

COMMANDER GROUP

PRIVACY POLICY

The Commander brand (**Commander, we, us, our**) comprises of M2 Commander Pty Ltd and M2 Energy Pty Ltd trading as Commander Power & Gas and both are wholly owned subsidiaries of M2 Group Ltd (M2 Group).

Commander provides data, voice, electricity and gas products and services to its customers with a focus on business customers. Commander is committed to protecting the privacy and personal information of its customers. This Privacy Policy describes the practices and processes Commander has in place to properly manage and safeguard that information.

Privacy laws that apply to Commander

Commander is required to comply with the *Privacy Act 1988* (Cth) and is bound by the Australian Privacy Principles ('**APPs**') set out in that Act. The APPs establish minimum standards for the collection, use, disclosure and handling of personal information. They apply to personal information in any form, including electronic and digital form. The APPs can be accessed at the website of the office of the Australian Information Commissioner: www.privacy.gov.au.

Commander is also subject to other laws relating to the protection of personal information. Where Commander provides telecommunications carriage services, it is subject to privacy obligations under the *Telecommunications Act 1997* (Cth). Where Commander provides electricity and gas, Commander may be subject to requirements relating to the privacy of retail customer information. Commander's direct marketing activities must also comply with the *Do Not Call Register Act 2006* (Cth) and the *Spam Act 2010* (Cth). If Commander collects health information, it may be required to comply with statutory requirements relating to health records.

In this Privacy Policy, unless the context otherwise requires:

- 'Privacy Law' refers to any legislative or other legal requirement that applies to Commander's collection, use, disclosure or handling of personal information.
- 'Personal information' means information or an opinion about an identified individual or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether the information or opinion is recorded in material form or not. Personal information includes sensitive information.
- 'Sensitive information' means personal information about an individual's racial or ethnic origin, political opinions or memberships, religious beliefs or affiliations, philosophical beliefs, professional or trade association/union memberships, sexual preferences and practices or criminal record.

Why does Commander collect personal information?

Commander collects personal information in order to:

- provide and manage the products and services we provide, including for billing and credit control purposes;
- inform customers about changes and improvements in Commander products and services;
- market Commander products and services to current and prospective customers; and
- comply with our legal obligations.

Commander needs to be able to collect personal information for most of its business activities, although the information we require depends on the particular circumstances. If we are unable to collect the personal information we need, we may be unable to meet the expectations of our customers or provide the products and services they wish to receive.

Whose personal information does Commander collect?

Commander collects or holds personal information about individuals who are:

- **Prospective customers.** This includes people we think may be interested in our products and services as well as people who have expressed interest in obtaining or learning more about those products and services.
- **Current customers.** This includes people who purchase Commander products or services or who hold an account with Commander.
- **Past customers.** These are people who have purchased Commander products or services but do not currently hold any active Commander account.

Commander may treat current and past customers as prospective customers for other Commander products and services.

Commander may collect personal information about associates of its customers, such as family members, employees or agents. For example, Commander may collect personal information about nominated or authorised representatives, the holder of a credit card that is used to pay a customer's account, a person who acts as a secondary account holder, a person who acts as guarantor for a credit contract, the landlord of a tenanted property or the nominated contact on a business account.

Commander may in rare circumstances collect personal information from people who are under the age of 18. If Commander does this, Commander may also collect personal information about the parent or guardian of that person.

Commander also collects personal information about all the individuals who are involved in providing Commander products and services. This includes:

- staff of Commander entities and other companies in the M2 group; and

- service providers and suppliers, agents and affiliates, and their staff.

Can you deal with Commander without identifying yourself?

In some limited situations customers and other individuals may be able to deal with Commander anonymously or using a pseudonym. For example, if you make a general inquiry to one of our call centres, or want to make a complaint or log a service fault unless the inquiry or complaint relates to a particular account.

However, if you do not wish to be identified we may not be able to provide the information or assistance you require.

What personal information does Commander usually collect?

Commander collects a wide range of personal information about its customers, but the type and amount of information collected depends on the particular business context. However, Commander seeks at all times to ensure that it only collects the personal information that is necessary for the purposes of its business activities.

Commander needs to collect basic identifying and contact information for all customers, including prospective customers. This will usually include name, date of birth, email address, telephone number(s) and residential address. For corporate and business customers, Commander collects information about nominated contacts, including name and title or position, date of birth, telephone number(s) and email and business addresses.

Commander also collects information about purchasing patterns, consumer preferences and attitudes from prospective and current customers for marketing purposes, including to analyse markets, develop marketing strategies and to identify and develop products and services that may be of interest to its customers.

When you become, or apply to become, a Commander customer, Commander collects a range of other information that it needs to assess your application and manage your account(s). This includes:

- ***Proof of identity information***, including passport number, driver licence number or other government identifiers. We need may this information to verify and ensure our customer records are accurate and up-to-date.
- ***Financial and credit information***, including credit history, employment history, remuneration details, bank account and credit card information, information about assets and income and details of relevant court judgments and bankruptcies. We need this information to assess creditworthiness and financial suitability of current and prospective customers.
- ***Information relating to occupancy***. We may need information to establish that a customer has rights to occupy the property to which we provide services, and for this purpose may require copies of tenancy agreements, mortgage records or utility bills or supply records.

- **Information relating to change of name or status**, which may include marriage certificates, death certificates and other official documentation. We may need this information where we are asked to close or transfer an account.
- **Employment information**, including information about employment history including current and past employers. We may need this information to assess the financial position of a person who applies to become a Commander customer.
- **Insurance information**. In providing insurance products and services, we may need to collect information we need to assess the risks of providing insurance, including information relating to pre-existing conditions, claims history and previous insurance.
- **Integrated Public Number Database (IPND)**. In providing telecommunications services, Commander is required by law to collect certain personal information about you, including your name, address, telephone service number and other public number customer details, and to provide it to the operator of the IPND for inclusion in the IPND. Information in the IPND is used to develop directories and to assist emergency service organisations. If your phone number is unlisted, your information will be marked accordingly in the IPND and its use and disclosure will be strictly controlled.

We also collect information about the way our customers use Commander products and services. This includes information about:

- service usage (including energy consumption patterns, use of communications services, internet usages);
- responses to offers made and/or promotions run by Commander or its affiliates;
- payment patterns and history; and
- inquiries and complaints.

We collect information about our employees and prospective employees for the purpose of making employment decisions and managing our staff. We also collect information about suppliers, service providers, agents and affiliates, and their staff, for the purposes of conducting our day-to-day business activities.

How does Commander collect personal information?

We collect personal information by various means and via various media, depending on the particular business context.

We collect information about prospective customers both directly and via our agents, service providers and affiliates. We may collect this information:

- when you make an inquiry with a Commander dealer or at a Commander event;
- through a Commander dealer's outbound and inbound sales activities;

- through our call centres;
- through Commander websites, or websites operated by Commander's affiliates;
- through social media platforms such as Twitter and Facebook; and
- through the purchase of marketing lists, databases and data aggregation services.

When you become or apply to become a Commander customer, in addition to collecting personal information directly from you, we may also collect information about you from our agents and affiliates, credit reporting agencies, your past and present employers, current service providers, family members or associates and other third parties.

When you apply to become a Commander customer, we will ask you to consent to us collecting information from particular third parties. We will only collect personal information from those parties if you consent. If you do not consent, we may not be able to provide the service or product you require. We are authorised to collect some personal information from third parties under Privacy Law.

Commander receives unsolicited personal information from time to time. In accordance with its obligations under Privacy Law, Commander will decide whether it would have been permitted to solicit and collect that information and if it would not have been, will destroy or de-identify the information (provided it is lawful to do so).

What information will Commander give you when it collects personal information?

Commander is required by Privacy Law to take reasonable steps to ensure that you are made aware of certain information when it collects personal information about you. For example, we are required to:

- tell you which Commander entity you are dealing with and how to contact it;
- make sure you are aware that we have collected the information (if we collect it from a third party without your knowledge);
- identify any law that authorises or requires collection of the information;
- let you know the purposes for which we collect the information, the entities that the information is likely to be disclosed to and whether the information will be transferred outside Australia; and
- tell you how to access our Privacy Policy and complaint handling procedures.

This Privacy Policy sets out this information in general terms. However, where we collect personal information in relation to a particular product or service, and the information we are required to provide is not likely to be obvious from the circumstances, we usually provide the required information in a 'collection statement'. The way we do this will depend on how you are dealing with us. For example:

- When personal information is collected via the Commander website or any affiliate website that Commander may advertise on, a statement is displayed or a link provided to a statement that sets out the information we are required to provide.
- A statement containing the required information is printed on the sign-up page of most of the standard forms we use to collect personal information.
- When you deal with us on the telephone, this information is given to you by the operator or via a recorded message.

If we collect personal information about you from a third party, we take reasonable steps to ensure you receive the information we are required to provide. However, we may do this by requiring the third party to provide the information, rather than us providing the information to you directly.

We may also include information about our collection of personal information in welcome packs, customer account statements, update bulletins, notices and other documents we give to our customers.

Commander's use and disclosure of personal information

Where Commander collects personal information for a particular purpose, it may use and disclose the information for that purpose or another purpose that is related to that purpose (or that is directly related to that purpose in the case of sensitive information). For example:

- Personal information collected from you for the purpose of establishing or managing an account may be used and disclosed for related purposes such as identity verification, credit checking, assessing entitlement to concessions, supplying and servicing a product, connecting and administering a service, billing and collection in relation to the service and investigating and rectifying complaints or faults.
- Personal information collected for the purpose of establishing or managing an account may also be used for the purpose marketing of other Commander products and services. Commander may contact prospective, current or past customers about products and services (including products not related to a product or service previously supplied). For example if we currently provide you with a telephone service, we may contact you with offers relating to electricity or gas services.

Commander may use personal information about prospective, current and past customers for the purpose of direct marketing of Commander products and services or those of other organisations. Direct marketing communications may be sent via post, e-mail, telephone, door to door canvassing, social media sites or other means. However:

- Commander will not use sensitive information for direct marketing purposes without your consent.
- Unless you have provided consent, or we think it is impracticable to obtain your consent, Commander will not use your personal information for direct marketing purposes where we have obtained the personal information from a third party, or we

have collected it directly from you but believe that you would not reasonably expect the information to be used for direct marketing.

- Whenever we communicate with you for direct marketing purposes, we will give you the opportunity to opt out of receiving further direct marketing communications from Commander.
- You may opt out of receiving direct marketing communications from Commander at any time by contacting us at unsubscribe@commander.com or calling 13 Commander (13 36 36).
- If we use your personal information to facilitate direct marketing by other organisations on behalf of other organisations, you can ask us to provide the source of the information by contacting us at unsubscribe@commander.com or calling 13 Commander (13 36 36).

Personal information about Commander staff, agents, affiliates and service providers is used and may be disclosed for the purpose of managing the relationship with the staff member or other entity.

Commander may disclose personal information about Commander customers to a range of third parties. For example, depending on the type of product or service, Commander may disclose customer information to a wholesaler or other third party who provides or assists to provide the service.

- For energy products and services, Commander may disclose personal information collected for account management, provisioning and fault management purposes to the relevant electricity or gas distributor and to the operator of our billing and network management system Agility CIS System.
- For telecommunications services, to the Telecommunications Industry Ombudsman (for complaint management purposes).
- For electricity and gas services, to the Energy and Water Ombudsmen (Victoria), Energy and Water Ombudsmen (NSW), Energy and Water Ombudsmen (Queensland) and Energy and Water Ombudsmen (South Australia) (for complaint management purposes).

Commander may disclose information to government agencies (such as Centrelink) for the purpose of establishing or verifying eligibility for concessions and similar entitlements.

Commander may also disclose personal information for credit checking, collection or credit reporting purposes to a credit reporting agency or credit collection agency, in accordance with the requirements of the *Privacy Act 1988*.

Personal information may also be disclosed to third party agents and service providers who Commander engages to assist in the provision of products and services. These include:

- sales agents and representatives;

- organisations that process banking transactions;
- organisations that process debt collection;
- printers, mail distributors, couriers and dispatch centres;
- call centres operated by entities outside the Commander Group;
- IT service providers and data managers;
- legal, accounting, insurance and business advisory consultants services

Personal information Commander obtains in connection with the provision of telecommunications services may be disclosed in accordance with requirements of the *Telecommunications Act 1997 (Cth)* and the *Telecommunications (Interception and Access) Act 1979 (Cth)*. This includes disclosure:

- to the Telecommunications Industry Ombudsman for the purpose of complaint management;
- in connection with directory assistance, emergency service calls or other urgent services, and in particular to the operator of the *Integrated Public Number Database (IPND)* for inclusion in the IPND, including your name, address, telephone service number and other public number customer details, and to provide it. (Information in the IPND is used to develop directories and to assist emergency service organisations. If your phone number is unlisted, your information will be marked accordingly in the IPND and its use and disclosure will be strictly controlled.); and
- to law enforcement agencies for law enforcement or security purposes; and

Personal information Commander obtains in connection with the provision of electricity and gas services may be disclosed in accordance with federal and state based electricity and gas legislation and codes. This includes disclosure:

- to the various State based energy Ombudsmen identified above, for the purpose of complaint management;
- in connection with electricity and gas safety cases or other urgent services; and
- to law enforcement agencies for law enforcement or security purposes.

Commander may also disclose personal information without consent as authorised by privacy law for a range of other purposes, including:

- where necessary to prevent or lessen a serious threat to health or safety;
- for law enforcement or crime prevention purposes;

- for the investigation of unlawful activity;
- for location of missing persons;
- for use in legal proceedings or dispute resolution.

In situations other than those described above, Commander will not disclose personal information without the customer's consent (although consent may be implied).

Is personal information disclosed outside Australia?

Commander discloses some personal information to persons or organisations that are outside Australia.

- Some of Commander's customer service and marketing call centre operations are based in Manila, Philippines. Personal information about prospective, current and past customers is accessed by our Manila based staff for the purpose of sales and marketing, customer service, correspondence, provisioning, fault management and technical support activities.
- Database and webhosting services provided to Commander involve personal information being transferred to IT service providers based in India, Philippines, Singapore, New Zealand, the United Kingdom, Canada and the United States of America.

How does Commander protect your personal information?

Commander recognises the importance of protecting your personal information and of ensuring that it is complete, accurate, up-to-date and relevant.

When you call Commander, we complete an ID check to verify your identity and to check the details we hold about you are correct and to update them if required. For some safety critical information, for example medical information required to maintain secure power supply, we initiate checks on an annual basis.

We have documented processes for verifying personal information collected for particular transactions, such as proof of occupancy and change of occupier. Our staff are trained to properly handle the different types of information they receive, particularly sensitive information. We have quality assurance measures in place to monitor calls to ensure that our processes are being followed.

While some of the personal information we collect is held in hardcopy form, most personal information is stored in electronic databases.

We have extensive processes in place to ensure that our information systems and files are kept secure from unauthorised access and interference. These include:

- System access is controlled by logins and different security levels. Access to customer information for all staff is centrally controlled. Access requests must be supported by a request from senior management.
- Access authorisation is layered and access authorisations are specific to the job function of each staff member. For example, staff with responsibility for fault management have no access to credit card information. Staff are only trained in areas of the system specific to the function of their job.
- Functional restrictions apply. Remote access is only available to selected senior staff members. Measures are taken to prevent printing, copying or recording of customer information that can be accessed electronically.
- Account and system access and modification is logged to enable access or modification of any customer record by any staff member to be identified. Audits of access logs are conducted periodically.
- Our employees undergo privacy and information security training on induction and are required to sign acknowledgements of their obligations in relation information security and appropriate use of our IT systems.
- We have contractual arrangements in place with our agents, service providers and affiliates that require them to comply with applicable privacy laws and Commander privacy policies. Our contractual arrangements with third parties who are outside Australia are designed to ensure that personal information transferred to those parties is afforded the same level of protection as would apply to the information in Australia.

Can you access or correct personal information Commander holds about you?

You have a right to access personal information we hold about you. If your request is particularly complex or requires detailed searching of our records, there may be a cost to you in order for us to provide you with this information.

If you believe there are errors in the information we hold about you, you have a right to ask us to correct the information.

However, we are not required to provide access where we believe doing so would:

- prejudice law enforcement or crime prevention activities;
- pose a serious threat to health or safety;
- have an unreasonable impact on the privacy of other individuals;
- prejudice Commander in legal proceedings or negotiations with you;
- reveal information connected with a commercially sensitive decision making process; or

- be contrary to law.

If you wish to have access to information Commander holds about you, you should contact Commander Customer Service.

Dealing with Commander on-line

This Privacy Policy also applies to personal information that you email to us, provide by using our website or provide via social media sites.

We store the Internet Protocol (IP) address of your computer when you visit our site. This information is used only to create broad demographic summaries of where our users come from. Our use of these IP addresses, however, does not go so far as to identify the actual users of the site.

We collect personal information about the other websites that are visited by computers that are used to visit our site. This information may be aggregated to provide us with information about the types of webpages and websites, or particular webpages and websites, visited by computers that use our site.

Our website may use cookies and web-beacons. While cookies and web beacons can be used to statistically monitor and analyse the use of our site and to identify information about the computer used to visit our site, we do not use them for that purpose and will not attempt to use them to identify or target individual visitors to our website.

Note that this privacy policy does not apply to, and Commander is not responsible for, the use of, or the protection of information provided to, other websites linked to this website.

Complaints and further information

If you believe your privacy has been interfered with and wish to make a complaint, please contact our Privacy Officer. The Privacy Officer will investigate your complaint and notify you of the outcome.

If it appears from your complaint that there has been an interference with privacy by a person other than Commander, the Privacy Officer may discuss the complaint with that person in an attempt to resolve it.

If you are dissatisfied with the outcome of your complaint, or you do not receive a response to your complaint within 30 days, you may make a complaint to the Office of the Australian Information Commissioner (OAIC). Complaints to the OAIC must be made in writing. Where possible, complaints to the OAIC should be made through the online Privacy Complaint form, available at www.oaic.gov.au/privacy/making-a-privacy-complaint.

If you would like further information on this Privacy Policy or if you have any concerns over the protection of your personal information, please contact:

The Privacy Officer



Commander

Level 10, 452 Flinders Street

Melbourne Victoria 3000