

ENERGY AND WATER OMBUDSMAN (VICTORIA)
PRIVACY POLICY
Last Updated January 2009

SCOPE OF POLICY

This Policy has been written by the Energy and Water Ombudsman (Victoria) Limited (“EWOV”) to comply with its obligations under the *Privacy Amendment (Private Sector) Act 2000* (Cth) (“the Act”). As a Company limited by guarantee under corporations law, and with a budget of over \$3m per annum, the EWOV falls within the jurisdiction of the Act from 21 December 2001.

The Policy and Notes are to be read with the National Privacy Principles (“NPPs”) contained in the Act. The NPPs are published on the Privacy Commissioner’s website, www.privacy.gov.au.

The document sets out the obligations of EWOV with respect to protection of personal information. It is the policy of EWOV to comply with each of the National Privacy Principles set out in the Privacy Act 1988. The Notes, which follow each principle, set out the manner in which EWOV will comply with the principles.

OBJECTIVE

This policy is intended to ensure that the privacy of individuals is protected in the collection, use, disclosure and storage of personal information by EWOV.

SCOPE OF NOTES TO POLICY

The Notes do not form part of the Policy but are intended to set out the approach of EWOV to the Principles in the context of its functions and activities. Where relevant, the Notes draw on the Privacy Commissioner’s Guidelines to the National Privacy Principles (September 2001) (“Commissioner’s Guidelines”) and to other material published by the Privacy Commissioner. These Notes are intended to discuss the Privacy Commissioner’s Guidelines and other publications in the context of EWOV and alternative dispute resolution.

FUNCTIONS AND ACTIVITIES OF EWOV

The role of the Energy and Water Ombudsman is to provide an accessible, independent complaint resolution service to domestic and small business customers of electricity, gas and water providers in Victoria. These providers are a mix of private and public sector providers and are known as EWOV scheme participants.

The Ombudsman accepts complaints from people in relation to scheme participant services. A complaint which falls within the jurisdiction of the Ombudsman is raised with the relevant scheme participant to give it an opportunity to resolve the complaint. If the scheme participant and the customer do not resolve the complaint, the Ombudsman may investigate and reach a determination as to how the complaint should be resolved.

In addition, EWOV offers a telephone information service (“Enquiries Area”) to provide information to individuals about the functions and activities of EWOV, its jurisdiction and information about other entities, which may assist the individual. Individuals who contact the Enquiries Area are asked for brief details of their

identities and postcode for statistical purposes, but are not required to disclose their identity if they do not wish. Where callers provide identity details, consent is assumed.

All collection, use and disclosure of personal information by the Ombudsman will be done for the purpose of complaint investigation and resolution.

1. COLLECTION

- 1.1 EWOV will only collect personal information about an individual where the information is necessary for one or more of its functions or activities.*
- 1.2 EWOV will collect personal information about an individual only by lawful and fair means and not in an unreasonably intrusive way.*
- 1.3 At or before the time (or, if that is not reasonably practicable, as soon as practicable after) EWOV collects personal information about an individual from the individual, EWOV will take reasonable steps to ensure that the individual is aware of:*
- (a) the identity of EWOV and how to contact it; and*
 - (b) the fact that he or she is able to gain access to the information; and*
 - (c) the purposes for which the information is collected; and*
 - (d) the organisations (or the types of organisations) to which EWOV usually discloses information of that kind; and*
 - (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.*
- 1.4 If it is reasonable and practicable to do so, EWOV will collect personal information about an individual only from that individual.*
- 1.5 If EWOV collects personal information about an individual from someone else, it will take reasonable steps to ensure that the individual is or has been made aware of the matters listed in subclause 1.3 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.¹*

Notes

Collection will be necessary

Personal information about an individual collected from scheme participants and customers will be collected for the primary purpose of dispute resolution.

Collection will be fair and lawful

EWOV will collect information in the following ways:

- Orally, in telephone or face to face conversations with the customer and the scheme participant; and
- In writing (email/ on line complaint form/ letters) from the customer or his or her representative and the scheme participant;

¹ NPP 1 only applies to personal information collected after 21 December 2001

- From third parties who can assist by providing information, provided the customer has previously been made aware of this course of action and given the opportunity to object to EWOV contacting third parties.

EWOV will not accept personal information obtained by any person in any way which is unlawful.

Informing individuals about EWOV when collecting directly

EWOV provides the information required in subclause 1.3 of the NPPs to individuals by:

- (a) Including that information in a privacy statement on EWOV's website
- (b) Providing it on request
- (c) Advising all customers who contact EWOV of the existence of its privacy policy and how to access the policy. This is through the inclusion of a recorded message from the Ombudsman prior to calls being transferred to an enquiry officer, and through privacy information provided when EWOV sends initial written correspondence to customers.

Given the purpose and activities of EWOV, it can be assumed that, before contacting EWOV about a complaint, most customers will be aware that EWOV will use the personal information they disclose when EWOV seeks to resolve their complaint and that will require disclosure to the relevant scheme participant about which they are complaining, and also to independent EWOV advisors as part of the investigation of the case. In addition, scheme participants provide information to individuals about EWOV in their publications and by making EWOV publications available.

In EWOV's publications and website, EWOV will inform scheme participants and customers that they should only send information that is relevant to the dispute between them and keep to a minimum information concerning third parties.

Collecting directly from the individual

Each assessment of the reasonableness and practicability of collecting information directly from the individual will be made having regard to the NPPs, the Commissioner's Guidelines and the particular facts comprising the complaint.

The primary person about whom information is collected will be the customer. EWOV will collect personal information about the customer as follows:

- (a) In the original phone call between the customer and EWOV;
- (b) In the original letter/ email/ on line complaint form of complaint and subsequent correspondence from and/or conversations with the customer;
- (c) After requesting specific information from the customer in order to commence an investigation into the complaint;
- (d) From the customer's electricity, gas or water provider, after first seeking authority from the customer; and/or
- (e) From other persons, as necessary, having first sought the authority of the customer.

At all times, the customer will be made aware of the persons from whom EWOV intends to seek information.

Sometimes EWOV receives a complaint that concerns information about a third party who has no interest or involvement in the complaint itself. The information is usually sent unsolicited by the customer. By accepting the information, EWOV is taken to have collected it under the NPPs.

Examples of such cases include, but are not limited to, the following:

- Personal information regarding the electricity, gas or water provider's staff member (this person's actions may have nothing to do with the current complaint).
- Personal information about a neighbour's similar situation to the customer.

In many of these kinds of cases it will not be reasonable or practicable for EWOV to collect the personal information directly from the individual concerned because:

- (a) To do so would disclose the fact that a complaint has been made to EWOV and thereby breach the privacy of the customer;
- (b) Disclosure may have adverse consequences for the customer including pressure not to pursue their legal rights including their right to access EWOV and, in some cases, the threat of physical or emotional harm;
- (c) EWOV may not have contact details for the third party and may have to incur considerable costs to locate him or her;
- (d) In some circumstances, such as where allegations of fraud or forgery are made in relation to the third party, it would not be practicable to collect the relevant and potentially incriminating information from that third party.

It is accepted practice for alternative dispute resolution schemes such as EWOV to collect and use available information, including third party personal information to carry out its primary function of dispute resolution.

Where a complaint concerns information about a party (other than the customer) to a transaction, EWOV will generally assume that a reasonable third party would expect that information about the account or transaction would be collected by EWOV in the course of an investigation of a complaint about the account or the transaction.

EWOV does not make determinations that affect the legal rights and obligations of third parties. EWOV's determinations are only binding on the scheme participant and customers if the customers accept those determinations. Correspondence in the course of an investigation and determinations are confidential as between the parties.

Where EWOV collects personal information about a third party it will take reasonable steps to ensure that the third party is or has been made aware of the matters listed in subclause 1.3 of the NPPs.

EWOV will not contact third parties directly to inform them that it holds information about them because to do so would breach the confidentiality of customers and may, in some cases, pose a threat to the life and health of the customer. For these reasons, EWOV has determined that it is not reasonable or practicable for EWOV to inform the third party of the matters set out in subparagraph 1.3.

However, where information about a third party is provided by the customer or the scheme participant, EWOV will do the following:

- The Conciliator handling the complaint will review the information received and determine whether the information about the third party is personal information,

that is information about an individual whose identity is apparent or can easily be ascertained.

- If the information about the third party is personal information, the Conciliator will assess it to determine whether it is necessary to understand or resolve the complaint.
- If the Conciliator determines that the complaint can be handled without the information, it will be deleted from the complaint.
- If the Conciliator considers that the information can be de-identified, then the Conciliator will take steps to remove all information that identifies who the third party is, before using the information.
- If the Conciliator considers that the third party information is necessary in the resolution of the complaint, the Conciliator may ask the customer or scheme participant to advise the other person that the information has been provided and why. If possible, the third party's consent is requested and it will be suggested that the third party provide the information him or herself; or
- If the Conciliator determines that it is not reasonable for the customer or scheme participant to advise the other person that the information has been provided and why, no steps will be taken. Such a determination may be reached in cases where the third party is alleged to have acted unlawfully, where it is apparent that there is conflict between the customer and the third party or where disclosure of the complaint to the third party would exacerbate the complaint or cause a potential threat to the safety of an individual.

In the case of a joint account, where one account holder makes a complaint but the other does not, EWOV will ask the customer to advise the other account holder that the complaint has been made.

Information about any person is used by the Ombudsman only for the purpose of resolving an electricity, gas or water dispute.

As discussed above in relation to EWOV's provision of information, the matters required to be disclosed under subclause 1.3 are included in publications of scheme participants. In addition, as a result of EWOV's promotion of its functions and activities and its own publications it is considered that, in the case of many of the third parties whose information may be collected by EWOV, they would be aware of the matters requiring disclosure.

2. USE AND DISCLOSURE

*2.1 EWOV will not use or disclose personal information about an individual for a purpose (the **secondary purpose**) other than the primary purpose of collection unless:*

(a) both of the following apply:

- (i) the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection; and*
- (ii) the individual would reasonably expect EWOV to use or disclose the information for the secondary purpose; or*

- (b) *the individual has consented to the use or disclosure; or*
- (c) *EWOV 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*
- (d) *EWOV 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*
- (e) *the use or disclosure is required or authorised by or under law.*²

Notes

EWOV will use personal information about an individual it collects for its primary purpose of dispute resolution.

For that primary purpose EWOV may use personal information about an individual to facilitate resolution of that complaint or to investigate the complaint, and make a determination. In the course of so doing EWOV may disclose personal information about an individual to the customer or to the relevant scheme participant.

EWOV may also disclose personal information to other persons, for example to a tree valuation expert, as part of its investigation of a complaint.

EWOV does not envisage that it would use or disclose personal information for purposes other than the primary purpose in many instances. However, any such secondary uses will be limited to those permitted under the NPPs.

EWOV will provide de-identified information when reporting to relevant persons or authorities (such as the Essential Services Commission).

If it is believed to be necessary to use or disclose personal information for this secondary purpose, or if a relevant person or authority requests personal information, EWOV will seek the prior consent of the individual. Where consent is not provided, EWOV will not use or disclose the personal information.

Personal information will be de-identified before being used for the purpose of reporting to stakeholders, the public and the Government about our activities and as such will not be personal information.

Third parties seeking information about a complaint

From time to time, EWOV is contacted by persons who claim to represent a customer and who seek information about the progress of a complaint. These people include members of parliament, legal and financial advisers, friends and family members. EWOV makes no assessment about the intentions of any such person in seeking information.

However, the Ombudsman and EWOV staff will not discuss any aspect of a complaint with any person other than the customer unless the customer has authorised EWOV to do so. The Ombudsman does not regard a person to whom correspondence

² NPP 2 only applies to personal information collected after 21 December 2001

has merely been copied by the customer as authorisation to discuss the complaint or receive information about the progress of the complaint.

3. DATA QUALITY

3. *EWOV will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.*³

Notes

EWOV will take reasonable steps to make sure that the personal information about individuals collected, used or disclosed is accurate, complete and up to date at the time the information is collected, used or disclosed, as the case may be.

Where a customer or scheme participant notifies EWOV of undisputed changes to personal details held by the EWOV about an individual, or errors in EWOV's records, EWOV will make the necessary changes as soon as practicable.

EWOV's case management system has been designed to ensure that, in respect of all open cases, a future date is nominated for review of the progress of the case and/or for further action by EWOV. In this way, EWOV will be able to ensure that any new information, such as changes to addresses or other relevant information, are acted upon and that EWOV's records are updated.

4. DATA SECURITY

- 4.1 *EWOV will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.*
- 4.2 *EWOV will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under NPP 2.*⁴

Notes

EWOV premises and information systems are controlled by electronic security.

EWOV provides all staff with a copy of its privacy policy upon commencement of their employment, and makes them aware of their privacy obligations through training. All staff, including contracted and temporary staff, are required to give confidentiality undertakings in respect of any personal information they access.

Staff in the Enquiries Area and Conciliation area have access to files and electronic records concerning complaints in order to deal with queries and comments from customers and their scheme participant.

All information obtained by EWOV during the course of an investigation is stored in a lockable cabinet which is kept locked outside of normal EWOV working hours.

EWOV destroys physical complaint files seven years after closure of the file. When investigating complaints, EWOV has regard to previous complaint outcomes for similar matters in assessing what would be fair and reasonable. For this reason, and to

³ In respect of collection, NPP 3 only applies to personal information collected after 21 December 2001. In respect of the use and disclosure of the personal information, NPP 3 applies to all personal information regardless of when collected

⁴ From 21 December 2001, NPP 4 applies to all personal information held and collected

enable EWOV to analyse historical complaint data, electronic records are not destroyed after the expiry of this seven year period.

EWOV records calls for quality and training purposes. In certain circumstances a call recording may be attached to an electronic record. In accordance with EWOV's Privacy Policy, these recordings will be retained after the expiry of the seven year period.

Data security and confidentiality when accessing EWOV documents remotely

Some staff members have authority to access EWOV's IT system remotely. EWOV's Privacy Policy is still applicable when accessing EWOV documents remotely. In particular, NPP 4 as above sets out EWOV's obligations in relation to data security and confidentiality.

Some useful common sense information:

- **Electronic Files**

Ensure your computer is password protected so that unauthorised individuals cannot access EWOV documents. Do not leave your computer logged in if your desk is unattended. It is your responsibility to ensure that no residual copies have been retained on your computer after you have accessed an electronic file.

- **Paper files**

Do not leave customer files, scheme participant records, printed documents at any remote location including your home desk.

If you are bringing confidential documents to and from work, make sure they are secure with no loose papers that could easily be lost. If you wish to remove confidential documents from the office, permission must be obtained from either the Manager Operations or Deputy Ombudsman.

If you need to dispose of any confidential information printed remotely, ensure it is put in the designated recycling bin for confidential waste at EWOV.

5. OPENNESS

5.1 EWOV will set out in a document clearly expressed policies on its management of personal information. EWOV will make the document available to anyone who asks for it.

5.2 On request by a person, EWOV will take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.⁵

Notes

This document is intended to fulfil EWOV's obligations under NPP 5.

⁵ From 21 December 2001, NPP 5 applies to all personal information held and collected

EWOV's policy is available to anyone who asks for it orally or in writing. The document will be published on EWOV's website or issued on request to the EWOV.

On request by any person, EWOV will take reasonable steps to let the person know, generally, what sort of information EWOV holds, for what purposes, and how EWOV collects, holds, uses and discloses that information.

6. ACCESS AND CORRECTION

6.1 If EWOV holds information about an individual, it will provide the 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; or*
- (b) in the case of health information—providing access would pose a serious threat to the life or health of any individual; or*
- (c) providing access would have an unreasonable impact upon the privacy of other individuals; or*
- (d) the request for access is frivolous or vexatious; or*
- (e) the information relates to existing or anticipated legal proceedings between EWOV and the individual, and the information would not be accessible by the process of discovery in those proceedings; or*
- (f) providing access would reveal the intentions of EWOV in relation to negotiations with the individual in such a way as to prejudice those negotiations; or*
- (g) providing access would be unlawful; or*
- (h) denying access is required or authorised by or under law; or*
- (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 or sanction or breaches of a prescribed law; or*
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or*
 - (iii) the protection of the public revenue; or*
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or*
 - (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 EWOV not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.*
- 6.2 *However, where providing access would reveal evaluative information generated within EWOV in connection with a commercially sensitive decision-making process, EWOV may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.*
- 6.3 *If EWOV is not required to provide the individual with access to the information because of one or more of paragraphs 6.1(a) to (k) (inclusive), EWOV will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.*
- 6.4 *If EWOV charges for providing access to personal information, those charges:*
- (a) will not be excessive; and*
 - (b) will not apply to lodging a request for access.*
- 6.5 *If EWOV holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up-to-date, EWOV will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.*
- 6.6 *If the individual and EWOV disagree about whether the information is accurate, complete and up-to-date, and the individual asks EWOV to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, EWOV will take reasonable steps to do so.*
- 6.7 *EWOV will provide reasons for denial of access or a refusal to correct personal information.*⁶

Notes

If EWOV holds personal information about an individual it will provide the individual with access to the information on request by the individual, except where one or more of the exceptions in subclause 6.1 of the NPPs applies.

In particular, EWOV will not provide access where to do so would have an unreasonable impact on the privacy of other individuals, for example, disclosing the fact that a complaint had been made to EWOV or details of that complaint. Nor will EWOV provide access where to do so would be likely to prejudice an investigation of possible unlawful activity, for example, fraud or theft.

If an individual is able to establish that personal information held by EWOV about that individual is not accurate, complete and up-to-date, EWOV will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.

If there is disagreement, EWOV will take reasonable steps to associate with the information a statement from the customer claiming that the information is not accurate, complete or up-to-date if the individual asks EWOV to do so.

⁶ In respect of personal information held but not used or disclosed after 21 December 2001, NPP 6 does not apply. NPP 6 applies to personal information collected after 21 December 2001 and to information which was held prior to 21 December 2001 and which is used or disclosed after that date

EWOV will provide written reasons for denial of access or a refusal to correct personal information.

Although the NPPs make provision for EWOV to charge for providing access to information, it is EWOV's current policy to provide access free of charge.

Any individual who wishes to gain access to their personal information held by EWOV can make a request to the Conciliator handling their complaint. The Conciliator will forward this request to EWOV's Privacy Manager (Case Handling), and advise the customer of a timeframe for processing the request.

Alternatively, customers may send a written request for access to their personal information to:

The Privacy Manager (Case Handling)
EWOV
GPO Box 469
Melbourne 3001

Telephone: (03) 9649 7599

Facsimile: (03) 9649 7588

Email: ewovinfo@ewov.com.au

The individual should provide as much information as possible to assist the Privacy Manager in determining where the relevant information is held. This includes file numbers, the name of the customer, the name of the scheme participant and/or relevant dates.

7. IDENTIFIERS

7.1 EWOV will not adopt as its own identifier of an individual an identifier of the individual that has been assigned by:

- (a) an agency; or*
- (b) an agent of an agency acting in its capacity as agent; or*
- (c) a contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.*

7.2 EWOV will not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider mentioned in subclause 7.1, unless:

- (a) the use or disclosure is necessary for EWOV to fulfil its obligations to the agency; or*
- (b) one or more of paragraphs 2.1(e) to 2.1(h) (inclusive) apply to the use or disclosure.*

Notes

In the above clause "identifier" includes a number assigned by EWOV to an individual to identify uniquely the individual for the purposes of EWOV's operations. EWOV identifies complaints by numbers and letters, which are allocated in numerical order by electricity, gas or water, according to the time that the complaint is first received and processed.

Individuals are not assigned any identifying number or code by EWOV. Where an individual makes more than one complaint to EWOV, each complaint will have a separate number.

An individual's name or ABN (as defined in the A New Tax System (Australian Business Number) Act 1999) is not an **identifier**.⁷

8. ANONYMITY

8. *Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with EWOV.*⁸

Notes

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

As it is not practical for EWOV to consider or process anonymous complaints, individuals wishing to make a complaint to EWOV for resolution will be required to identify themselves.

Callers to our Enquiries Area with a general Enquiry not related to a specific case will not be required to identify themselves although they will be asked for a postcode so that EWOV can report on and assess the geographical spread of callers.

9. TRANSBORDER DATA FLOWS

9. *EWOV may transfer personal information about an individual to someone (other than EWOV or the individual) who is in a foreign country only if:*
- (a) *EWOV 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 EWOV, 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 EWOV and a third party; or*
 - (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) *EWOV 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.*⁹

⁷ From 21 December 2001, NPP 4 applies to all personal information held and collected

⁸ NPP 8 only applies to personal information collected after 21 December 2001

⁹ From 21 December 2001, NPP 4 applies to all information held and collected

Notes

The jurisdiction of the EWOV does not extend to overseas electricity, gas or water providers. As such, it is not envisaged that EWOV will transfer personal information about an individual to someone in a foreign country, other than the individual him or herself.

10. SENSITIVE INFORMATION

10.1 EWOV will not collect sensitive information about an individual unless:

- (a) the individual has consented; or*
- (b) the collection is required by law; or*
- (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.¹⁰*

Notes

For the purposes of the Privacy Act, “sensitive information” is defined as information about an individual’s:

- (a) Racial or ethnic origin;
- (b) Political opinions;
- (c) Membership of a political association;
- (d) Religious beliefs;
- (e) Philosophical beliefs;
- (f) Membership of a professional or trade association;
- (g) Membership of a trade union;
- (h) Sexual preferences or practices;
- (i) Criminal record; or
- (j) Health.

Wherever practicable, EWOV will seek the consent of any individual about whom sensitive information is collected. Collection of sensitive information will be limited to that which is necessary for dealing with a complaint made to EWOV.

An example of where sensitive information may be collected and used, would be where a customer complains about an electricity, gas or water provider’s actions in a threatened disconnection or restriction. A customer might, for example, provide details of health problems or imprisonment of the customer or a family member, which impacted on the customer’s ability to service the account. The purpose of

¹⁰ NPP 10 only applies to personal information collected after 21 December 2001

providing the information would be presumably to seek leniency or reconsideration from the scheme participant, or to ask the Ombudsman to review the legality of the scheme participant's actions having regard to this and other information.

Similarly, in some cases, the mental and physical health and other personal circumstances of the customer and others may be highly relevant to the question of whether the scheme participant has acted appropriately.

Where a customer provides sensitive information about him or herself to EWOV, consent to the collection and use of such information will be assumed.

Where a customer or a scheme participant provides sensitive information about another person, EWOV will ask the customer or scheme participant to seek the consent of the third party, if to do so would not compromise the health, safety or privacy of the customer or another person.

Where a customer advises EWOV that a medical practitioner, counsellor or similar can provide supporting information, EWOV will ask the customer to seek and provide the information in writing.

In the absence of consent from the third party, EWOV may collect sensitive personal information about an individual (the third party), if it is necessary to investigate a legal and/or equitable claim made by or on behalf of a customer against a scheme participant.