

## PRIVACY POLICY – WESFARMERS GENERAL INSURANCE LIMITED

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Your privacy is important to Wesfarmers General Insurance Limited trading as Lumley Insurance (Lumley Insurance, we, us, our). We are committed to ensuring that information we hold about you is held securely and that your confidentiality is protected.

Lumley Insurance is bound by the National Privacy Principles of the *Privacy Act 1988* (Cth). We are committed to ensuring that all our business dealings comply with the National Privacy Principles, and acknowledge the importance of keeping personal details for individuals confidential and secure.

To this extent, this Privacy Policy aims to explain the application of the National Privacy Principles to the particular business of Lumley Insurance. Consequently, this Policy should be read in conjunction with the National Privacy Principles. To the extent that there is any direct inconsistency between this Policy and the National Privacy Principles, the Principles prevail. Questions about the National Privacy Principles may be directed to the office of the Federal Privacy Commissioner.

We support:

- fair and open collection practices;
- processes that ensure information is accurate, complete and current;
- individuals' rights to see, and where necessary, correct information about themselves; and
- limiting the use of information.

This policy explains how we treat information that we hold about you. It details the type of information we collect, how we may use that information, to whom we allow access and how we protect it.

If you have any questions relating to this Privacy Policy, or you would like the current version (in the event that since the issue of this version, the Policy has been changed), please contact Lumley Insurance's Privacy Officer whose details are located on the last page of this document.

### 1.1 COLLECTION

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The types of information we collect in supplying our services will depend on the type of product or service we provide to you. The information we collect may include your contact details and your financial details together with transaction information relating to any product or service we provide to you, such as details of payments, claims and changes to your contract. If necessary, we may collect information about your health and other sensitive information, but we will obtain your consent before doing so.

We will endeavour to collect most of this information directly from you, but we may also collect some of it from:

- your past or present employer;
- your past or present accountant;
- your banker or other financial institution;
- other insurance companies;
- your insurance broker or other insurance representatives;
- insurance industry reference bodies and credit reporting agencies;
- government department(s) which retain relevant records;
- claims investigators and assessors;
- our overseas or local related entities.

No matter from whom we collect your personal information, we will be fair and open and we will not make any unreasonably intrusive enquiries. You should be particularly aware, however, that when we consider necessary we may arrange for investigators to collect your personal information in relation to a service or product we have provided to you.

Where we collect information about you from someone else we will, wherever possible, make sure you know the information listed below unless telling you of these matters would pose a serious threat to the life or health of any individual.

We will take reasonable steps to let you know:

- our identity and how to contact us;
- the fact that you can gain access to your information;
- the purpose for which the information is being collected;
- to whom we disclose this information;
- any law that requires information to be collected; and
- the main consequences (if any) for you if information is not provided (eg we may reduce the amount we pay in response to a claim).

Where practicable, we will provide you with this information before or as soon as possible after we receive your personal information. We will generally do this by issuing you with a privacy statement when we first collect your personal information. The privacy statement relates not only to the information we collect on that occasion (i.e. on and after 21 December 2001) but also to any information we subsequently collect.

When entering an insurance contract, you owe a duty of utmost good faith to the insurer, in this case Lumley Insurance. This is imposed by the Insurance Contracts Act 1984 (Cth). One of the things it requires you to do is to disclose every matter that you know or could reasonably be expected to know is relevant to Lumley Insurance's decision whether to accept the risk of insurance and, if so, on what terms. You have the same duty to disclose those matters before you renew, extend, vary or reinstate a contract of general insurance.

The duty does not, however, require disclosure of a matter:

- that diminishes the risk to be undertaken by Lumley Insurance;
- that is of common knowledge;
- that Lumley Insurance knows or in the ordinary course of business ought to know; or
- as to which compliance with your duty Lumley Insurance has waived.

If you fail to comply with your duty of disclosure we may be entitled to reduce our liability under the contract in respect of a claim or we may cancel the contract. If your non-disclosure is fraudulent, we may also have the option of avoiding the contract from its beginning.

Of course, you can elect not to provide us with your personal information. In addition to being in breach of the duty of disclosure and the effect that may have on your insurance contract, it may affect our ability to provide you with and administer our products and services.

Lumley Insurance collects your personal information for a number of primary purposes. These include:

- to process, assess and verify your application, including assessment of the risk we undertake;
- to administer and manage the products or services we provide, including calculating premiums, responding to your queries and determining, assessing and verifying any entitlements and/or claims you make;
- to provide you with information about other products or services that may be of benefit to you; and
- to facilitate our internal business operations, including updating internal databases, conducting consumer satisfaction surveys, fulfilling regulatory and legal requirements and system testing.

## 1.2 USE AND DISCLOSURE

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We will not use or disclose personal information for a secondary purpose (that is, any purpose other than a primary purpose), unless:

- it is related to the primary purpose and where you would expect us to so use or disclose it;
- you have consented for us to use or disclose the information;
- we suspect unlawful activity and we use or disclose the personal information as a necessary part of our investigation or in reporting our concerns to the relevant persons or authorities;
- we reasonably believe the use or disclosure is necessary to reduce or prevent a serious and imminent threat to an individual's life, health or safety or a serious threat to the public;
- we reasonably believe the use or disclosure is reasonably necessary for an enforcement body to prevent, investigate or prosecute certain breaches of the law, the protection of the public revenue, seriously improper conduct or prescribed behaviour; or
- where we are required or authorised by law.

We may disclose your information to:

- our agents, consultants, auditors, contractors, contracted staff or service providers that provide financial, legal, administrative or other services in connection with the operation of our business;
- mailing houses, document and archiving service providers, financial institutions, lawyers, claims investigators and reinsurers;
- insurance industry reference bodies, such as the Insurance Reference Association of Australia (IRAA), Insurance Reference Services (IRS) and industry complaint bodies;
- our local and overseas related entities who share access to our databases;
- government agencies including the Australian Taxation Office, as part of our regulatory or statutory obligations;
- law enforcement agencies, where the law requires or permits us to do so or where we suspect unlawful activity;
- the Internal Dispute Resolution (IDR) Committee;
- another person or entity, where we have collected your information from that person or entity; and
- your agent, or with your consent.

If we think that other products or services may be of benefit to you, we will use your contact details to market those products or services to you. In some cases, this may be outsourced to a direct marketing company and the direct marketing company will only be made aware of your contact details to complete that particular marketing promotion.

If, at any time, you do not wish your details to be used for marketing purposes, please contact our Privacy Officer at the address detailed at the end of this document. You will not be charged for exercising your right to opt out of our direct marketing programs.

## 1.3 DATA QUALITY

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We will take all reasonable steps to ensure that the personal information we collect, use or disclose is accurate, complete and current. If you are aware of any error or inaccuracy in the personal information about you that we hold or use, please contact our Privacy Officer.

## 1.4 DATA SECURITY

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We will take all reasonable steps to protect your information from misuse, loss, unauthorised access, modification or disclosure.

Your information is stored only in secured premises and electronic databases. The databases are password and access-level protected. Only staff who need access to personal information for one of Lumley Insurance's functions or activities are allowed access.

Some information is kept by Lumley Insurance for a number of years to comply with legal requirements. Any personal information that is no longer needed is disposed of in a secure manner or is de-identified.

## 1.5 OPENNESS

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We will maintain clearly expressed policies on our management of personal information and make them readily available. We will make our Privacy Statement and this Privacy Policy available to anyone whose personal information we hold.

On request, we will let you know generally the sort of personal information we hold, for what purposes, and how we collect, hold, use and disclose that information. If the Privacy Statement and Privacy Policy do not satisfy your request, we will consider your written representations and if reasonable we will endeavour to take reasonable steps to provide you with further information.

## 1.6 ACCESS AND CORRECTION

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In addition, if you request it, we will provide you with access to your personal information except where it:

- poses a serious and imminent threat to the life or health of any individual;
- would have an unreasonable impact upon the privacy of others;
- is frivolous or vexatious;
- relates to existing or anticipated legal proceedings with you and would not be accessible through discovery;
- may reveal our intentions and prejudice negotiations with you;
- may prejudice investigation, prosecution or other action in respect of any possible unlawful activity;
- would be unlawful or denial of access is allowed by law; or
- may damage national security.

If we deny access to you, we will provide our reasons.

A fee will not be charged for an access request, but you may be charged the reasonable expenses we incur (such as search and photocopying costs).

We will correct personal information held if we discover, or you are able to show us, that it is incorrect. If you ask us to correct your personal information and we do not agree that it is wrong, we may refuse to change it but we will explain our reasons. In these circumstances, if an individual asks, we will keep a statement with the record that shows our disagreement and that the individual regards the information as inaccurate or out of date.

If you have a complaint, an officer with appropriate authority will deal with it. For details of the way in which we handle complaints please refer to our brochure, *A Guide to Resolving Complaints*. If you remain dissatisfied with the way in which your complaint is handled we can advise you of how to take your complaint to the IDR Service. If you are aggrieved by a determination of the IDR Service you may refer your complaint to the Privacy Commissioner.

## 1.7 IDENTIFIERS

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We will use our own identifiers and not those assigned by the government unless we are required to do so, or the law or National Privacy Principles permit us to do so.

## 1.8 ANONYMITY

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If we can (and if you want us to), we will deal with you anonymously.

Where it is lawful and practicable, we will allow you to enter into transactions with us on an anonymous basis.

## 1.9 TRANSBORDER DATA FLOW

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We will not transfer personal information to someone in a foreign country, unless one of the following circumstances apply:

- you have consented to the transfer;
- the transfer is necessary to perform the contract between the individual and Lumley Insurance or the individual and a third party;
- the transfer is for your benefit;
- it is impractical to get your consent and it is likely that consent would be given; or
- we have taken reasonable steps to ensure those to whom we transfer the personal information, protect it and your privacy to the same standard as we do.

## 1.10 FURTHER INFORMATION

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If you have any further questions about this Privacy Policy or you believe that the privacy of your personal information has been compromised or is not being adequately protected, you should contact our Privacy Officer on (02) 9248 1111 or at Wesfarmers General Insurance Limited, 309 Kent Street, Sydney NSW 2000. We will make every effort to address your concerns internally.

If after two business days, the matter has not been resolved to your satisfaction, you may elect to have your query referred to Lumley Insurance's Internal Dispute Resolution Committee. If your complaint is still not resolved to your satisfaction, you may apply to the Federal Privacy Commissioner to have your complaint investigated. For more information about how you may lodge a complaint with the Federal Privacy Commissioner, please contact the Commissioner's hotline service on 1300 363 992.