



Smart Energy Retail Pty Ltd  
ABN 49 639 060 405

# Privacy Policy

June 2021

# Your Privacy is important to us

At Smart Energy we understand your privacy is important to you, and we value your trust - which is why we protect your personal information and aim to be clear, open, and upfront about what we do with it.

As such, we're committed to protecting your privacy, and managing your personal and credit related information in accordance with the requirements of the Privacy Act 1988 (Cth) (Privacy Act).

Our Privacy Policy and Credit Reporting Collection Statement (which is our Credit Reporting Policy), sets out how we collect, use, hold and disclose your personal and credit related information.

## About Us

**Smart Energy Retail Pty Ltd** (ABN 49 639 040 405) and its related and associated bodies corporate (us, we, our) maintain a policy of strict confidence concerning your (you, your) personal information (Privacy Policy). This Privacy Policy has been developed in accordance with the Privacy Act 1988 (Cth) (Privacy Act). The Privacy Policy applies to the collection, storage, use and disclosure by us of your personal information. By using our services or accessing our site [www.smartenergygroup.com.au](http://www.smartenergygroup.com.au) you accept the terms of this Privacy Policy. This Privacy Policy applies to information provided to us whether via this Site or any other means and demonstrates how we will comply with the Australian Privacy Principles under the Privacy Act.

**Personal Information** has the meaning given in the Privacy Act 1988 (Cth) and includes information that identifies you or can be reasonably linked to your identity.

**Credit-related information** is information about how you manage your credit, the credit that you have applied for or obtained, your payment history and creditworthiness and the information contained in your credit file.

When we collect this information, we follow the obligations set out in the Privacy Act and the Privacy (Credit Reporting) Code 2014.

Although we will comply with this Privacy Policy in respect of information provided to us by persons under the age of 18 years, those persons must obtain the consent of a parent or guardian prior to using the Site and the parent or guardian will be responsible for appropriately supervising the person's use of the Site.

## How do we use your information?

We use your personal information to deliver our services to you.

We collect and use your personal information so that we can confirm your identity, provide you with goods and services that you have requested, including customer service and support. We also collect personal information to handle payments and refunds, manage credit arrangements, manage accounts that are overdue, including where we sell debt, participating in credit reporting systems, respond to questions and complaints, maintain and update our records and carry out other administrative tasks, investigate possible fraud and illegal activity, comply with laws, including assisting government agencies and law enforcement investigations, as well as to research and improve the capabilities of our services and improve the customer experience through market research.

The types of personal information we collect includes details such as your:

- name;
- date of birth;
- email address;
- phone number;
- residential address, images and National Meter Identifier;
- bank details;
- employment information;
- financial information; and
- identification information (such as driver's licence).

If it is reasonable and practical to do so, we will collect personal information directly from you. This will include contact details and other information relevant to providing services to you. This may take place in a number of ways, such as when you provide your information directly to us or to one of our service providers or subcontractors.



We may also collect personal information from third parties such as your representatives, information service providers or publicly available sources of information. All personal information that we collect is reasonably necessary for the purposes relating to providing our services to you. Those purposes include:

- to conduct our business and provide our products and services to you;
- to enhance and improve our services, including via customer satisfaction and engagement surveys and data analytics;
- to assist our suppliers and contractors in the event that products need to be repaired or maintained;
- to enhance and improve the Site;
- to keep you informed of relevant upcoming events and activities, including marketing communications and offers for products and services from us or our partners;
- for our own internal administrative, research, planning, marketing and product development, include customer lead generation; and
- to allow the functions and services on the Site to be provided to you.

If someone other than you provide us with personal information about you that we did not ask for and we determine that we could have collected this information from you had we asked for it, we will notify you as soon as practicable. This notice will be given unless to do so would be in breach of an obligation of confidence. If we could not have collected this personal information, we will lawfully de-identify or destroy that personal information.

We will not collect any sensitive information from you, revealing your: race, ethnic origin, political opinions, religious or philosophical beliefs, trade union memberships or details of health or disability. Exceptions to this include:

- where you have given express consent to us to do so and the information is reasonably necessary for us to carry out our functions or activities;
- the use of this information is required or authorised under Australian law or a court or tribunal order; or
- when the information is necessary for the establishment, exercise or defence of a legal claim.

We will not collect personal information unless the information is reasonably necessary for or directly related to one, or more of our functions or activities. If we are unable to collect personal information we reasonably require, we may not be able to do business with you or the organisation with which you are connected.

## 1. Cookies

When you visit the Site, the server may attach a “cookie” to your computer’s memory. A “cookie” assists us to store information on how visitors to the Site use it and the pages that may be of most interest. This information may be used to provide users of your computer with information that we think may interest the users of your computer.

If we hold other personal information about you, we may be able to link that personal information to cookie information. If cookie information is linked with personal information, we hold about you as set out above, this cookie information becomes personal information and will be treated in the same manner as the personal information to which it has been linked. If you choose, you should be able to configure your computer so that it disables “cookies” or does not accept them.

## 2. Use and disclosure of information

We may disclose your information, in the following ways:

- with our installation, maintenance and fulfilment partners and other third party service providers (including marketing and analytics companies), so they can make installations and maintain products and services that we offer with other energy companies, and other companies that help us deliver our products and services, or to migrate your service if you change energy providers;
- with our wholesalers and other customers from whom you may acquire our services;
- with credit reporting agencies to process new applications, assess and manage applications for credit, manage overdue accounts, and review your creditworthiness;
- with insurance investigators;
- with companies that assist us with providing smart home, electric vehicle and distributed energy products and services, so that you can use these products and services;



- with people that you have asked us to give your information to, such as your authorised representatives or legal advisors;
- if you have applied to work with us, with your previous employers to confirm your work history;
- to comply with laws and assist government agencies and law enforcement.

We may use personal information about you for the primary purpose of providing you with our services, and for which you would reasonably expect us to use that information, including sending you information about new developments, products, services and special offers by post, telephone or any form of electronic communication. We may use any email address or other personal information you provide to us at any time for this purpose. We will not disclose information that personally identifies you to any third party other than as set out in this Privacy Policy. In order to deliver the services that we provide to you, we may disclose your personal information to other organisations, only in relation to providing our services to you.

Such disclosures include, but are not limited to:

- disclosing your financial information to a third party for the purposes of assessing your credit worthiness and/or eligibility for finance (where consented to);
- disclosure of your energy usage and details to energy wholesalers and retailers;
- disclosure of your address and contact details to our service providers, suppliers and contractors for the purposes of providing our services, servicing a warranty or re-attending the site for the purposes of repair or maintenance;
- and to regulators and authorities for the purpose of providing our services, including in relation to the administration or and compliance with any government schemes (such as Small-Scale Technology Certificates).

We take reasonable steps to ensure that these organisations are bound by privacy obligations in relation to the protection of your personal information.

We may provide certain information about you including your personal information to our related bodies corporate.

In the event of a security incident involving unauthorised access, use or disclosure of personal information where a third party with whom we share personal information is involved, we will seek to work cooperatively with them to protect the personal information we have shared with.

### **3. Direct marketing**

We may use personal information about you for the primary purpose of providing you with our services, and for other purposes for which you would reasonably expect us to use that information. This includes sending you feedback surveys and information about new developments, products, services and special offers by post, telephone or any form of electronic communication. You authorise us to use any email address or other contact information you provide to us at any time for this purpose.

You can, at any time, opt out of receiving marketing material by contacting us at [privacy@smartenergygroup.com.au](mailto:privacy@smartenergygroup.com.au). You agree and acknowledge that even if you opt out of receiving marketing material, we will still send you essential information that we are legally required to send you relating to the services we provide. Once you opt out of receiving marketing material from us, you agree and acknowledge that this removal from our distribution lists may take several business days after the date of your request to be removed.

### **4. Accuracy of your information**

We take all reasonable steps to ensure that your personal information held by us is accurate, up-to-date, complete, relevant and not misleading. If you believe that any of your personal information is not accurate, up-to-date, complete, relevant and not misleading, please contact us (see below) and we will take all reasonable steps to correct it within a reasonable time.

### **5. Third Parties and your information**

We will only collect, store, use or disclose personal information as set out in this Privacy Policy unless we are required by law to protect our rights or property (or those of any third party), or to avoid injury to any person.

Although the Site may link directly to websites operated by third parties (Linked Sites), you acknowledge that Linked Sites are not operated by us. We encourage you to always read the applicable privacy Policy of any Linked Site on



entering the Linked Site. We are not responsible for the content or practices of the Linked Sites nor their privacy policies regarding the collection, storage, use and disclosure of your personal information.

## 6. Disclosure of Information Overseas

We may transfer to people in foreign countries any of your personal information to fulfil the purposes set out in this Privacy Policy, namely to provide you requested services. The countries we transfer personal information to, include: The Philippines. In many cases the transfer will be necessary for the performance of our contract with you or for the implementation of measures taken in response to a request by you or for the performance of a contract with a third party which is concluded in your interests. You should be aware that overseas recipients may not be bound by the Privacy Act and your information may not be entitled to equivalent protections overseas. By providing your personal information to us you consent to this transfer.

## 7. Your consent

By your use of the Site and our services, you consent to the collection, storage, use and disclosure of your personal information in accordance with this Privacy Policy and as otherwise permitted under the Privacy Act.

## 8. Storage and security

We will use reasonable endeavours to keep your personal information in a secure environment, however, this security cannot be guaranteed. These security measures are designed to ensure your personal information is not subject to unauthorised access, loss or misuse. If you reasonably believe that there has been unauthorised use or disclosure of your personal information please contact us (see below).

If we no longer need your personal information, unless we are required under Australian law or a court or tribunal order to retain it, we will take reasonable steps to destroy or de-identify your personal information.

Notwithstanding the reasonable steps taken to keep information secure, breaches may occur. In the event of a security incident we have in place procedures to promptly investigate the incident and determine if there has been a data breach involving personal information, and if so, to assess if it is a breach that would require notification. If it is, we will notify affected parties in accordance with Privacy Act requirements.

## 9. Variation and consent to variation

We may vary the terms of this Privacy Policy at any time. You should check this Privacy Policy regularly so that you are aware of any variations made to this Privacy Policy. You will be deemed to have consented to such variations by your continued use of the Site following such changes being made.

## 10. Accessing, updating and correcting your information

You can ask to see a copy of the personal information or credit-related information that we hold about you or ask us to update or correct it. If you request access to the personal information we hold about you, we will respond to your request within a reasonable period of time and, where reasonable and practicable, give access to the information in the manner you request. This will be subject to any exemptions allowed under the Privacy Act. You may request this information by sending an email to us at [privacy@smartenergygroup.com.au](mailto:privacy@smartenergygroup.com.au).

We may charge a reasonable fee for providing that information and we may refuse access or only give you access to certain information, for example information that is commercially sensitive. If we do this, we'll write to you explaining our decision.

## 11. Making a Privacy Complaint

If you're concerned with how we've handled your personal information, you can make a complaint and we will try our utmost to fix it! If you're not satisfied with how we handled your complaint, you can contact the Australian Privacy Commissioner.

You can read more about how we handle complaints in our **Complaints Policy**.

### How do we manage privacy complaints?

We;

Keep a record of the complaint;

Respond to you about your complaint and let you know how long it will take to resolve.



## 12. What else can you do?

If you're not satisfied with how we have managed your privacy complaint, you can contact your local Ombudsman at any time for advice or to make a complaint. The Ombudsman is independent, and their services are free. You can also contact the Australian Privacy Commissioner who can be found at the Office of the Australian Information Commissioner (OAIC).

If you are in New South Wales and your complaint relates to energy products or services, you can contact the Energy and Water Ombudsman NSW.

### **Energy and Water Ombudsman NSW**

Reply Paid 86550  
Sydney South NSW 1234

Phone: 1800 246 545

Email: [complaints@ewon.com.au](mailto:complaints@ewon.com.au)

Website: [www.ewon.com.au](http://www.ewon.com.au)

If you are in Victoria and your complaint relates to energy products or services, you can contact the Energy and Water Ombudsman Victoria.

### **Energy and Water Ombudsman Victoria**

Reply Paid 469  
Melbourne VIC 8060

Phone: 1800 500 509

Email: [ewovinfo@ewov.com.au](mailto:ewovinfo@ewov.com.au)

Website: [www.ewov.com.au](http://www.ewov.com.au)

If you are in Queensland and your complaint relates to energy products or services, you can contact the Energy and Water Ombudsman Queensland.

### **Energy and Water Ombudsman Queensland**

PO Box 3640 South Brisbane BC  
Qld 4101

Phone: 1800 662 837

Email: [complaints@ewoq.com.au](mailto:complaints@ewoq.com.au)

or [info@ewoq.com.au](mailto:info@ewoq.com.au)

Website: [www.ewoq.com.au](http://www.ewoq.com.au)

If you are in South Australia and your complaint relates to energy products or services, you can contact the Energy and Water Ombudsman South Australia.

### **Energy and Water Ombudsman South Australia**

GPO Box 2947  
Adelaide SA 5001

Phone: 1800 665 565

Website: [www.ewosa.com.au](http://www.ewosa.com.au)

If you are in Western Australia and your complaint relates to energy products or services, you can contact the Energy and Water Ombudsman Western Australia.

### **Energy and Water Ombudsman Western Australia**

PO Box Z5386  
St Georges Terrace  
Perth WA 6831

Phone: 1800 754 004

Email: [energyandwater@ombudsman.wa.gov.au](mailto:energyandwater@ombudsman.wa.gov.au)

Website: [www.ombudsman.wa.gov.au/energyandwater](http://www.ombudsman.wa.gov.au/energyandwater)



You can also complain to the Australian Privacy Commissioner who can be found at the Office of the Australian Information Commissioner (OAIC).

**Office of the Australian Information Commissioner**

PO Box 5218  
Sydney NSW 2001

Phone: 1300 363 992

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Website: [www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint](http://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint)

**13. Contact us**

If you have any further questions or if you wish to receive more information on our information practices and Privacy Policy, please contact our Customer Support Team at [privacy@smartenergygroup.com.au](mailto:privacy@smartenergygroup.com.au).

When contacting us you have the option to either not identify yourself or to use a pseudonym. However, this will not apply if it is impracticable for us to communicate with you that way or we are required or authorised under Australian law (or a court or tribunal order) to only deal with individuals who have identified themselves.

