

BARRISTERS' SICKNESS AND ACCIDENT FUND PTY. LIMITED

Selborne Chambers, 174 Phillip Street, Sydney 2000

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PRIVACY POLICY

Introduction

The Barristers' Sickness and Accident Fund Pty Ltd (**BSAF**) has a legal obligation to comply with the *Privacy Act 1988* (Cth), as amended by the *Privacy Amendment (Private Sector) Act 2000* (**Act**) and the National Privacy Principles (**NPPs**), which form part of the Act.

Under the Act, organisations that are in possession of an individual's 'personal information' must observe certain restrictions and standards concerning the collection, use, disclosure and security of that information.

BSAF is a fund for the benefit of members who become incapacitated by sickness or personal injury from attending to their practice as barristers. In the course of providing our service, there is certain personal information we may require from you. BSAF's primary purpose in collecting personal information is to assist us in making an informed decision as to whether we should accept the risk of extending or renewing cover and to consider claims. BSAF has developed this Privacy Statement to inform you about how BSAF will collect, hold, use, and disclose personal information of our customers, how individuals can gain access to personal information held by this organisation and how an individual may complain about possible breaches of privacy.

WHAT PERSONAL INFORMATION DOES BSAF GATHER?

The personal information we collect generally includes:

- your name, address, date of birth, contact details and other personal details to set up an policy for you;
- information about the status of your sickness and accident cover;
- information about claims you make or wish to make on your cover; and

We may seek to collect personal information that is regarded as sensitive information or health information. We do so only with your consent or as authorised by law.

HOW DOES BSAF COLLECT PERSONAL INFORMATION?

Information gathered from you

Where it is reasonable and practicable to do so we will collect most of your information from you directly, such as:

- when you submit a proposal form for sickness and accident insurance;
- when you submit a variation to level of cover;

- when you submit a claim for benefits; and
- each time we have contact with you.

Sometimes we may ask to collect particular personal information about you. Unless we have already done so, when or before we collect that information, we will take reasonable steps to inform you of:

- the purposes for which the information is collected;
- where applicable, any law requiring the information to be collected; and
- the main consequences if all or part of the information is not provided.

Information gathered from third parties

Other ways we generally collect information:

- in circumstances where additional health information is required we may contact your medical practitioner or other health provider;
- we may contact your medical practitioner to clarify details provided by you; and
- in circumstances where services claimed may be compensable from another source, we may contact any persons necessary to establish eligibility of benefits for you.

If you do not provide any information requested about you or do not consent to our collecting that information from third parties, then depending upon the type of information concerned, the consequences of our not being able to collect this information may include:

- our inability to process any application for membership, membership renewal or claims; and
- our inability to provide any other services to you.

PURPOSES FOR HOLDING THE INFORMATION COLLECTED

We generally hold information for the following purposes:

- to approve transactions/claims you wish to make;
- to provide you with services you have requested; and
- to consider your application to join BSAF or to renew your policy.

HOW PERSONAL INFORMATION IS HELD

We hold your personal information in a combination of computer storage facilities and paper-based files.

These facilities and records are located on site at our registered office at 174 Philip Street in Sydney. BSAF has strict information security policies and procedures in place to protect personal information held by us from misuse, loss or unauthorised access, modification or disclosure.

HOW DOES BSAF USE PERSONAL INFORMATION?

We collect and use personal information for the following purposes:

- to check your eligibility for membership or check your identity;
- to process your application for services;
- to provide you with services you have requested;
- to investigate and resolve complaints concerning the provision of services; and
- to comply with legislative requirements and provisions.

WHEN DOES BSAF DISCLOSE YOUR INFORMATION?

We do not disclose your information to others, except in the following cases:

- with your consent or where it is necessary to provide you with services;
- to a medical practitioner in the course of considering a claim;
- where required by law; and
- to our reinsurers and their agents.

YOUR CONSENT

By becoming a member, or continuing your relationship with us, you are taken to have consented to the following :

- the use and disclosure of personal information for the purposes identified in this Privacy Policy; and
- the collection of sensitive health information by us from third parties as detailed in this Privacy Policy.

You should note that you may withdraw any or all of your consents at any time simply by notifying us. However, depending on the circumstances, this may prevent us from being able to provide services to you.

If we use or disclose your personal information in a way not contemplated in this Privacy Policy we will do so only after gaining your consent. We may ask for your consent in writing.

We also may disclose or use your personal information without your consent in the following circumstances:

- for a reasonably expected secondary purpose which is related to the primary purposes for collecting the information as contemplated by this Privacy Policy; or
- we reasonably believe it is necessary to assist an enforcement body to perform its functions; or

- for audit, actuarial, accounting, legal services and for external compliance services; or
- we suspect that an unlawful activity has been, is being or may be engaged in and the personal information is a necessary part of our investigation or reporting of the matter; or
- we reasonably believe it is necessary to prevent a threat to life, health or safety; or
- we are authorised or required by law to do so, (eg. where information is required by bodies regulating us or in response to subpoenas or warrants).

ACCESS AND CORRECTION

An individual may request access to personal information held about them. The type of information held generally includes the following:

- a record of premium payments;
- membership history: includes the history of your membership and level of cover held;
- financial information: this includes bank account details; and
- claims history: a record of hospital, medical and or related claims

Details of the personal information held by BSAF can be obtained by contacting us in writing to the address specified below.

BSAF will acknowledge a request for access and endeavour to respond within a reasonable time. If the request is complex or comprehensive in terms of the scope of information sought, BSAF may ask for a request to be made in writing. BSAF may recover from you the reasonable costs of providing access to your personal information.

Where an individual's access request may result in disclosure of personal information and, in particular sensitive information, about other individuals, for example a claims history print of all persons on a membership, the request for access must be in writing with appropriate consents or a declaration that consent has been given before the personal information is released.

If an individual establishes that the personal information held is not accurate, complete or up-to-date, BSAF will take reasonable steps to correct the information. Please assist us to keep accurate details by informing us whenever your personal details change or whenever you become aware our records are inaccurate.

In limited circumstances, a request for access may be denied or restricted access given. BSAF will provide reasons for denial or limitation on access and will inform you of any exceptions relied on under the Privacy Act.

SECURITY

BSAF has strict information security policies and procedures in place to protect personal information held by us from misuse, loss or unauthorised access, modification or disclosure.

Personal information may be stored in either hardcopy documents or as electronic data. Security is maintained, for example, by user identifiers and passwords to access the computer system.

BSAF uses a secure disposal system for destruction of records containing personal information that does not need to be retained. This function is currently contracted out to Ausdoc waste management (**Ausdoc**). Archived information is held on site for 10 years before secure destruction. After this time, Ausdoc remove the records to be destroyed from our premises for destruction.

CHANGES TO THE PRIVACY POLICY

We may change our policies and update the Privacy Policy from time to time. We may send you an updated Privacy Policy using methods we choose from time to time, and may publish it on a website of the Fund or that of The New South Wales Bar Association.

To obtain a copy of our most current Privacy Policy, please contact us at Lower Ground Floor, Selborne Chambers 174 Phillip Street Sydney.

PRIVACY COMPLAINTS

An individual should first direct any complaint of an alleged breach of the Privacy Act to BSAF's Privacy Compliance Officer.

BSAF will 'interfere with the privacy of an individual' if it deals with personal information in a way that is contrary to, or inconsistent with, an NPP.

The Privacy Commissioner may investigate complaints about acts or practices that constitute an 'interference with privacy' if BSAF does not resolve the individual's concerns.

If you are not satisfied with how BSAF has dealt with the complaint, you may contact the Privacy Commissioner at GPO Box 5218, Sydney, NSW 1042, telephone 1300 363 992 (local call charge); fax 02 9284 9666 or email privacy@privacy.gov.au.

CONTACT DETAILS

Privacy Compliance Officer : Mr. Basil Catsaros
c/o New South Wales Bar Association

Lower Ground Floor

Selborne Chambers

174 Phillip Street

Sydney 2000

Telephone: 9232 4055

More information on the Privacy Act can be found at the Privacy Commissioner's website:
www.privacy.gov.au