collected:

Information is collected as part of our electricity retail activities and is used to facilitate the billing and other service related functions or as required under relevant energy law. This includes a record of interactions we may have had with prospective customers or as evidence of dates and times of particular events.

## **1.4 How Personal Information may be assessed:**

An individual may access their Personal Information by contacting our call centre or our Privacy Officer. Should any information held by Tango Energy be incorrect, or require updating, this may be undertaken through the same method.

Should a complaint arise in relation to the collection, use and/or disclosure of Personal Information, a formal complaint may be raised by contacting our call centre or our Privacy Officer and the matter will be investigated. If there is a suspected breach of the APP's, or a registered APP code (if any) that binds Tango Energy the Privacy Officer will deal with any such complaint as soon as practical.

## **1.5 Your consent is important to us:**

We will make all reasonable attempts to obtain the consent of the individual when collecting, using and/or disclosing Personal Information.

Tango Energy is unlikely to disclose Personal Information to overseas recipients. Where Tango Energy is required to disclose Personal Information to overseas recipients, where practical, the countries in which such recipients are likely to be located will be specified in this policy. In any event, where Tango Energy is required to disclose Personal Information overseas, we will endeavour to ensure that the countries to which we disclose information have the equivalent privacy and information security laws and/or we will maintain strict confidentiality clauses within contractual arrangements.

## **2. Australian Privacy Principle 2: Anonymity and pseudonymity**

Whenever it is lawful and practicable, individuals will have the option of not identifying themselves, or using a pseudonym, when providing information to Tango Energy.

## **3. Australian Privacy Principle 3: Collection of solicited Personal Information**

### **3.1 Personal Information other than Sensitive Information**

Personal Information relevant for one or more of Tango Energy's functions or activities that Tango Energy solicits will only be collected from the individual concerned, to the extent necessary by lawful and fair means and not in an unreasonably intrusive way, unless it is unreasonable or impractical to do so.

### **3.2 Sensitive Information**

Tango Energy will not collect Sensitive Information about an individual unless the information is reasonably necessary for a Tango Energy function or activity and:

- the individual has consented; or
- the collection is required by law; or
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health or safety of any individual, or public health and safety, where the individual whom the information concerns;
- is physically or legally incapable of giving consent; or
- physically cannot communicate consent to the collection; or
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim; or
- the information is required for taking appropriate action in relation to suspected unlawful activity or serious misconduct; or
- the information is required for locating a missing person.

#### **4. Australian Privacy Principle 4: Dealing with unsolicited Personal Information**

If Tango Energy receives unsolicited Personal Information it will assess the information, within a reasonable time, as if it solicited the information as outlined in APP 3. Where Tango Energy considers the information provided is not information it would have collected under APP 3, it will destroy and de-identify the information if it is lawful and reasonable to do so.

#### **5. Australian Privacy Principle 5: Notification of the collection of Personal Information**

At the time of collection (or as soon as practicable afterwards) Tango Energy will take reasonable steps to ensure that the individual is told:

- who Tango Energy is and how he or she may contact them;
- that they can access the information;
- why the information is collected;
- if the individual's Personal Information is collected from someone other than the individual, how that information is collected and the circumstances of why that information was collected;
- how the individual may seek the correction of this information;
- how the individual may complain about a breach of Tango Energy's Privacy Policy;
- how Tango Energy deals with complaints under its Privacy Policy;
- the disclosure practices of Tango Energy including if any Personal Information is disclosed to an overseas recipient;
- if Tango Energy does disclose Personal Information to an overseas recipient, provide the individual with information as to the countries in which the overseas recipient is located (if this is practical);
- any law that requires the particular information to be collected and the consequences (if any) for the individual if the information is not provided;
- the main consequences (if any) for the individual if all or part of the information is not provided; and
- that Tango Energy's Retail Privacy Policy is published on the Tango Energy website [www.tangoenergy.com/privacy](http://www.tangoenergy.com/privacy) and provided to individuals on request.

#### **6. Australian Privacy Principle 6: Use or disclosure of Personal Information**

##### **6.1 Use of disclosure**

If Tango Energy holds Personal Information about an individual that was collected for a particular purpose (the primary purpose), Tango Energy will not use or disclose the information for another purpose (the secondary purpose) unless:

- the individual has consented to the use or disclosure of the information; or
- the following applies in relation to the use or disclosure of the information:
  - an individual would reasonably expect Tango Energy to use or disclose the information for a secondary purpose and the secondary is:
  - if the information is Sensitive Information—directly related to the primary purpose; or
  - if the information is not Sensitive Information—related to the primary purpose; or
  - the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
  - a permitted general situation exists:

- (a) lessening or preventing a serious threat to the life, health or safety of any individual, or to public health or safety;
  - (b) taking appropriate action in relation to suspected unlawful activity or serious misconduct;
  - (c) locating a person reported as missing;
  - (d) asserting a legal or equitable claim; and
  - (e) conducting an alternative dispute resolution process;
- in relation to the use or disclosure of the information by Tango Energy; or
  - a permitted health situation exists in relation to the use or disclosure of the information by Tango Energy such as the collection of health information to provide a health service (for example life support requirements); or
  - Tango Energy reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

## 6.2 Written note of use or disclosure

If Tango Energy reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body, Tango Energy will make a written note of the use or disclosure.

## 6.3 Related bodies corporate

If Tango Energy collects Personal Information from a related body corporate then this principle will apply as if Tango Energy's primary purpose for the collection of the information were the primary purpose for which the related body corporate collected the information.

# 7. Australian Privacy Principle 7: Direct marketing

## 7.1 Direct marketing

If the information is not Sensitive Information, Tango Energy may use the information for direct marketing if:

- the information was collected from the individual; and
- Tango Energy provides a simple means by which the individual may easily request not to receive direct marketing communications and this request has not been made; and
- the individual would reasonably expect Tango Energy to use or disclose the information for direct marketing.

If the information is collected from someone other than the individual or the information is of a nature that the individual would not consider Tango Energy would use it for direct marketing, Tango Energy may still use this information for direct marketing if:

- the individual provides their consent; or
- it is impractical to seek the individual's consent before the particular use; and
- Tango Energy provides a simple means by which the individual may easily request not to receive direct marketing communications and this request has not been made; and
- in each direct marketing communication with the individual or by other means a prominent statement that draws the individual's attention as to how such a request not to receive direct marketing can be made.

If Tango Energy receives a request from an individual not to receive direct marketing communications or to identify the source of the Personal Information, Tango Energy will give effect to that request, within a reasonable time and without cost to the individual.

## **8. Australian Privacy Principle 8: Cross-border disclosure of Personal Information**

Tango Energy will not transfer personal data outside Australia unless:

- Tango Energy reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair information handling that are substantially similar to the APPs; and
- there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; and
- Tango Energy expressly informs the individual of the transfer and the individual concerned consents; or
- the transfer is required by Australian law or a court/tribunal order; or
- the disclosure is necessary to enable Tango Energy to satisfy its obligations under APP 6.

## **9. Australian Privacy Principle 9: Adoption, use or disclosure of government related identifiers**

### **9.1 Adoption of government related identifiers**

Tango Energy will not adopt as its own identifier an identifier that has been assigned by a government agency (or by the government's agent or contractor) unless required by law to do so. Tango Energy will not use or disclose an identifier assigned to an individual by a government agency unless:

- it is reasonably necessary to identify the identity of the individual;
- it is necessary for Tango Energy to fulfil its obligations to a state/territory authority;
- the disclosure of the identifier is required or authorised by or under a Australian law;
- the disclosure is necessary to enable Tango Energy to satisfy its obligations under APP 6;
- it reasonably believes that the disclosure is reasonably necessary for one or more enforcement activities by or on behalf of an enforcement body.

## **10. Australian Privacy Principle 10: Quality of Personal Information**

Tango Energy will take reasonable steps to ensure that Personal Information it collects uses or discloses is accurate, complete and up to date having regard to the purpose for which it was provided.

## **11. Australian Privacy Principle 11: Security of Personal Information**

Tango Energy will take reasonable steps to protect Personal Information it holds from misuse and loss and from unauthorised access, modification or disclosure. Tango Energy will also take reasonable steps to destroy or permanently de-identify Personal Information if it is no longer needed for the purpose for which the information was acquired.

## **12. Australian Privacy Principle 12: Access to Personal Information**

### **12.1 Access**

Where Tango Energy holds Personal Information about an individual, it will provide the individual with access to the information on request, except to the extent that:

- in the case of Personal Information other than health information - providing access would pose a Serious and imminent threat to the life, health or safety of any individual, or public health; or
- providing access would have an unreasonable impact upon the privacy of other individuals; or
- the request for access is frivolous or vexatious; or
- the information relates to existing or anticipated legal proceedings between Tango Energy and the individual, and the information would not be accessible by the process of discovery in those proceedings; or



- providing access would reveal the intentions of Tango Energy in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- providing access would be unlawful; or
- denying access is required or authorised by law; or
- both of the following apply:
  - Tango Energy has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Tango Energy's functions or activities has been, is being or may be engaged in;
  - giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- providing access would be likely to prejudice enforcement related activities conducted by, or on behalf of, an enforcement body; or
- providing access would reveal evaluation information generated within the entity in connection with a commercially sensitive decision-making process.

## 12.2 Dealing with requests for access

On receipt of a request for Personal Information, and in consideration of APP 12, Tango Energy will respond within a reasonable period and in the manner requested by the individual. Where it is not reasonable or practicable, Tango Energy will take such steps as are necessary, including the use of mutually agreed intermediaries that would allow sufficient access to meet the needs of both parties.

If Tango Energy levies charges for providing access to Personal Information, those charges:

- will not be excessive; and
- will not apply to lodging a request for access.

## 12.3 Refusal to give access

Where Tango Energy is not required to provide the individual with access to the information for any reason set out in APP 12, Tango Energy will give written notice that sets out:

- the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- the mechanisms available to complain about the refusal; and
- any other matter prescribed by the regulations.

If Tango Energy refuses to give access to the Personal Information because it would reveal evaluative information connected with a commercially sensitive decision-making process, Tango Energy will provide an explanation for the commercially sensitive decision.

## 13. Australian Privacy Principle 13: Correction of Personal Information

### 13.1 Corrections

If Tango Energy:

- holds Personal Information about an individual; and
- either:
  - Tango Energy is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
  - the individual requests the entity to correct the information;
  - Tango Energy will take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

### **13.2 Notification of correction to third parties**

If Tango Energy:

- corrects Personal Information about an individual that was previously disclosed to another party; and
- the individual requests Tango Energy to notify the other party of the correction;

Tango Energy will take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

### **13.3 Refusal to correct information**

If Tango Energy refuses to correct the Personal Information as requested by the individual, Tango Energy will give the individual a written notice that sets out:

- the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- the mechanisms available to complain about the refusal; and
- any other matter prescribed by the regulations.

### **13.4 Request to associate a statement**

If Tango Energy:

- refuses to correct the Personal Information as requested by the individual; and
- the individual requests Tango Energy to associate with the information a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading;

Tango Energy will take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

### **13.5 Dealing with requests**

If a request is made under APP 13, Tango Energy will:

- respond to the request within a reasonable period after the request is made; and
- not charge the individual for the making of the request, for correcting the Personal Information or for associating the statement with the Personal Information (as the case may be).