



1. PRIVACY

1.1 Privacy Requirements

As licensees we comply with the Privacy Act 1988 (Cth) in our dealings with clients and other people. The Act is designed to protect individuals' personal information. It does this by adopting the 10 National Privacy Principles¹ that describe the manner in which personal information may be collected and used.

Personal information is only be collected if it is necessary for the functions and services that Fusion Specialty provides. It can only be collected by lawful and fair means and not in an unreasonably obtrusive way.²

When personal information is collected, reasonable steps are taken to ensure that the person from whom it was collected is aware of:

- The identity of our organisation that collected it and how to contact it;
- The fact that they can obtain access to the information;
- The purpose(s) for which the information is collected;
- The organisations (or types of organisations) to whom the information is usually disclosed;
- Any law that requires the information to be collected; and
- The main consequences if the information is not collected.³

Personal information is only used or disclosed for the primary purpose for which it was collected. It can be used or disclosed for secondary purposes where:⁴

- The secondary purpose is related to the primary purpose (it must be directly related, if it is sensitive information) and the individual would reasonably expect our organisation to use or disclose it for the secondary purpose; or
- The individual has consented to the use or disclosure; or
- The use or disclosure is required by law; or
- The organisation has reason to suspect that unlawful activity has, is or may be engaged in and uses the information as a necessary part of its investigation of the matter or in reporting its concerns to the relevant persons or authorities.

The National Privacy Principles set out other circumstances in which personal information can be used for secondary purposes.

Sensitive personal information is information or opinion about a person's racial or ethnic origin, political opinions, membership of a political, trade or professional

¹ Privacy Amendment (Private Sector) Act 2000

² NPP1.1 and 1.2

³ NPP 1.3

⁴ NPP 2.1 sets out the circumstances in which information may be used or disclosed for a secondary purpose

association or a trade union, religious or philosophical beliefs or affiliations, sexual preferences, criminal record or health information.

Stricter requirements apply to sensitive personal information. It must not be collected without consent unless:

- The collection is required by law; or
- It is necessary for the establishment, exercise or defence of a claim.

1.2 Privacy Systems

The National Privacy Principles contain other requirements regarding:

- Data quality and security;
- Openness, provision of access to personal information and the ability to correct it;
- The use of identifiers;
- Anonymity;
- Transborder data flows;
- Treatment of sensitive information.

As Licensees we are aware of these requirements and have developed policies, systems and procedures to implement them in our operations. Some of these are dealt with in relevant sections of this Manual.

1.2.1 Privacy Officer

We have appointed a Privacy Officer to be responsible for privacy issues. Our Privacy Officer is familiar with the Privacy Act 1988 (Cth) and the National Privacy Principles and Guidelines.⁵

1.2.2 Privacy Policy

Our Privacy Policy at Appendix 7A complies with the requirements of the Act and its Guidelines and documents our approach to privacy issues.

1.2.3 Privacy Procedures

We have implemented appropriate procedures and systems to ensure that all personnel who collect and use personal information comply with our Privacy Policy (and thereby the Privacy Act). These are contained in our Staff Policies and Procedures Manual and integrated into the underwriting process.

Our claims procedures and systems also ensure that Fusion Specialty only ask for and take into account relevant information when assessing an application for insurance cover.⁶

⁵ <http://www.privacy.gov.au>

⁶ Section 2.1(1) General Insurance Code of Practice



In addition to making staff aware of their privacy obligations, we:

- Insert short-form privacy statements into standard documentation; and
- Make available long-form privacy statement for our underwriters to provide to anyone who asks for more information about Fusion Specialty's privacy policy.

Our Privacy Notices may be found at Appendix 7B - Short Form Privacy Notices and Long at Appendix 7C - Long Form Privacy Statement.

1.2.4 Website

The terms and conditions of use of Fusion Specialty's website incorporate a description of our privacy and security policy.

1.2.5 Service Providers

Service providers that Fusion Specialty contracts with, such as loss adjustors/assessors, investigators, collection agents, claims consultants and claims administrators are made aware of their privacy obligations and the requirement to only collect relevant information from insureds. If their procedures are inadequate to comply, it will be necessary for Fusion Specialty to guide them.

1.3 Appendix 7A - Privacy Policy

The objective of this policy is to assist us to comply with the Privacy Act 1988 (Cth) in our dealings with insureds and other people. The Act is designed to protect individuals' personal information. It does this by restricting the ways in which personal information may be used.

Complying with the Privacy Act helps us to enhance our client service and our Privacy Officer is responsible for all matters to do with privacy.

What is personal information? - Personal information is information or opinion about an individual whose identity is apparent or can easily be ascertained from the information or opinion.

Sensitive information – Sensitive personal information is information or opinion about a person's racial or ethnic origin, political opinions, membership of a political, trade or professional association or a trade union, religious or philosophical beliefs or affiliations, sexual preferences, criminal record or health information.

What information do we collect? - We collect personal information from insured parties (and their contractors and employees), brokers, our employees or others. However we only collect personal information that we need and we only use the information that we collect for the primary purpose(s) for which we collect it. These are:

- Providing quotes for insurance cover (including obtaining risk carrier confirmation where necessary);
- Issuing insurance policies;
- Handling claims under insurance policies;
- Providing information about insurance matters;
- Dealing with brokers, risk carriers/insurers and reinsurers; and
- Operating our business.

How do we use personal information? - We do not use or disclose the information for any other purpose without the person's consent. In particular, we do not:

- Trade, rent or sell personal information; or
- Provide personal information to anyone without consent – other than brokers, risk carriers/insurers, reinsurers and their appointed representatives and those we appoint to investigate and manage claims on our behalf.

When handling claims, we only use the personal information you provide which is relevant to making a decision about the claim.

Stricter requirements apply to sensitive personal information. We do not collect or disclose sensitive information without consent unless:



- The collection is required by law; or
- It is necessary for the establishment, exercise or defence of a claim.

In most cases we obtain consent in the usual course of dealing, e.g. a consent is incorporated into our Proposal Forms.

What can we disclose? - The Privacy Act does allow us to use or disclose information in some other unusual circumstances. If you want to use or disclose personal information for any reason other than those described above, check with our Privacy Officer before doing so.⁷

Openness - Provide a copy of our Long Form Privacy Policy to anyone who asks for information about our Privacy Policy. It can be provided as a protected word document, printed on letterhead or a .pdf (e.g. in Adobe Acrobat or Jaws) document e-mailed on request.

⁷ Note for Privacy Officer – NPP 2.1 sets out the other circumstances in which information may be used or disclosed for a secondary purpose

1.4 Appendix 7B - Short Form Privacy Notices

- **RENEWAL INVITATIONS**

Privacy - We are committed to protecting your privacy. We use the information you provide to us to quote on and insure your risks. We only provide personal information to our underwriters and reinsurers (and their representatives) and those we appoint to assist us with claims under your policy. We will not trade, rent or sell your information.

If you don't provide us with full information, we cannot properly quote for your insurance and we cannot insure you. You can check the personal information we hold about you at any time. For more information about our Privacy Policy, ask us for a copy.

- **PROPOSAL FORMS, QUESTIONNAIRES, SURVEYS ETC**

Privacy – We are committed to protecting your privacy. We only use the personal information you provide to us to quote on and insure your risks. We only provide personal information to our underwriters and reinsurers (and their representatives) and those we appoint to assist us with claims under your policy. We will not trade, rent or sell your information.

If you don't provide us with complete information, we cannot properly quote for your insurance and we cannot insure you. You can check the personal information we hold about you at any time.

If you provide us with personal information about anyone else, we rely on you to have told them that you will provide their information to us, to whom we may provide it, the purposes for which we will use it and that they can access it. If the information is sensitive, we rely on you to have obtained their consent on these matters.

For more information about our Privacy Policy, ask us for a copy.

- **CLAIM FORM**

Privacy – We are committed to protecting your privacy. We use the personal information you provide to us in connection with your claim only for the purpose of assessing and managing the claim. We only use the information which is relevant to making a decision about the claim.

We may need to provide that information to our underwriters and reinsurers (and their representatives) and those we appoint to assist us with the claim. We will not trade, rent or sell your information.



If you don't provide us with complete information, we cannot properly assess your claim. You can check the personal information we hold about you at any time.

If you provide us with personal information about anyone else, we rely on you to have told them that you will provide their information to us, to whom we may provide it, the purposes for which we will use it and that they can access it. If the information is sensitive, we rely on you to have obtained their consent on these matters.

For more information about our Privacy Policy, ask us for a copy.

1.5 Appendix 7C - Long Form Privacy Statement

Privacy Policy

At Fusion Specialty Underwriting Agencies Pty Ltd, we are committed to protecting your privacy in accordance with the Privacy Act 1988 (Cth). This Privacy Policy describes our current policies and practices in relation to the handling and use of personal information.

What information do we collect and how do we use it?

To enable us to quote on and insure risks, we collect the information we need to assess the risk and whether and on what terms we will insure it. We may need to provide this information to our risk carriers/insurers and reinsurers. Some of these companies may be located outside Australia.

When a claim is made under the policy, to enable us to assess the claim, we and our representatives (including loss adjusters/assessors, investigators, medical advisers and lawyers) collect information about the claim, some of which may be personal information. We may collect the information from our insured or from third parties. We provide this information to those we have appointed to assist us to consider the claim. Again this information may be passed on to our risk carriers/insurers and reinsurers. We only use the information which is relevant to making a decision about the claim.

We may use your personal information internally to help us improve our services and help resolve any problems.

What if you don't provide some information to us?

We can only issue insurance cover and assess claims under the policy if we have all relevant information. The insurance laws also require insureds to provide us with all the information we need in order to be able to decide whether to insure and on what terms.

How do we hold and protect your information?

We strive to maintain the reliability, accuracy, completeness and currency of the personal information we hold and to protect its privacy and security. We keep personal information only for as long as is reasonably necessary for the purpose for which it was collected or to comply with any applicable legal or ethical reporting or document retention requirements

We hold the information we collect from you in a working file and electronically, which when completed is kept onsite until archived off site in a secure storage facility.

We ensure that your information is safe by protecting it from unauthorised access, modification and disclosure. We maintain physical security over our paper and electronic data stores and premises, such as locks and security systems. We also maintain computer and network security; for example, we use firewalls (security measures for the Internet) and other security systems such as user identifiers and passwords to control access to computer systems.

Will we disclose the information we collect to anyone?

We do not sell, trade, or rent your personal information to others.

We may need to provide your information to contractors who supply services to us, e.g. to handle mailings on our behalf or to other companies in the event of a corporate sale, merger, reorganisation, dissolution or similar event. However, we will do our best to ensure that they protect your information in the same way that we do.

We may provide your information to others if we are required to do so by law or under some unusual other circumstances which the Privacy Act permits.

How can you check, update or change the information we are holding?

Upon receipt of your written request and enough information to allow us to identify the information, we will disclose to you the personal information we hold about you. We will also correct, amend or delete any personal information that we agree is inaccurate.

If you wish to access or correct your personal information please write to our Privacy Officer.

We do not charge for receiving a request for access to personal information or for complying with a correction request.

Your Consent

By asking us to quote or insure you, you consent to the collection and use of the information you have provided to us for the purposes described above.

Tell us what you think

We welcome your questions and comments about privacy. If you have any concerns or queries please [contact us](#).