

## Wire Networks – Privacy Policy Review

Item No.	APP Number	Applicable	Comment (with refs to relevant parts of APP)	
1	APP 1 – open and transparent management of personal information	Yes	1.4(b)	<ul style="list-style-type: none"> <li>In relation to how Wire Networks (WN) collects personal information it may be prudent to clearly use the words ‘how we collect’ or ‘we collect’ to clearly indicate the ways in which WN collects personal information. For example, is the information collected through the individual, list purchasing, referrals and so forth.</li> <li>Holding personal information – information about how WN holds and secures the personal information should be provided, for example on your servers or third party servers. Information that it is secure should not jeopardise security.</li> </ul>
			1.4(c)	<ul style="list-style-type: none"> <li>In addition to the information already provided in the Privacy Policy, WN may also include:                             <ul style="list-style-type: none"> <li>the require to collect and hold information under the <i>Telecommunications (Interception and Access) Act 1979</i>; and</li> <li>the disclosure of personal information to NWs’ contractors and service providers, including overseas contractors and service providers.</li> </ul> </li> </ul>
			1.4(d)	<ul style="list-style-type: none"> <li>The contact information for access to and the correction of personal information should include:                             <ul style="list-style-type: none"> <li>The position title, telephone number, postal address and email address of the person responsible for managing requests to access and correct personal information. The phone number and email address should be generic so that staffing changes do not affect the contact details.</li> </ul> </li> </ul>
			1.4(e)	<ul style="list-style-type: none"> <li>Complaint procedure and contact information should be provided in the Privacy Policy. For example:</li> </ul>

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			<ul style="list-style-type: none"> <li>• the complainant should first write to WN by email or by using the postal address specifically provided for complaints. These should be set out in the Privacy Policy;</li> <li>• WN will respond within [1] timeframe (the guidelines provide 30 days);</li> <li>• following this procedure the complainant may contact the Office of the Australian Information Commissioner.</li> <li>• Currently the Privacy Policy uses the term 'problem', but it is prudent to use the term 'complaint' to align with APP terminology.</li> </ul>
			<p>1.4(f)</p> <ul style="list-style-type: none"> <li>• The requirement to inform the individual whether the entity is likely to disclose personal information to overseas recipients has not been directly addressed.</li> <li>• The requirement is for 'disclosure' to people or entities overseas, not 'use'. For example, information sent through a server that is located overseas is 'use' not 'disclosure'.</li> <li>• See comments at item 6 (APP 6) for consent requirements relating use and disclosure of personal information that is a 'secondary purpose' (meaning that it is not the primary purpose for which the information was collected, examples of secondary purpose might be direct marketing or disclosure to third parties) and item 8 (APP 8) for requirements to ensure overseas third parties do not breach the APPs.</li> </ul>
			<p>1.4(g)</p> <ul style="list-style-type: none"> <li>• Related overseas bodies (and the country) to which personal information maybe disclosed should be referred to;</li> <li>• The overseas countries in which the disclosure of personal information will be made (there are exceptions to this such as numerous locations making it too time-consuming and costly to determine the countries). If there are</li> </ul>

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			numerous countries they may be listed in an appendix rather than the body of the privacy policy with a link or address in the privacy policy. Regions may also be used.
2	APP 2 – anonymity and pseudonymity	Not applicable	
3	APP3 – collection of solicited personal information	Yes	<ul style="list-style-type: none"> <li>We note the Privacy Policy states that WN collects photo identification.</li> <li>A photograph clearly implies biometric identification, which is sensitive information.</li> <li>To comply with APP 3 the following must occur:                             <ul style="list-style-type: none"> <li>The individual must consent to the collection of sensitive information; and</li> <li>The information must be reasonably necessary for one or more of WNs’ functions or activities (see comment at item 5 APP 5 regarding consent).</li> </ul> </li> <li>Note also that sensitive information may only be collected by lawful and fair means directly from the individual.</li> </ul>
4	APP 4 – dealing with unsolicited personal information	Not applicable	
5	APP 5 – notification of the collection of personal information	Yes	<p>We have not been provided with a privacy statement / notice for review. However, it is required to comply with the APPs and it is the privacy information provided at the point the individual provides the personal information and is generally shorter and more concise than the Privacy Policy.</p> <ul style="list-style-type: none"> <li>The privacy information required by APP 5 must be presented at, before or, if impractical as soon possible after, the point of collecting the personal information. It is advisable to place the privacy statement / notice clearly in full at the point the individual would place their signature or submit the personal information.</li> <li>APP 5 requires similar information disclosure requirements as APP 1. However, the privacy statement / notice is required at the point of collecting</li> </ul>

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			<p>the personal information.</p> <ul style="list-style-type: none"> <li>• The privacy information required by APP 5 should be presented in full to the individual when personal information is collected. It is advisable to place the privacy statement / notice clearly in full at the point the individual would place their signature or submit the personal information.</li> <li>• NWs' Privacy Policy states the following 'you may be providing your personal information to us, through our website, or through our account managers or otherwise. In doing so you agree to the collection, use and disclosure of that information in accordance with this Privacy Policy':                         <ul style="list-style-type: none"> <li>• A similar statement should be included in the privacy statement / notice; and</li> <li>• It maybe prudent to include the words that are in bold in the statement to align with the terminology used in the APPs:</li> <li>• '...you agree <b>and consent</b> to the collection...';</li> </ul> </li> <li>• The types of use and disclosure should also be listed to ensure that the individual knows and consequently consents to the use and disclosure of the personal information. These can be board, for example:                         <ul style="list-style-type: none"> <li>• promotions, events, news letters, through email and so forth.</li> </ul> </li> </ul>
6	APP 6 – use or disclosure of personal information	Yes	<ul style="list-style-type: none"> <li>• Ensure consent is obtained from an individual if the individual's personal information is used or disclosed for a 'secondary purpose' being a purpose other than the purpose for which the information was collected. For example, if personal information was collected to setup a mobile plan internally and for the internal administration there of, then direct marketing will be a 'secondary purpose'. A secondary purpose may also include (but is not limited to) WNs' Australian and overseas contractors and service providers. Consent is required to use personal information for a 'secondary purpose' (unless another exemption applies):                         <ul style="list-style-type: none"> <li>• Obtaining consent may be achieved by including</li> </ul> </li> </ul>

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			<p>consent in Wire Networks' privacy statement / notice (APP 5), as the act of signing or submitting will indicate the individual's consent;</p> <ul style="list-style-type: none"> <li>See APP 8 for privacy requirements where an entity uses overseas contractors and service providers.</li> </ul>
7	<b>APP 7</b> – direct marketing	Yes	<ul style="list-style-type: none"> <li>Disclosing personal information:                             <ul style="list-style-type: none"> <li>We note personal information may be provided to 'recommended suppliers' with the individuals consent.</li> <li>Information on how withdraw the consent to disclose personal information to third parties should be included in the Privacy Policy (see APP 7.2(c)).</li> </ul> </li> </ul>
8	<b>APP 8</b> – cross-boarder disclosure of personal information	Yes	<ul style="list-style-type: none"> <li>Where an entity uses overseas contractors and service providers privacy requirements apply. It may be prudent to state in your Privacy Policy that overseas contractors and service provides are required to comply with the APPs (if this is WNs' practice to require this).</li> </ul>
9	<b>App 9</b> – adoption, use or disclosure of government related identifiers	Not applicable	
10	<b>App 10</b> – integrity of personal information	Yes	<ul style="list-style-type: none"> <li>See comment at item 1 for APP 1.4(d).</li> </ul>
11	<b>APP 11</b> – security of personal information	Yes	<ul style="list-style-type: none"> <li>No additional comment</li> </ul>
12	<b>App 12</b> – access to personal information	Yes	<ul style="list-style-type: none"> <li>No additional comment</li> </ul>
13	<b>APP 13</b> – correction of personal information	Yes	<ul style="list-style-type: none"> <li>See comment at item 1 for APP 1.4(d).</li> </ul>