

# Privacy Policy

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## PRIVACY POLICY

This is TGEN 's Privacy Policy, which forms part of TGEN 's Standard Form of Agreement or TGEN 's Master Services Agreement, as applicable.

Definitions for the terms used in this Policy are contained in TGEN 's Standard Form of Agreement or TGEN 's Master Service Agreement, as applicable. This policy forms part of our Standard Form of Agreement.

We only collect personal information where it is necessary to perform our functions and activities and provide the Supplies to you. We would like to reassure customers that we will only disclose your personal information as set out in this Policy.

1. We may, in our discretion, retain and access any data or information concerning your use of the Supplies.
2. Where we hold information that you lodge with us (for transmission or web hosting) we will make back-up copies of your information. However, we do not guarantee successful restoration of your information lodged on our servers in the unlikely event of loss of that information (due, for instance, to a catastrophic hardware failure). It is your responsibility to ensure that you keep back-up copies of all information that you lodge with us.
3. We will not disclose personal information or any other information or data held by us about you to a third party unless:
  - 3.1 we have reason to suspect that unlawful activity has been, is being or may be engaged in, and we disclose this information as a necessary part of our investigation of the matter or in reporting our concerns to relevant persons or authorities; or
  - 3.2 we are required or specifically permitted by or under law to provide this information to an authority or person that is duly authorised to request it; or
  - 3.3 a court order compels us to disclose this information to a specified recipient; or
  - 3.4 we are otherwise required or specifically permitted by law to disclose this information (including disclosure permitted under the Privacy Act 1988). Such disclosure includes any disclosure necessary to provide the Supplies to you (including for example possible disclosure to our suppliers).
4. You expressly consent to us:
  - 4.1 using any data or information that you provide to us in connection with provision of the Supplies:
    - 4.1.1 to provide you with information (whether by email, post or any other form of communication) about other goods and services offered by TGEN (or a related entity of TGEN ), about TGEN (and/or a related entity of TGEN ) and/or about any other topic which we consider would be of interest to you based on the Supplies we currently provide to you unless you let us know in writing that you do not wish to receive such information;
    - 4.1.2 to contact you (whether by email, post or any other form of communication) about any matter in connection with the Supplies or the provision of the Supplies; and
    - 4.1.3 for any other purpose related to the provision of the Supplies (including for example in billing and account management, business planning and product development or to verify your identity); and
  - 4.2 disclosing any data or information that you provide to us in connection with provision of the Supplies to:
    - 4.2.1 our suppliers;
    - 4.2.2 other service providers, or specialist advisers who provide us with administrative, financial, research or other services; and
    - 4.2.3 insurers, credit providers, credit reporting or references agencies or insurance investigators, to the extent it is necessary to enable the Supplies to be provisioned to you.
5. We will not use or disclose your credit report or any personal information derived from that report unless we are required or specifically permitted to do so under Part IIIA of the Privacy Act 1988 or the Credit Reporting: Code of Conduct.

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6. You acknowledge that we must cooperate with the lawful requests of members of the police force or any other person duly authorised to investigate breaches of the law, and that we may disclose any information held by us in relation to your account to such authorities if compelled or required to do so.
7. You may by written request to us access to the personal information we hold about you, and we will grant you access unless we are required or permitted to refuse such a request. We may charge a reasonable fee for such access in accordance with the Privacy Act 1988. You may also by written request to us ask that personal information we hold about you be corrected if you consider it is not accurate.
8. We draw your attention to the ACIF Calling Number Display Code of Practice, which can be viewed at [http://www.acma.gov.au/ACMAINTER.393554:STANDARD:550353612:pc=PC\\_2096](http://www.acma.gov.au/ACMAINTER.393554:STANDARD:550353612:pc=PC_2096). In particular:
9. this Industry Code requires carriage service providers to inform their customers that they receive Calling Line Identification ("**CLI**") information in many circumstances where the customer would expect this to not occur; and
10. TGEN receives this CLI information in most cases which means we know the phone number you call us from when you make a modem or ISDN call to connect to the Internet even if you have a silent number or use 'per call blocking'.