



Energy & Water
Ombudsman NSW
Free, fair and independent

EWON Privacy Policy

Energy & Water Ombudsman NSW

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About this Policy

This Policy has been written by the Energy & Water Ombudsman NSW Limited (EWON) to comply with its obligations under the *Privacy Act 1988 Act* (Cth) (the Act) and the *Australian Privacy Principles* (the APPs). As a Company limited by guarantee under corporations law, and with a budget of over \$3m per annum, EWON falls within the jurisdiction of the Act from 1 July 2003.

This policy is intended to ensure that the privacy of individuals is protected in the collection, use, disclosure and storage of personal information by EWON.

The specific legal obligations of EWON when collecting and handling your personal information are outlined in the Act and in particular in the APPs found in that Act. The APPs are available on the Office of the Australian Information Commissioner's website, oaic.gov.au.

Functions and Activities of EWON

The Energy & Water Ombudsman NSW (EWON) provides a free, fair and independent dispute resolution service to domestic and small business customers of energy providers in NSW and some water providers. We collect, hold, use and disclose personal information to carry out our functions or activities as the government approved dispute resolution scheme for New South Wales energy customers, and some water customers.

EWON deals with complaints in relation to energy and water providers. A complaint which falls within EWON's jurisdiction is raised with the relevant provider to give them an opportunity to resolve the complaint. If the provider and the customer do not resolve the complaint, EWON may investigate and if resolution is not reached, the Ombudsman can make a binding decision as to how the complaint should be resolved.

EWON provides advice and information about its functions, activities, and jurisdiction. EWON also provides information about other entities that might assist the individual, including where the query or complaint is outside EWON's jurisdiction.

Individuals who contact EWON for information are asked for brief details— name, contact details, nature of the complaint or query - but are not required to disclose their identity if they do not wish to do so. Where callers provide identity details, consent is assumed.

All collection, use and disclosure of personal information by EWON will be done for the purpose of effective complaint investigation and resolution. It might also be used for related purposes, such as:

- evaluation of the effectiveness of the scheme, or aspects of the scheme
- reporting to stakeholders on the operation of the scheme, or
- promotion of the scheme, communicating with the public, stakeholders and the media including through websites and social media.

EWON will use de-identified information for these purposes and for all public reporting on customer complaints.



Collection of your personal information¹

At all times we try to only collect the information we need for the particular function or activity we are carrying out. The main way we collect personal information about you is when you give it to us, for example, we collect personal information such as contact details when you or your authorised representative:

- contact us to ask for information (but only if we need it)
- lodge a complaint
- ask for access to information EWON holds about you or your complaint or enquiry or other information about EWON's operation.

We may also collect information from you when we investigate or review a complaint. If we open a case about your matter, it will often include our analysis of the information regarding your matter.

We will also collect information about your complaint from your energy or water provider – either your retailer that bills you or the distributor that supplies energy or water to your property.

We may also collect contact details and other personal information if you are involved in a stakeholder project or participating in a meeting or consultation with us.

Collecting sensitive information²

EWON will limit the collection, use, disclosure and storage of sensitive information to instances where the sensitive information is directly relevant and reasonably necessary for the investigation and resolution of a complaint made to EWON.

Individuals who contact EWON often provide personal and/or sensitive information relevant to their energy or water issue, e.g. health, financial, employment, family reasons for not being able to pay a bill/s. They might also provide information about their housing situation, and their ethnic origin if they need an interpreter. EWON will discuss with the individual what information can be passed on to their energy or water provider, particularly if the information is sensitive. EWON will record whether the individual has given explicit consent to information provision. If it is not appropriate to provide sensitive information to an energy or water provider, EWON will advise them in general terms of our understanding that the individual has serious personal or health issues.

Indirect collection

In the course of handling and resolving a complaint or investigation, we may collect personal information (including sensitive information) about you indirectly from publicly available sources or from third parties such as:

- your authorised representative, if you have one
- applicants, complainants, respondents to a complaint or application or the third parties' employees and witnesses.

¹ Australian Privacy Principle (APP) 3, APP 4, APP 5

² APP 3



We also collect personal information from publicly available sources to enable us to contact stakeholders who may be interested in our work or in participating in our consultations.

Third party and unsolicited information³

Sometimes EWON receives a complaint that concerns information about a third party who has no interest or involvement in the complaint itself, for example, personal information about a neighbour's similar situation to the complainant.

The information is usually provided unsolicited by the complainant.

In many cases where EWON receives information about parties other than the complainant that is relevant to the complaint it will not be reasonable or practicable for EWON to collect the personal information directly from the individual concerned because:

- a. To do so would disclose the fact that a complaint has been made to EWON and thereby breach the privacy of the complainant;
- b. Disclosure may have adverse consequences for the complainant including pressure not to pursue their entitlements including their entitlement to access EWON and, in some cases, the threat of physical or emotional harm;
- c. EWON may not have contact details for the third party and may have to incur considerable costs to locate them;
- d. In some circumstances, such as where allegations of fraud or forgery are made in relation to the third party, it would not be practicable to collect the relevant and potentially incriminating information from that third party.

It is accepted practice for alternative dispute resolution schemes such as EWON to collect and use available information, including third party personal information, to carry out its primary function of dispute resolution.

In the case of a joint account EWON will generally take the view that a joint account holder would expect that information about their joint account would be collected and used by EWON in the course of an investigation of a complaint about the account.

Similarly, where a complaint concerns information about a party to a transaction other than the complainant, EWON will generally assume that a reasonable third party would expect that information about the account or transaction would be collected by EWON in the course of an investigation of a complaint about the account or the transaction.

EWON does not make binding decisions that affect the rights and obligations of third parties. An EWON binding decision is only binding on the customer's provider. The complainant can choose whether to accept a binding decision.

Where information about a third party is provided by the complainant or the provider, EWON will do the following:

- The investigator handling the complaint will review the information received and determine whether the information about the third party is personal information, that is information

³ APP 4, APP 5



about an individual whose identity is apparent or can easily be ascertained and which concerns the private life or activities of an individual;

- If the information about the third party is personal information, the investigator will assess it to determine whether it is necessary to understand or resolve the complaint;
- If the investigator determines that the complaint can be handled without the information, it will be deleted from the complaint;
- If the investigator considers that the information can be de-identified, then the investigator will take steps to remove all information that identifies who the third party is, before using the information;
- If the investigator considers that the third party information is necessary in the resolution of the complaint, the investigator may ask the complainant or provider to advise the other person that the information has been provided and why. If the investigator determines that it is not reasonable for the complainant or provider to advise the other person that the information has been provided and why, no steps will be taken. Such a determination may be reached in cases where the third party is alleged to have acted unlawfully, where it is apparent that there is conflict between the complainant and the third party or where disclosure of the complaint to the third party would exacerbate the complaint or cause a potential threat to the safety of an individual.

Information about any person is used by the Ombudsman for the purpose of effectively investigating and resolving an energy or water dispute, or related purposes.

As a result of EWON's promotion of its functions and activities and its own publications it is considered that, in the case of many of the third parties whose information may be collected by EWON, they would be aware of the matters requiring disclosure.

Anonymity⁴

Where possible, we will allow you to interact with us anonymously or using a pseudonym. For example, if you contact our Freecall 1800 number with a general question, we do not need your name unless you choose to provide this. However, for most of our functions and activities we usually need your name and contact information and enough information about the particular matter to enable us to fairly and effectively handle your inquiry, request, complaint or application.

You have the right to choose not to provide your personal information to EWON, but if you choose not to, we may not be able to help you, apart from providing basic information.

Collecting through our website

EWON has its own public website — ewon.com.au. It is EWON's usual practice to collect information about visitors to our online resources. This information is very limited and only used to identify generic behavioural patterns such as which webpages users visit and what content is popular. Where our website allows you to make comments or give feedback we collect your email address and sometimes other contact details. We may use your email address to respond to your feedback and, on occasion, to contact you for surveying purposes. All personal information collected is hosted on servers located in Australia.

⁴ APP 2



Analytic, session and cookie tools

We use a range of tools provided by third parties, including Google and Bing to collect or view website traffic information. These sites have their own privacy policies. We also use cookies and session tools to improve your experience when accessing our websites. The information collected by these tools may include the IP address of the device you are using and information about sites that IP address has come from, the pages accessed on our site and the next site visited. We use the information to maintain, secure and improve our websites and to enhance your experience when using them. Google Analytics allows users to opt out of the collection of this information using the Google Analytics Opt-out Browser Add-on.

Social Networking Services

We use social networking services such as Twitter and Facebook to communicate with the public about our work. When you communicate with us using these services we may collect your personal information, but we only use it to help us to communicate with you and the public. The social networking service will also handle your personal information for its own purposes. These sites have their own privacy policies.

Email lists

We collect your email and, if you provide it, other contact details when you subscribe to our publications or email lists. We only use this information for the purpose of sending you regular updates on the activities of EWON, and to administer the lists. People can unsubscribe from our email lists at any time.

Electronic forms

The EWON website enables complaints, membership applications, job applications and enquiries to be lodged online. When one of these forms is submitted it is sent to an Australian location, where it is stored in a secure environment.

Use of contact information for evaluating effectiveness of the scheme

EWON regularly conducts surveys and related activities to measure and evaluate aspects of our performance, including customer satisfaction. Your personal information may be used by EWON or reputable customer service contractors, acting on EWON's behalf, to invite you to provide your feedback about our complaints handling service via email and phone surveys. We also regularly use SurveyMonkey to conduct targeted surveys of particular complaint types.

We advise participants of our Privacy Policy as part of our complaint handling process. For reporting purposes, all feedback and opinions provided by customers is de-identified and all personally identifying information is removed. Where EWON engages a contractor to complete the survey all customer data is returned to EWON or destroyed.



Disclosure⁵

EWON uses and discloses personal information collected for the purpose of resolving your complaint. When investigating your complaint we may need to disclose personal information to help us better investigate your complaint. We do not disclose sensitive information about you unless you agree, or would reasonably expect us to.

EWON will not disclose personal information to another party if you explicitly deny consent for the disclosure. However, where you deny consent to the disclosure of personal information, EWON may be limited in the assistance we can offer.

If you lodge an online complaint, we may refer the complaint to the relevant provider's specialist dispute resolution team. If so, we will pass on your contact information to the provider so they can contact you, unless you advise us that you do not consent to this.

In order to investigate or resolve a complaint, EWON may disclose personal information to providers, third party experts/advisors or other agencies, such as government regulators. Third party independent experts/advisors engaged by EWON are required to sign a confidentiality agreement prior to customer information being disclosed.

When reporting to relevant bodies, such as government agencies or regulators, EWON provides de-identified information. If EWON is asked for personal information relating to any reported complaints, EWON will seek consent from a customer prior to any disclosure, and will not disclose information if consent is not provided.

To ensure EWON provides an effective and efficient level of service, EWON may disclose customer information to market research companies for the purposes of customer satisfaction surveys. The market research company is required to sign a confidentiality agreement and provide all information back to EWON. If a customer decides to 'opt out' of the survey process, EWON's records will be noted accordingly.

EWON does not engage in any direct marketing activities, and will not provide customers' personal information to another body for the purposes of direct marketing.

EWON staff only disclose information about a complaint to the customer or their authorised representative. The EWON website provides details about the way EWON seeks authority from a customer as well as how and when an *Authority to Act* form will be obtained.

Third parties seeking information about a complaint

From time to time, EWON is contacted by persons who advise that they represent a complainant and who seek information about the progress of a complaint, for example, members of parliament and/or their electorate office staff, legal and financial advisers, friends and family members. EWON makes no assessment about the intentions of any such person in seeking information.

However, the Ombudsman and EWON staff will not discuss any aspect of a complaint with any person other than the complainant unless the complainant has authorised EWON to do so. The Ombudsman does not regard a person to whom correspondence has merely been copied by the

⁵ APP 6



complainant as authorisation to discuss the complaint or receive information about the progress of the complaint.

EWON staff only disclose information about a complaint to the customer or their authorised representative. The EWON website provides details about the way EWON seeks authority from a customer as well as how and when an *Authority to Act* form will be obtained.

Publication of determinations, submissions and reports

Before we publish submissions, determinations or reports (for example on the EWON website) we will de-identify all personal information.

Disclosure to the media

EWON does not provide the media with personal information relating to a complaint, unless the information is already publically available.

Disclosure of sensitive information

We only disclose your sensitive information for the purposes for which you gave it to us or for directly related purposes you would reasonably expect or if you agree.

Disclosure to third parties

EWON engages third parties who provide us with IT support services. In our work with these parties we may disclose personal information.

All third parties engaged by EWON are required to sign a confidentiality agreement and adhere to the Australian Privacy Principles. All personal information held by third parties is stored on servers located in Australia. Our agreements with third parties require them to notify us if they intend to move data overseas.

Cross border disclosure – the disclosure of personal information overseas ⁶

EWON's jurisdiction is limited to New South Wales. It is unlikely EWON will need to transfer or disclose personal information about a customer to someone overseas, other than to contact the customer or their authorised representative.

EWON is aware that some of our members may have overseas locations which they use to manage their Australian business. Personal information we share with members may therefore be shared or accessed from outside Australia. EWON notes members' general obligation to comply with privacy legislation.

EWON discloses customer email addresses to SurveyMonkey for the purpose of customer satisfaction surveys. Information collected by SurveyMonkey is stored on servers in the United

⁶ APP 6



States of America. A customer can opt out of having their email address used for the purpose of surveying by advising their case officer.

EWON's IT networks and systems use servers and support within Australia.

Identifiers⁷

EWON does not use any government assigned identifier to identify customers, such as a Tax File Number or Medicare Number. EWON uses a chronological case number in order of registration, created automatically by the EWON complaints database. Where a customer makes more than one complaint to EWON, each complaint will have a separate case reference number.

⁷ APP 9



Quality of personal information⁸

EWON will take reasonable steps to make sure that the personal information collected, used or disclosed is accurate, complete and up-to-date. To ensure that the personal information we collect is accurate, up-to-date and complete we:

- record information in a consistent format
- where necessary, confirm the accuracy of information we collect from a third party or a public source
- promptly add updated or new personal information to existing records
- regularly review our contact lists to check their accuracy.

We also review the quality of personal information before we use or disclose it.

Storage and security of personal information⁹

We take steps to protect the security of the personal information we hold from both internal and external threats by:

- regularly assessing the risk of misuse, interference, loss, and unauthorised access, modification or disclosure of that information
- taking measures to address those risks, for example, we keep a record (audit trail) of when someone has added, changed or deleted personal information held in our electronic databases and regularly check that staff only access those records when they need to
- maintaining electronic security of EWON's premises and information systems, password protection for electronic files and securing paper files in locked cabinets.

Confidentiality of information collected about customer complaints is of the highest priority for EWON. Your information will be retained electronically and may be destroyed 7 years after your complaint is closed, in accordance with EWON's internal processes.

Accessing and correcting your personal information¹⁰

We will take reasonable steps to make sure that the personal information collected, used or disclosed is accurate, complete and up-to-date.

We will make the necessary changes to personal information details held where you or your provider notifies us of errors or changes required. We will make the changes as soon as practicable.

We will provide written reasons for a denial of access or a refusal to correct personal information, including mechanisms available to complain about the denial of access or refusal to correct. If we do not agree to make requested changes to personal information we will notify you in writing setting out the reasons, including whether there is a law that allows or requires us not to. If we refuse to

⁸ APP 10

⁹ APP 11

¹⁰ APP 12, APP 13



correct your personal information, you can ask us to associate with it (for example, attach or link) a statement that you believe the information is incorrect and why.

We will provide you with access to your personal information upon request and within a reasonable period unless one or more of the exceptions in the APPs applies. We will provide access to personal information free of charge.

If you want to access your personal information held by EWON you should make a request to EWON
Reply Paid 86550
Sydney South 1234
Email omb@ewon.com.au

How to make a complaint¹¹

If you wish to complain to EWON about how we have handled your personal information you should complain in writing. If you need help lodging a complaint, you can contact us.

If we receive a complaint from you about how we have handled your personal information we will determine what (if any) action we should take to resolve the complaint.

If we decide that a complaint should be investigated further, the complaint will usually be handled by a more senior officer who had no involvement in the original investigation.

We will assess and handle complaints about the conduct of an EWON officer with reference to our *Complaints about EWON* policy and any other relevant policies.

We will tell you promptly that we have received your complaint and then respond to the complaint within a reasonable timeframe.

How to contact us

Freecall	1800 246 545 Mobile phone users: Calls from a mobile phone may attract a fee. If you are calling from a mobile phone let us know and we will call you back.
Email	omb@ewon.com.au
Telephone Interpreter Service	131 450 - For help using an interpreter visit TIS
National Relay Service	133 677 - For help using this service visit NRS
Mail	The Privacy Officer Energy & Water Ombudsman NSW Reply Paid 86550 Sydney South 1234

¹¹ APP 12, APP 13



If you are not satisfied with EWON's response, you can contact the Office of the Australian Information Commissioner (OAIC):

GPO Box 5218 Sydney NSW 2001

Email: enquiries@oaic.gov.au

Phone: 1300 363 992

Further Information

A copy of this Policy is available on EWON's website. A hardcopy will be provided on request. This is an EWON Board Approved Policy. Amendments cannot be made without Board Approval. The EWON Board will review this policy as required and at least every three years.

Janine Young
Ombudsman
Energy & Water Ombudsman NSW

7 November 2019