

TransACT Group Privacy Policy

Scope

This document applies to TransACT Communications Pty Ltd (ACN 091 752 297) and its subsidiaries, including:

- TransACT Capital Communications Pty Ltd (ACN 093 966 888); and
- TransACT Victoria Communications Pty Ltd (ACN 063 024 475)

(each entity being referred to as **us, we, our** or **TransACT**)

Introduction

This document publicly sets out the policy adopted by TransACT with respect to its customers' personal information. It supersedes all previous documents with respect to this subject matter within TransACT, including the separate "Privacy Policy" and "Privacy Statement" documents previously used by TransACT Capital Communications Pty Ltd.

In this policy, "customers" includes current customers, former customers, and people who have applied to become customers of TransACT.

This policy does not apply to personal information which is gathered through ordinary use of the TransACT website, other than submitting applications for TransACT products or services.

Obligations

We are subject to statutory obligations which affect how we collect, use and disclose the personal information of our customers (**statutory obligations**). These statutory obligations include those imposed by:

- the *Privacy Act 1988* (the **Privacy Act**);
- the *Telecommunications Act 1997* (the **Telco Act**);
- the *Telecommunications (Interception and Access) Act 1979* (the **TIA Act**); and
- the *Telecommunications Consumer Protection Code C628:2007* (the **TCP Code**).

In the event of a conflict between this policy and one of our statutory obligations, the statutory obligations will prevail over this policy to the extent of any inconsistency.

In this policy, "**personal information**" has the same meaning as in the Privacy Act.

We are committed to the protection of our customers' personal information, and compliance with our statutory obligations.

Why we collect, use and disclose customers' personal information

We collect, use and disclose personal information for the purpose of providing services to our customers, operating and maintaining our network, and communicating effectively with our customers.

Customers are not *obliged* to disclose personal information to us, but in many circumstances it will not be practical for TransACT to provide services to the customer if they do not do so.

Also, in some cases our statutory obligations require that we obtain certain personal information as a precondition of providing a service to a customer.

What and how we collect

We collect personal information about our customers’:

- identity – such as their name, address, date of birth and driver’s licence number;
- credit report – including previous addresses, previous applications for credit, previous defaults, and any other type of information which the Privacy Act allows such a report to contain; and
- use of TransACT’s services – such as authentication logs, amounts of data transferred, calls made, etc.

We collect this information from, in the case of our customers’:

- identity – from the customer directly;
- credit record – from credit reporting agencies which are subject to the Privacy Act, such as Veda Advantage; and
- use of TransACT’s services – from TransACT’s own systems, or from the systems of third-party suppliers which we use to supply the services.

Where we use third-party suppliers to undertake sales activities, such as telemarketing, door-knocking, or the provision of call-centre services, those suppliers collect prospective customer’s personal information on our behalf.

Our statutory obligations may also require us to collect a customer’s personal information in some circumstances, such as when we are served a warrant under the TIA Act.

How we use what we collect

We use collected personal information about our customers to:

- confirm a customer’s identity and respond to enquiries or complaints;
- advise a customer whether they are in a TransACT-serviced area;
- process applications for our services;
- evaluate a prospective customer’s credit worthiness;
- provide services to our customers;
- administer and maintain those services, and our network;
- conduct fraud checks and assist in the recovery of debts; and
- research, maintain and develop our internal services and systems.

We also use collected personal information about our customers to inform them about other products and services which we offer, by way of direct mail, email, and telemarketing. Customers may opt-out of receiving promotional and marketing material by contacting TransACT’s Customer Care team by phone on 13 30 61 or by email at contactcentre@transact.com.au

How we disclose personal information

Any disclosure of a customer's personal information to a third party will be:

- in accordance with the Privacy Act;
- authorised by the terms of the agreement between TransACT and the customer; or
- with the customer's consent.

We disclose customers' personal information:

- to our third-party network suppliers (such as Telstra or Vodafone) – where required to provide and maintain the services which we supply to our customers;
- to third-party service providers (such as billing providers, logistics and courier companies, printing houses, and software vendors) – where required for them to provide their services to us;
- to third-party sales and marketing channels (such as companies who perform telemarketing on our behalf) – where required for them to provide their services to us, except where a customer has opted-out of receiving marketing material; and
- to credit reporting agencies – where a customer's account is severely overdue and where TransACT's statutory obligations allow it to report a default to a credit reporting agency.

We may also disclose our customers' personal information:

- to telecommunications industry regulators (such as the Telecommunications Industry Ombudsman, or the Australian Communications and Media Authority) – if they request it and our statutory obligations require or allow us to disclose it;
- to law enforcement, intelligence, and other authorised agencies – if they request it and our statutory obligations require or allow us to disclose it;
- to the operator of the Integrated Public Number Database – as required by the Telco Act; and
- if required by our statutory obligations or otherwise required by law (e.g. if we receive a subpoena or court order compelling us to disclose it).

A customer's use of our services may in some cases disclose personal information about them. For example:

- if you use a TransACT telephone service to make a call, your phone number will be displayed to the recipient unless you have requested that we turn off calling number display, or supply you a silent number;
- even if you have requested we turn off calling number display or you have a silent number, your phone number will still be available to the recipient if you call the triple-zero (000) emergency number, the National Security Hotline, or other similar numbers;
- if you use a TransACT mobile phone service to send SMS or MMS messages, your mobile phone number will be displayed to the recipient and this cannot be blocked; and
- use of a TransACT internet service will disclose your IP address to persons and devices that you communicate with or through.

Recipients to whom we disclose customers' personal information will usually be subject to one or more of:

- the Privacy Act, or equivalent local legislation which provides at least the same level of protection as the Privacy Act; and
- the protections in Part 13 of the Telco Act; and
- contractual confidentiality obligations to us in relation to customers' personal information.

Our fetchtv service

In addition to the above general provisions, these special provisions apply to customers who acquire a “**fetchtv**” service from us.

In this section, **FetchTV** means FetchTV Pty Ltd (ABN 36 130 669 500), the supplier of the fetchtv service, and **Information** means information or documents described in sections 276, 277 and 278 of the Telco Act; and **User Behavior Data** means information from the fetchtv set top box(es), including information that relates to advertising, programming or any other services that are viewed, used or accessed via the set top box(es).

Where a customer has a fetchtv service:

- we may, in accordance with this policy and our statutory obligations:
 - use and disclose Information we obtain;
 - use and disclose your personal information (including personal information we collect from FetchTV); and
 - disclose your personal information to FetchTV.
- FetchTV may use and disclose your personal information in accordance with its privacy policy and its legal obligations.
- FetchTV may communicate with you directly via the fetchtv service for the purpose of improving your viewing experience and/or as part of marketing, advertising or other promotional activities.
- FetchTV's privacy policy is available on its website or onscreen via the “Settings” menu.
- We are not responsible for any unauthorised use of your personal information or Information by a third party, including FetchTV, where you have disclosed that information yourself to the third party, including via your use of the fetchtv service (for example, providing your credit card details to obtain goods through the fetchtv service). We recommend that you make yourself aware of the third party's processes for handling personal information (by reading their Privacy Policy if they have one), prior to disclosing your personal information.
- FetchTV has advised us that it may collect User Behaviour Data. We do not collect User Behaviour Data from the set top box(es). FetchTV may aggregate User Behavioural Data and disclose the aggregated data to third parties (including, for example, businesses that want to advertise via the FetchTV service), but FetchTV does not hold any User Behaviour Data that identifies you personally.
- Your User Behaviour Data may be used by FetchTV to provide you with content and advertising that is more relevant to your interests. FetchTV may also disclose the aggregated data to us. We hold other information about you which makes it possible for us to identify the address from which your User Behaviour Data (as part of the aggregated data) originates. You will be asked to consent to FetchTV's disclosure of the aggregated data to us (and our collection of that data) or alternatively opt-out of this collection, use and disclosure and collection by:

- emailing FetchTV at privacy@fetchtv.com.au;
 - checking the opt-out button at the end of FetchTV's online privacy policy (available on FetchTV's website); or
 - by choosing the opt-out option in the 'Settings' menu.
- If you opt-out of (i.e. do not consent to) the disclosure of your User Behaviour Data from FetchTV to us and our collection of that data, your FetchTV Service will be subject to the following limitations:
 - we may have a reduced ability to access diagnostic information to assist with the resolution of technical disruptions to your use of the FetchTV Service; and
 - in some cases, you will be unable to receive recommendations for the viewing of content.
 - User Behaviour Data does not include information regarding Pay Per View movies you have purchased or content (including promotional or special offer content) that you purchase, subscribe to or unsubscribe from. This information (including any personal information it contains) is provided by FetchTV to us in full (rather than as aggregated data) for billing purposes.

Access to your personal information

The Privacy Act gives you certain rights to obtain access to personal information which we hold on you. If you wish to apply for access to this information, please contact our Customer Care team on 13 30 61 or email contactcentre@transact.com.au. Because we take the security of our customer's personal information seriously, you will need to provide us with sufficient proof of your identity.

As allowed by the Privacy Act, in some cases we may charge an administration fee to recover our costs of providing access to you. The amount of this fee will depend on a number of factors, including how long it will take us to compile the requested information, whether the relevant documents must be redacted in whole or in part to protect the rights of others and as allowed by exceptions in the Privacy Act, the form in which you have requested that we provide you access in, and whether the requested information is in off-site storage or backups which will result in us incurring fees to access.

We will endeavour to respond to all requests for access under the Privacy Act within 30 days.

You also have rights under the Privacy Act to have errors in personal information about you corrected.

Miscellaneous provisions

We will not:

- collect sensitive information (within the meaning of the Privacy Act) from you without your consent;
- adopt any identifiers assigned to you by any government agency, or use such identifiers unless authorised under the Privacy Act or other legislation; and
- send personal information overseas without ensuring that such transfers are in accordance with the Privacy Act.

Changes to this policy

We may make amendments to this policy from time to time. Updated versions will be posted on our website www.transact.com.au and take effect from when they are posted.

Find out more

If you have any questions concerning this policy, please call us on 13 30 61 or email contactcentre@transact.com.au. You can also find out more information on www.privacy.gov.au

Unified privacy policy version 1.0.1

Date: 5 April 2012.