



HSEQ MANAGEMENT SYSTEM

Human Resources

HSEQ3.11
Privacy Policy
VERSION 01

Document Control:

Document control shall be in accordance with the HPA Document Control and Records Management Policy (HSEQ9.1) and the Document Control & Information Management Procedure (HSEQ9.1.1), ensuring that:

- An up to date version of this HSEQ Management System document is maintained;
- Records of superseded versions of the document are retained for a minimum of 7 years; and
- Current version of the document is readily available to all Managers, Employees and Key Stakeholders.

Register of Amendments					
Ver No	Page no	Date	Description of amendments	Prepared by	Approved by
00	-	21-07-2017	Initial Policy draft for review	Jennifer Stevenson	-
01	4 11	11-01-2018	Updated following review and added the email account for the HPA Privacy Manager. Added the section relating the Employees consent for HPA to release information to third party institutions, and added the section relating to information collected by HPA as a MSIC Issuing Body.	Jennifer Stevenson	Harriet Mihalopoulos

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1 Scope and Purpose

Hutchison Ports Australia is committed to protecting your privacy and seeks to adhere to the Australian Privacy Principles (“APP”) as set out in the *Privacy Act 1988* (Cth) and as amended.

HPA understands that Personal Information can be used to identify a person and should only be used by HPA in limited circumstances. Personal Information concerning employees and other individuals is confidential and it will only be used by HPA for Relevant Purposes.

HPA’s Privacy Policy contains the following information:

- the kinds of personal information that the entity collects and holds;
- the purposes for which the entity collects, holds, and uses personal information;
- how the entity collects and holds personal information;
- how an individual may access personal information about the individual that is held by the entity and seek the correction of such information;
- whether the entity is likely to disclose personal information to overseas recipients;
- if the entity is likely to disclose personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy;
- how an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint.

This policy is applicable to the business units and legal entities of Hutchison Ports (“the Group”) operating in Australia (collectively known as “HPA”). This policy is applicable to all employees, prospective employees, suppliers, contractors and customers of HPA.

A breach of this Policy may lead to disciplinary action including, but not limited to, termination of employment, contract or service agreement.

To contact the Hutchison Ports Australia Privacy Officer, please write to:

The Privacy Officer
Hutchison Ports Australia
PO Box 734
Botany NSW 1455

Or alternatively you can email: HPAPrivacyManager@hutchisonports.com.au

2 Personal Information

Personal Information means information or an opinion, whether true or not and whether recorded in a material form or not, about an individual who is either identified or reasonably identifiable. Examples include an individual's name, address, contact number and email address.

HPA needs personal information to be able to perform its core functions as an employer, as a provider of stevedoring and terminal services, to ensure the protection of people, infrastructure and assets from unlawful interference and to meet the legislative requirements for maritime security.

HPA may use your information:

- to verify your details and identity;
- for personnel management, including recruitment;
- to provide, administer and improve our products and services;
- to process application forms;
- to communicate with customers, suppliers and contractors in relation to billing;
- to manage relationships with customers, suppliers and contractors;
- for quality assurance, IT security and operations, and training purposes;
- for business and demographic analysis;
- to respond to enquiries, feedback and complaints.

The type of personal of personal information that HPA collects and holds about you depends on the type of dealings that you have with HPA.

For example:

2.1 Prospective Employees:

We will collect the information you include in your application for employment, including your cover letter, resume, contact details and referee reports. HPA will also collect information relating to your current or former employment including information about your training, performance and resignation/termination details.

2.2 Employees:

We will collect information including your name, address, proof of identity details, gender, date of birth, contact numbers (including emergency contact details), email address, communication preferences, training, qualifications, academic results, accreditation, disciplinary actions, job performance and conduct, TFN, superannuation and bank details, taxation, leave and payroll information.

In accordance with company policy, HPA will also keep records of internet and email usage by employees.

2.3 Suppliers and Contractors:

We will collect contact address details, usually including but not limited to all forms of contact and address, billing information, insurance policy information, and information about the goods and/or services you supply. For contractors who provide services at the terminal we will also collect proof of identity details.

2.4 Customers:

We will collect contact address details, usually including but not limited to all forms of contact and address, and billing information. For customers who book truck appointments at the terminal we will also collect proof of identity details including MSIC number.

2.5 Visitors to the terminal:

Information including your name, address, contact number and proof of identity details.

2.6 General Public:

Members of the general public who contact HPA and who elect not to rely on anonymity or pseudonymity, we collect contact name and address details, usually including but not limited to email address and phone numbers and details about the reason for the contact.

3 Sensitive Information

Sensitive Information is a special category of Personal Information that is generally afforded a higher level of privacy protection and includes information about a person's health or medical condition in the context of how they affect your ability to perform the inherent requirements of a position, worker's compensation and medical records, allergies or mobility needs, race or ethnic origin, identification of Aboriginal or Torres Strait Islander, political or religious beliefs, membership of a trade union or association, sexual preference, drug/alcohol tests or information with regard to criminal convictions where applicable.

HPA's policy is only to collect Sensitive Information where it is reasonably necessary for our functions or activities and either the individual has consented or we are required or authorised by or under law (including applicable privacy legislation) to do so.

HPA will not disclose a person's Sensitive Information without the person's consent, unless there is a need to disclose such information in accordance with *Privacy Act 1988 (Cth)* or to comply with any other legislation.

4 HPA Website

In general when you visit the HPA website, the information that is collected about your visit is not personal information, because it does not reveal your identity. Only the server address, domain name, date and time of your visit and the pages visited are collected.

By visiting the HPA website, using any of our services or otherwise providing us with your personal information, including an authorised representative, you agree to your personal information being handled as set out in this Privacy Policy.

5 CCTV

HPA utilises closed circuit television (CCTV) monitoring for security purposes at the terminal, in particular to discourage and/or detect unlawful behaviour in and around HPA property thereby enhancing the safety and security of all HPA staff, customers, contractors, visitors and property.

Use of CCTV is used in connection with the monitoring activities under specific Australian legislation including the *Crimes Act (Cth) 1914*, *Customs Act (Cth) 1901*, and the *Workplace Surveillance Act (NSW) 2005*.

6 Collecting and Holding Personal Information

HPA is required by the *Privacy Act 1988 (Cth)* to collect personal information only by lawful and fair means. Where it is reasonable and practicable, we will collect personal information we require directly from you.

Personal information may be collected verbally, in writing, by telephone, by email, by completing various application forms, through HPA's website or through information updates.

HPA may also obtain information, including Personal Information, from third party sources including educational providers; the ATO or ASIC; insurers in relation to worker's compensation, public liability, property, professional indemnity, and vehicle insurance claims; professional and trade associations; bankruptcy searches and searches of court registries.

Where HPA collects personal information directly from you, we will take reasonable steps to notify you of certain matters. We will do this at or before the time of collection, or as soon as practicable afterwards. The matters include:

- our identity and how to contact us;
- the purposes for which we are collecting the information;
- whether the collection is required or authorised by or under by or under an Australian law or a court or tribunal order;
- the third parties (or types of third parties) to whom we would normally disclose information of that kind;
- whether any of those third parties are located overseas and, if practicable to specify, the countries in which they are located; and
- the fact that this Privacy Policy contains information about how to access and correct personal information and make privacy complaints (and how we will deal with those complaints).

We will generally include this information when we collect this information.

Where HPA collects information about you from a third party, we will take reasonable steps to make sure that you are made aware of the collection details and, if you may not be aware that that we have collected the information, of the fact and circumstances of the collection. If we directly combine information from third parties with Personal Information that we have

collected, we will treat the combined information as Personal Information and handle it in accordance with this Policy.

In addition, please note that we may solicit third parties to collect Personal Information on our behalf (such as recruitment agencies and credit ratings and assessment agencies) and in such cases we instruct those third parties to comply with this Policy and all applicable data protection laws.

HPA's policy is to take reasonable steps to make sure that the personal information that we collect, use and disclose is accurate, up to date and complete and (in the case of use and disclosure) relevant; and protect the personal information that we hold from misuse, interference and loss and from unauthorised access, modification or disclosure.

You can also help us keep your information up to date; by letting us know about any changes to your personal information, such as your email address or phone number.

HPA holds personal information in a number of ways, including in electronic databases, email contact lists, and in paper files held in drawers and cabinets, locked where appropriate. Paper files and electronic files may also be archived and/or stored offsite in secure facilities.

The steps we take to secure the personal information we hold include IT security (such as encryption, firewalls, anti-virus software and login and password protection), secure office access, personnel security and training and workplace policies.

While HPA strives to protect the personal information and privacy of website users, we cannot guarantee the security of any information that you disclose online and you disclose that information at your own risk.

In addition, if you become aware of any security breach, please let us know as soon as possible.

Links to third party websites (where listed) that are not operated or controlled by HPA are provided for your convenience. We are not responsible for the privacy or security practices of those websites, which are not covered by this Privacy Policy. Third party websites should have their own privacy and security policies, which we encourage you to read before supplying any personal information to them.

7 Accessing Personal Information

7.1 Employees

HPA employees do not have a general right to access and review their personal records which are held about them by HPA. An employee may, however, access certain records as specified in statute, about their employment, including:

- basic employment details
- pay
- overtime hours
- averaging of hours arrangements
- leave entitlements

- superannuation contributions
- the employee's individual flexibility arrangements and a copy of the notice or agreement that terminates the arrangement (should it be terminated)
- a guarantee of annual earnings
- termination of employment
- transfer of business records

Employees and previous employees can contact our Privacy Officer if you would like to access or correct the personal information that we hold about you. We may ask you to verify your identity before processing any access or correction requests, to ensure that the personal information we hold is properly protected.

If you ask us to correct personal information that we hold about you, or if we are satisfied that the personal information we hold is inaccurate, out of date, incomplete, irrelevant or misleading, HPA's policy is to take reasonable steps 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.

If we correct personal information about you, and we have previously disclosed that information to another agency or organisation that is subject to the *Privacy Act 1988* (Cth), you may ask us to notify that other entity. If so, HPA's policy is to take reasonable steps to do so, unless this would be impracticable or unlawful.

Except in the case of more complicated requests, we will endeavour to respond to access and correction requests of existing employees within 3 business days of the request being made at the premises where the employee works. Alternatively, a copy will be posted to the employee or former employee within 14 days of the request being made.

If the record is not kept at the premises, HPA will make a copy available or post a copy of the record as soon as practicable after receiving the request. A current or former employee is entitled to ask and be informed where such records are kept. All other employment records are exempt from the *Privacy Act 1988* (Cth) and those records may not be made available to employees.

If we refuse your access or correction request, or if we refuse to give you access in the manner you requested, HPA's policy is to provide you with a written notice setting out the reasons for our refusal (except to the extent that it would be unreasonable to do so); and available complaint mechanisms.

HPA is required to keep employment records for seven years from the date on which an entry is made or from termination of an employee's employment, depending on which happens first.

An employee will not be provided with access to the personal or sensitive information of any other employee.

7.2 Customers, Suppliers, Contractors, Visitors and other individuals

HPA will provide access to and correction of personal information upon request by an individual, subject to certain legal exceptions. We may ask you to verify your identity before processing any access or correction requests, to ensure that the personal information we hold is properly protected.

Individuals can request access to personal information by contacting our Privacy Officer in writing.

8 Retention of Personal Data

All personal data that has been collected from you will only be kept for a limited duration that is relevant to the purpose for which your personal data is to be used and for as long as required by applicable law.

9 Disclosure of Personal Information

Under HPA's policy, personal information may be disclosed to the following third parties where appropriate for the purposes set out in this policy:

- Financial institutions for bank/payment processing;
- Universities and other educational service providers involved with or engaged by HPA for any training programs;
- an Employee's superannuation fund;
- the ATO, the Australian Stock Exchange, the Australian Securities and Investments Commission and other government and regulatory bodies where required;
- referees whose details are provided to us by job applicants;
- solicitors and other parties where HPA is subpoenaed to provide the information;
- HPA's contracted service providers, including:
 - information technology service providers;
 - external business advisers (such as recruitment advisers, auditors and lawyers);
 - insurance companies; and

In the case of these contracted service providers, we may disclose personal information to the service provider and the service provider may in turn provide us with personal information collected from you in the course of providing the relevant products or services.

In certain circumstances we may be required or permitted by law or a court or tribunal order to collect certain personal information about you or release such information. For example, we may need to collect your name, residential address, date of birth, business name (if any), directorship appointments (if any) and to comply with Anti-Money Laundering and Counter Terrorism and Anti-Bribery and Corruption Legislation (e.g. in Australia the *Anti-Money Laundering and Counter Terrorism Financing Act 2006 (Cth)*) or professional conduct and practice rules or legislation in the jurisdictions in which we operate.

Personal Information including statutory required records may be disclosed to our Related Bodies Corporate (as defined in the *Corporations Act 2001 (Cth)*) for a relevant purpose, these entities may be located overseas.

Employees of HPA are not permitted to disclose Personal Information which is collected by HPA about its suppliers, customers, agents or contractors. If an employee is not sure whether information is Personal, they must check with HPA's Privacy Officer or their immediate manager.

Personal Information is information that is not in the public domain. It includes, but is not limited to, the following types of information:

- any Personal Information about an individual which has been collected by HPA;
- any information about a supplier, customer, agent or contractor of HPA;
- any Personal Information about an employee or colleague (including a prospective or former employee); and
- any information about HPA's business affairs or business systems.

9.1 Employee consent to release Personal Information

Should an employee require HPA to provide certain personal information – including credit and employment related information, a privacy consent form must be provided to and completed by the employee from the third party institution.

Such documentation must be received by HPA prior to disclosing an employee's personal information.

All completed privacy consent forms are to be sent to Payroll@hutchisonports.com.au. It is the employee's responsibility to inform their third party institution of this requirement.

9.2 HPA as the MSIC Issuing Body

Pursuant to the *Maritime Transport and Offshore Facilities Security Regulations 2003 (Cth)* and the approval of the Office of Transport Security, HPA is authorised to issue Maritime Security Identity Cards (MSICs) to Applicants (HPA Employees) under the conditions set out in the MSIC Plan.

In accordance with the MSIC Plan, the HPA Issuing Body Manager and the Authorised Issuing Officer performs tasks to ensure that the requirements under the Regulations have been satisfied, including using personal information of an Applicant to create an online log-in account, authorising and requesting background check applications with AusCheck, and cross-checking MSIC information with Identification Documents supplied by the Applicant.

HPA securely stores records containing information about MSIC's and MSIC applications. MSIC records are kept for three years after the completion of the background check. HPA will retain:

- a copy of the application;
- a record of the issue of the MSIC card to an Applicant;
- a register of MSIC's issued;
- copies of the identification documents that were given to the issuing body in the application;
- any other records or documents given in the application (eg proof of operational need etc);
- records of any changes made to an MSIC (eg change of name, replacement MSICs etc); and
- details of activities undertaken by other entities on behalf of HPA.

10 Complaints regarding APPs

If you have a complaint about how HPA has collected or handled your personal information or if you believe that HPA has breached the APP's, please contact our Privacy Officer.

HPA takes complaints seriously and will investigate all complaints. The HPA Privacy Officer will endeavour in the first instance to deal with your complaint and take any steps necessary to resolve the matter within a week. If your complaint can't be resolved at the first instance, we will ask you put your complaint in writing which should detail (for example) the date, time and circumstances of the matter that you are complaining about, how you believe your privacy has been interfered with and how would you like your complaint resolved.

We will endeavour to acknowledge receipt of your written complaint within five business days of receiving it and to complete our investigation into your complaint in a timely manner. This may include, for example, gathering the facts, locating and reviewing relevant documents and speaking to relevant individuals.

In most cases, we expect that complaints will be investigated and a response provided within 30 days of receipt of complaint in writing. If the matter is more complex and our investigation may take longer, we will write and let you know, including letting you know when we expect to provide our response.

Our response will set out whether in the Privacy Officer's view there has been a breach of this Privacy Policy or any applicable privacy legislation; and what action, if any, HPA will take to rectify the situation

If you are unhappy with our response, you can refer your complaint to the Office of the Australian Information Commissioner or, in some instances, other regulatory bodies, such as the Australian Communications and Media Authority.