



Agricultural Laboratory

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Privacy and Credit Reporting Policy  
2014





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## PRIVACY AND CREDIT REPORTING POLICY

SPW Analytical Pty Ltd ACN 166 799 793 as trustee for the SPW Analytical Unit Trust (ABN 98 238 246 418) trading as APAL Agricultural Laboratory and its successors and assigns (**we, us or our**) is covered by the 13 Australian Privacy Principles (**APPs**) as set out in the *Privacy Act 1988 (Act)* (as amended from time to time). For the purpose of this Policy:

**“Personal Information”** means information, including financial 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 in a material form or not.

**“Sensitive Information”** means information or an opinion (that is also Personal Information) about an individual’s racial or ethnic origin, political opinions, membership of a political association, religious beliefs, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual practices, criminal record or health information.

We recognise the importance of protecting your Personal Information. We will take reasonable steps to ensure all Personal Information held by us is secure and all Personal Information collected, used or disclosed by us is accurate, complete and up to date. Our handling of Personal Information is regulated by the Act and the *Credit Reporting Privacy Code* (as amended from time to time) (**Code**).

This Policy is published on our website and may be updated from time to time at our discretion. By continuing to use our website, or otherwise continuing to deal with us, you accept this Policy as it applies from time to time. You may request a hard copy of this Policy.

### Laboratory Data

This policy relates only to the manner in which we obtain and deal with, Personal Information and Sensitive Information under the APPs.

For the avoidance of doubt, any confidential information (including technical information or data) that we receive from our customers in the course of providing our services will be not be disclosed to any third party without our customer’s written consent (unless disclosure is required by law).

### Types of Personal Information

Depending on the particular circumstances, we may collect and hold a range of different Personal Information about you. This may include, but is not limited to, your name, contact details (including address, email address and telephone number), driver’s licence number, credit related information, internet protocol address, domain name and payment, transaction and financial information (such as credit card or bank account numbers).

### Sources of Personal Information

Where possible, we will collect Personal Information directly from you. In some instances, we may collect Personal Information from other sources such as third parties, publically available sources, press reports or other publications, in which case, we will endeavour to verify such details with you.

We acknowledge that there is no obligation for you to provide us with Personal Information except as required by law. However, if you choose not to provide us with certain Personal Information, we may not be able to deal with you or provide you with our full range of services or employment.

We collect Personal Information in a number of ways, including but not limited to, directly from you when you engage us to provide you with services, set up an account with us, enter into a credit arrangement with us and when you browse our website. If you apply for employment with us, we may collect Personal Information about you from any third parties that you nominate as your referees and you consent to us obtaining Personal Information about you from third party sources such as social media sites.

### Purpose for Use and Disclosure

The purpose for which we use and disclose Personal Information will depend on the circumstances in which it is collected. We will only hold your Personal Information for the particular purpose of for which we collected it (**Primary Purpose**).



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We will not use or disclose your Personal Information (not being Sensitive Information) for another purpose (**Secondary Purpose**) unless:

- we first obtain your consent;
- you would reasonably expect us to use or disclose it for a Secondary Purpose that is related to the Primary Purpose or (in the case of Sensitive Information) directly related to the Primary Purpose;
- we are required to by law;
- a permitted general purpose exists;
- a permitted health situation exists;
- we reasonably believe it is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body (for example, to comply with occupational health and safety, industrial relations and taxation laws).

Specific purposes for which we may use or disclose Personal Information include the purposes of providing you with services, dealing with customer care related activities, marketing and developing our services, the operation and administration of accounts, carrying out certain checks (for example, in relation to credit), considering an individual for employment, interacting with companies or organisations with whom we have a business relationship, complying with our obligations under agreements with third parties and carrying out any activity in connection with a legal, governmental or regulatory requirement that we have to comply with, or in connection with legal proceedings, crime or fraud prevention, detection or prosecution.

In the event we collect Sensitive Information about you, you consent to us collecting, using and disclosing the Sensitive Information for the purpose for which it was disclosed and as permitted by the Act and other relevant laws.

#### **Anonymity and Pseudonymity**

You can deal with us anonymously (without identifying yourself) or under a pseudonym (fictitious name) unless you are applying for credit from us, applying for employment with us, dealing with us in relation to the provision of services or in any other situation where it is impractical or unlawful to deal with you anonymously or under a pseudonym.

#### **Storage of Personal Information**

All Personal Information collected by us will be retained as part of our business records, which will be securely monitored and maintained. We hold Personal Information in a number of ways, including:

- as part of customer records and other electronic documents on which Personal Information is contained which are stored on our information technology systems and servers operated by third parties who provide services to us in connection with our business; and
- by securely storing hard copy documents on which Personal Information is contained, at our various premises and using third party document management and archiving services.

#### **Retention of Personal Information**

If we receive Personal Information where we have not taken any steps to collect such information, then within a reasonable time we will decide whether we could, under the APPs, have solicited that Personal Information ourselves. If we determine that we would not, under the APPs, have been permitted to solicit the Personal Information, we will as soon as practical (where lawful and reasonable to do so) destroy or de-identify that unsolicited Personal Information. If we could, under the APPs, have solicited the Personal Information then we may use and disclose the Personal Information for the purpose for which it was disclosed and as permitted by the Act and other relevant laws.

Where Personal Information held by us is no longer required to be held, and its retention is not required by law, then we will destroy such Personal Information by a secure means.

#### **Credit Reporting**

If you apply for credit from us, we will need to collect Personal Information from you so we can assess your Credit Application. In order to assess your Credit Application, you consent to your Personal Information being disclosed to, and us obtaining your Personal Information from, third parties. Such third parties may include credit reporting bodies (**CRB**), companies who provide commercial credit references, people you authorise us to contact in connection with your Credit Application or any approved Business Credit Account, mercantile agencies and other companies who provide outsourced services to us. For contact details and information on how a CRB manages credit related Personal Information, please see their privacy policies available at the websites set out above.



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CRBs may include your Personal Information in reports that they provide to credit providers to assist those providers in assessing your credit worthiness. If you fail to meet your payment obligations in relation to consumer credit or commit a serious credit infringement, we may be entitled to disclose this to a CRB.

CRBs offer a service to credit providers wanting to send direct marketing material about credit services to individuals (**credit pre-screening**). You have the right to request that CRBs do not use your Personal Information for credit pre-screening. To opt-out of credit pre-screening, contact the CRB, using the contact details on their websites set out above. You can also ask a CRB not to use or disclose your Personal Information for a period if you believe on reasonable grounds that you have been or are likely to be a victim of fraud.

#### **Access to Personal Information**

You can gain access to your Personal Information, subject to certain exceptions contained in the Act. To request access to your Personal Information, or to update or correct that Personal Information, please send a written request to either PO Box 327 Magill, SA 5072 or [info@apal.com.au](mailto:info@apal.com.au). We will check the identity of individuals making requests to determine within 14 days whether the request will be met.

#### **Direct Marketing**

We may send you marketing communications in line with your previously expressed marketing preferences or as otherwise permitted under the Act and other relevant laws. If you do not wish to receive such communications, please contact us via the Contact Address or follow the opt-out instructions contained in each marketing communication.

#### **Compliance**

If you are concerned that the way in which we collect, hold, use or disclose your Personal Information may be in breach of the APPs or the Code, please send written details of your complaint to the Contact Address.

After receiving a complaint, we will conduct internal discussions and evaluate whether we believe that such collection, holding, use or disclosure of your Personal Information was in breach of the APPs and/or the Code. We will endeavour to notify you of the results of our investigation of your complaint within 30 days of receiving your complaint. However, if your complaint involves complex issues or requires extensive investigation, it may not be possible to respond within this timeframe. If the conclusion of our investigation is that our collection, holding, use or disclosure of your Personal Information was in breach of the APPs and/or the Code, we will take steps to remedy the breach as soon as reasonably practicable. If after dealing with us you are still not satisfied, you are entitled to make a complaint to the Office of the Australian Information Commissioner ([www.oaic.gov.au](http://www.oaic.gov.au)) or the Financial Ombudsman Service ([www.fos.org.au](http://www.fos.org.au)).