



Effective date:	21 December 2001
Replaces:	
Recommended by:	General Counsel & Company Secretary
Authorised by:	Board of Directors

Sigma Privacy Policy

1. Introduction

Sigma has adopted this Privacy Policy with respect to its collection, use, storage and disclosure of information about individuals.

Sigma's Privacy Officer is the company's General Counsel.

Contact details are

General Counsel
96 Merrindale Dve
South Croydon
Victoria 3136
telephone 03 9839 2873
facsimile 03 9839 2811

If you have any issues regarding privacy with Sigma you should contact your usual Sigma representative or the Privacy Officer.

2. Collection

- 2.1 Sigma will only collect personal information that is necessary for its functions or activities.
- 2.2 Sigma will only collect personal information by lawful and fair means and in a way which is not unreasonably intrusive.
- 2.3 When personal information is collected from an individual (or, if that is not practicable, as soon as practicable after) Sigma will take reasonable steps to ensure that the individual is aware of:
 - a) Sigma's identity and how to contact it;
 - b) the fact that they are able to gain access to the information;
 - c) the purposes for which the information is collected;
 - d) the types of entities to which Sigma usually discloses information of that kind;
 - e) any law that requires the particular information to be collected; and
 - f) the main consequences (if any) for the individual if all or part of the information is not provided.
- 2.4 Where reasonable and practicable to do so, Sigma will collect personal information about an individual from that individual.
- 2.5 If Sigma collects personal information from someone other than the individual, it will take reasonable steps to ensure that the individual is made aware of the matters listed in subclause 2.3 except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

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3. Use and disclosure

- 3.1 Sigma will only use or disclose personal information for a purpose (the secondary purpose) other than the primary purpose of collection if:
- a) the secondary purpose is related to the primary purpose of collection and, the individual would reasonably expect the information to be used or disclosed for the secondary purpose; or
 - b) the individual has consented to the use or disclosure; or
 - c) the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing where:
 - (i) it is impracticable for Sigma to seek the individual's consent before that particular use;
 - (ii) the individual having been offered the opportunity of declining to receive direct marketing communication at no charge has not declined;
 - (iii) the individual has not made a request to the organisation not to receive direct marketing communications;
 - (iv) in each direct marketing communication with the individual, Sigma draws to the individual's attention, or prominently displays a notice, that they may decline to receive any further direct marketing communications; and
 - (v) each written direct marketing communication by Sigma with the individual sets out Sigma's contact details; or
 - d) the information is health information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety where:
 - (i) it is impracticable for Sigma to seek the individual's consent before the use or disclosure;
 - (ii) the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A of the Commonwealth Privacy Act; and
 - (iii) in the case of disclosure Sigma reasonably believes that the recipient of the health information will not disclose the health information, or personal information derived from the health information; or
 - e) Sigma reasonably believes that the use or disclosure is necessary to lessen or prevent:
 - (i) a serious and imminent threat to an individual's life, health or safety; or
 - (ii) a serious threat to public health or public safety; or
 - f) Sigma has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
 - g) the use or disclosure is required or authorised by or under law; or
 - h) Sigma reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

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- 3.2 If Sigma uses or discloses personal information under paragraph 3.1(h), it must make a written note of the use or disclosure.
- 3.3 Despite subclause 3.1, Sigma may disclose health information about an individual to a person who is responsible for the individual if:
- (a) the individual:
 - (i) is physically or legally incapable of giving consent to the disclosure; or
 - (ii) physically cannot communicate consent to the disclosure;
 - (b) Sigma is satisfied that either:
 - (i) the disclosure is necessary to provide appropriate care or treatment of the individual; or
 - (ii) the disclosure is made for compassionate reasons; and
 - (c) the disclosure is not contrary to any wish:
 - (i) expressed by the individual before the individual became unable to give or communicate consent; and
 - (ii) of which the carer is aware, or of which the carer could reasonably be expected to be aware; and
 - (d) the disclosure is limited to the extent reasonable and necessary for a purpose mentioned in paragraph (b).

4. Data quality

Sigma will take reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

5. Data security

- 5.1 Sigma will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- 5.2 Sigma will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed.

6. Openness

- 6.1 This Privacy Policy sets out Sigma's corporate policy on management of personal information and is available to anyone who asks for it.
- 6.2 On request, Sigma will take reasonable steps to let a person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information about that person.

7. Access and correction

- 7.1 Sigma will provide an individual with access to the information on request by the individual, except to the extent that:
- (a) in the case of personal information other than health information providing access would pose a serious and imminent threat to the life or health of any individual;
 - (b) in the case of health information providing access would pose a serious threat to the life or health of any individual;

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- (c) providing access would have an unreasonable impact upon the privacy of other individuals;
 - (d) the request for access is frivolous or vexatious;
 - (e) the information relates to existing or anticipated legal proceedings between Sigma and the individual, and the information would not be accessible by the process of discovery in those proceedings;
 - (f) providing access would reveal the intentions of Sigma in relation to negotiations with the individual in such a way as to prejudice those negotiations;
 - (g) providing access would be unlawful;
 - (h) denying access is required or authorised by or under law;
 - (i) providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - (j) providing access would be likely to prejudice:
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty sanction or breaches of a prescribed law;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders;by or on behalf of an enforcement body; or
 - (k) an enforcement body performing a lawful security function asks Sigma not to provide access to the information.
- 7.2 However, where providing access would reveal evaluative information generated within Sigma in connection with a commercially sensitive decision making process Sigma may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.
- 7.3 If Sigma is not required to provide the individual with access to the information because of one or more of paragraphs 7.1(a) to (k) (inclusive), Sigma will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- 7.4 Sigma may charge a fee reasonable for providing access to personal information, (but not for lodging a request for access):
- 7.5 If Sigma holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up to date, Sigma will take reasonable steps to correct the information so that it is accurate, complete and up to date.

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- 7.6 If the individual and Sigma disagree about whether the information is accurate, complete and up to date, and the individual asks Sigma to include with the information a statement claiming that the information is not accurate, complete or up to date, Sigma will take reasonable steps to do so.
- 7.7 Sigma will provide reasons for denial of access or a refusal to correct personal information.

8. Identifiers

- 8.1 Sigma will not adopt an identifier of an individual that has been assigned by:
- (a) an agency;
 - (b) an agent of an agency acting in its capacity as agent;
 - (c) a contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract, unless
 - (d) the use or disclosure is necessary for Sigma to fulfil its obligations to the agency; or
 - (e) one or more of paragraphs 3.1(e) to 3.1(h) (inclusive) apply to the use or disclosure; or
 - (f) the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.
- 8.2 However, subclause 8.1 does not apply to the adoption by a prescribed organisation of a prescribed identifier in prescribed circumstances.
- 8.3 In this clause:
- identifier includes a number assigned by Sigma to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or ABN (as defined in the A New Tax System (Australian Business Number) Act 1999) is not an identifier.

9. Anonymity

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering into transactions with Sigma.

10. Transborder data flows

Sigma will only transfer personal information about an individual to someone (other than the organisation or the individual) who is in a foreign country if:

- (a) Sigma reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles; or
- (b) the individual consents to the transfer; or
- (c) the transfer is necessary for the performance of a contract between the individual and Sigma, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between Sigma and a third party; or

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- (e) all of the following apply:
 - (i) the transfer is for the benefit of the individual;
 - (ii) it is impracticable to obtain the consent of the individual to that transfer;
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it; or
- (f) Sigma has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles.

11. Sensitive information

11.1 Sigma will not collect sensitive information about an individual unless:

- (a) the individual has consented;
- (b) the collection is required by law;
- (c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - (i) is physically or legally incapable of giving consent to the collection; or
 - (ii) physically cannot communicate consent to the collection; or
- (d) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

11.2 Despite subclause 11.1, Sigma may collect health information about an individual if:

- (a) the information is necessary to provide a health service to the individual; and
- (b) the information is collected:
 - (i) as required by law (other than this Act); or
 - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.

11.3 Despite subclause 11.1, Sigma may collect health information about an individual if:

- (a) the collection is necessary for any of the following purposes:
 - (i) research relevant to public health or public safety;
 - (ii) the compilation or analysis of statistics relevant to public health or public safety;
 - (iii) the management, funding or monitoring of a health service;
- (b) that purpose cannot be served by the collection of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained;
- (c) it is impracticable for Sigma to seek the individual's consent to the collection; and
- (d) the information is collected:
 - (i) as required by law (other than this Act);



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- (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation; or
- (iii) in accordance with guidelines approved by the Commissioner under section 95A for the purposes of this subparagraph.

11.4 If Sigma collects health information about an individual in accordance with subclause 11.3, it will take reasonable steps to permanently de-identify the information before it discloses it.

12. Requests for information

- 12.1 Sigma will provide an individual with access to information which is held about them. The nature and timing of access will be agreed between Sigma and the individual.
- 12.2 A request for access to personal information must be in writing, specify the information sought and may be made to an individual's usual contact at Sigma or the Privacy Officer. Adequate identification by or authority from an individual must be supplied to Sigma before any personal information will be provided.
- 12.3 Access to personal information will be provided within 10 business days of receiving a request. If this can not be complied with Sigma will advise within that period when access will be provided.
- 12.4 Sigma may charge a reasonable fee for providing access to personal information.
- 12.5 Any concerns or difficulties regarding a request for personal information should be referred to the Privacy Officer.

13. Complaints

- 13.1 Any complaint by an individual regarding Sigma's management or handling of personal information should be directed to Sigma's Privacy Officer. Contact details are set out at the commencement of this Policy.
- 13.2 To enable a complaint to be properly understood and acted upon it is requested that it be made in writing, specifying the personal information involved and the contact or process at Sigma the subject of the complaint.
- 13.3 All complaints will be acknowledged within 3 business days of receipt. Contact details of the person in Sigma dealing with the complaint and the Privacy Officer will also be advised to the individual making the complaint at this time.
- 13.4 Complaints will be responded to within 15 business days. If this is not possible the individual will be advised as to when Sigma expects to be able to respond.
- 13.5 If Sigma's response does not resolve the complaint Sigma and the individual will in good faith promptly agree a process and time frame for dealing with the complaint.