



Australian Government



# CEFC Group Privacy and Credit Reporting Policy

September 2022



The CEFC is a corporate Commonwealth entity established by the Australian Government under the *Clean Energy Finance Corporation Act 2012* (CEFC Act).

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# 1. Introduction

## 1.1 Definition

The CEFC may from time to time and in accordance with the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), incorporate one or more subsidiaries to assist it in pursuing its statutory objectives under the CEFC Act.

For the purposes of this Policy, a reference to the "CEFC Group", "we", "our" or "us" includes the CEFC, and all other wholly owned subsidiaries of the CEFC that may exist from time to time.

## 1.2 Respecting your privacy

We respect the privacy of the personal or sensitive information you may provide to us or that we are otherwise required by law to collect.

The way we manage your personal or sensitive information is governed by the *Privacy Act 1988* (Privacy Act), the Australian Privacy Principles (APPs) established under the Privacy Act and, in respect of your credit-related personal information, the Privacy (Credit Reporting) Code (CR Code).

For the purposes of this Policy, "personal information", "sensitive information" and "credit-related personal information" have the meaning given to those terms in the Privacy Act, being:

- **personal information:** information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information is true or not, and whether the information or opinion is recorded in a material form or not.
- **sensitive information:** personal information which is health information about an individual, genetic information about an individual that is not otherwise health information, biometric information that is to be used for the purpose of automated biometric verification or biometric identification, biometric templates or personal or sensitive information about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record.
- **credit-related personal information:** personal information (other than sensitive information) about an individual that is "credit information", "credit reporting information", "credit eligibility information" or "regulated information", each as defined in the Privacy Act.

This Policy explains how we manage the personal, sensitive or credit-related personal information we hold about you. Please note that this Policy is to be read subject to any overriding provisions of law or contract we have with you.

### 1.3 COVID-19 special provisions

The CEFC Group has various corporate policies to maintain a safe workplace for staff and visitors and, in accordance with this Policy, handle information appropriately. We have considered how changes to working arrangements due to COVID-19 impact on the handling of information when assessing any potential privacy risks and the controls implemented to address those risks.

## 2. Collecting information

### 2.1 What kind of personal or sensitive information do we collect and hold?

The types of personal information we may collect and hold include, but are not limited to:

- your name (current and any former) and date of birth and evidence of your identity
- your personal and business contact details (including your address, landline or mobile telephone numbers, fax number and e-mail address)
- your employment details (including your company name, job title and business sector)
- banking, tax and superannuation fund details (including your tax file number and ABN if applicable). We note that there are additional protections when collecting, using or disclosing tax file numbers for individuals. Our employee application forms set out which taxation law authorises the collection of applicants' TFN information
- internet protocol (IP) addresses, including via electronic signing platforms (for example, DocuSign)
- personal information provided when you (or any entities that you represent or have a substantial beneficial ownership interest in) commence a business relationship with us
- personal information provided when you seek employment with us or after you commence employment with us (including your photograph)
- personal information obtained from background screening providers as part of employment due diligence or as due diligence relevant to a business relationship with us
- contact and identification details of any third party that you have authorised to negotiate or provide your personal information on your behalf (including any attorneys appointed by you under a power of attorney)

- your device's internet protocol (IP) address, your Twitter or other social media identity and posts
- any correspondence between you and us
- any other personal information provided to us when you make an inquiry, request information (including our information packs and information about our related products and services), respond to marketing or lodge a complaint.

We may also collect sensitive information, such as:

- if you are a director, officer or employee of any member of the CEFC Group, including any contractor or agent that acts for or on behalf of the CEFC Group and each CEFC employee who provides services to another CEFC Group member (CEFC Group Employee), details of any allergies or dietary requirements you have or other medical conditions which you consider important for us to be aware of
- criminal record information obtained through our background screening processes before you commence, or during your business or employment relationship with us
- if you are a CEFC Group Employee or visitor of any relevant premises of the CEFC Group, information that is reasonably necessary for preventing or managing COVID-19. Only the minimum amount of personal and sensitive information reasonably necessary to prevent or manage COVID-19 will be collected, including any information that the Department of Health says is needed to identify risk and implement appropriate controls to prevent or manage COVID-19.

We recommend that you do not provide sensitive information to us unless specifically requested by the CEFC. The privacy laws impose various obligations on us regarding the collection, use or disclosure of your sensitive information. We will only collect your sensitive information if:

- you have expressly consented to us doing so
- the information is reasonably necessary for, or directly related to our business activities or functions
- we are required or authorised to do so by law
- a permitted health or general situation exists, including where the collection is undertaken to lessen or prevent a serious threat to the life, health, or safety of any individual, or to public health or safety.

## 2.2 What kind of credit-related personal information do we collect and hold and why?

We collect limited credit-related personal information about you in certain circumstances where you are associated with a third party who has made a commercial credit application to us or to assess whether you can act as a guarantor in connection with the provision of commercial credit.

The types of credit-related personal information we may collect about you includes:

- identification details such as your name, address, date of birth and driver's licence number
- personal information contained in commercial credit checks obtained from background screening providers
- personal solvency information including credit exposures you may have to other credit providers
- court proceedings information that relates to any credit that has been provided to, or applied for by you
- publicly available information that relates to your activities in Australia and your credit worthiness (other than court proceedings information or information that you are entered or recorded on the National Personal Insolvency Index).

This information is used for the purpose of determining eligibility for commercial credit, and we may process the information to create an assessment or other ratings of suitability for commercial credit. If you do not provide us with your credit-related personal information we cannot assess an application for commercial credit by the third party with whom you are associated, and you cannot act as a guarantor.

If credit information is to be obtained, compliance must be advised such that appropriate information handling requirements can be implemented in conjunction with the CEFC Group Employees handling the request.

## 3. How do we collect information?

### 3.1 Directly from you

Where possible, we will always try to collect information directly from you, for example when you:

- request information or contact us through our website or by telephone
- correspond with us in writing (such as letters and emails)
- provide your business card or other documents to us (such as contracts, public records or identification information for the purposes of confirming your identity or conducting "know your customer" checks under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*)
- meet with us in person. While the COVID-19 pandemic remains an issue, meetings with CEFC Group Employees will be in accordance with the current CEFC protocols having regard to the prevailing Government directions and social distancing requirements.

### 3.2 From third parties

We may also obtain your information from third parties, such as:

- where you are an employee, director or hold a substantial beneficial ownership of an entity that we do business with
- government and law enforcement agencies
- our professional advisers
- in certain situations, credit eligibility information may be disclosed to us by another credit provider (for example, where we have entered into a co-financing arrangement with a third-party credit provider). The types of credit eligibility information we may collect from another credit provider includes:
  - o defaults
  - o payment history information
  - o credit inquiries
  - o court judgments
  - o bankruptcy information
  - o information associated with your overall credit worthiness
- this information will not be disclosed to us without your consent. The third-party credit provider is required to obtain your consent
- our contracted service providers. These may include credit reporting bodies. Each credit reporting body is required to maintain a policy for managing your credit-related information (including disclosure of that Information to other credit providers) that you may access by contacting them
- any other organisation with whom we do business.

Where we collect information from third parties you refer to us, we will assume and you will ensure that you have made that third party aware of the referral and the purposes of collection, use and disclosure of the relevant information.

Where you are a client or service provider who provides information to us about individuals such as your employees, directors or owners, we may also ask you to advise them of the purposes of our collection, use and disclosure of their information in accordance with this Policy or with any collection notice we give to you at the point of completion.

### **3.3 Unsolicited information**

Where we receive unsolicited personal or sensitive information about you, we will only retain it if:

1. we determine that it is reasonably necessary for one or more of our functions or activities; and
2. you have consented to the information being collected or in the absence of your consent, that it was impracticable or unreasonable for us to obtain it under the circumstances.

If these conditions are not met, we will destroy or de-identify the information as soon as practicable if it is lawful and reasonable to do so.

Where we receive unsolicited credit-related personal information about you, we will only retain it if we determine within a reasonable period whether we could have collected the information if we had solicited the information.

If these conditions are not met, we will destroy the information as soon as practicable if it is lawful and reasonable to do so. We will also take reasonable steps to ensure that any such information is not disclosed or used for the purposes of assessing the credit worthiness of the individual to whom the information relates.

If any unsolicited information is sensitive information, we will obtain your consent to retain it regardless of the circumstances.

### **3.4 Dealing with us anonymously**

In general, you can visit our website without telling us who you are or revealing any personal or sensitive information about yourself. Our web servers collect the domain names, not the email addresses, of visitors. However, there are parts of our website where we may need to collect personal or sensitive information from you for a specific purpose, such as to provide you with certain information or publications you request. We do this with online forms, emails, or other communication methods (that is, over the telephone or by mail).



### 3.5 Why do we collect, hold, use and disclose your information?

We collect, use and disclose your information to enable us to provide the services, products and information you request, and when it is reasonably necessary to enable us to perform our functions and activities. In particular, we may collect, use and disclose your information for the purposes of:

- providing financial services and products covered by CEIM Australian Financial Services License (AFSL) to you (or an entity that you represent) and where applicable assisting you to acquire financial products and services from third parties
- responding to your requests or inquires and providing you with any publications, information or other services requested by you
- assessing your application for employment
- enabling you to register to gain access to the web tools and publications of the CEFC Group
- your employment relationship with us
- your business or other relationship with us including the ongoing management of financial products and services under the CEIM AFSL
- complying with our obligations under law including the Anti-money Laundering and Counter Terrorism-Financing Act 2006 and the Freedom of Information Act 1982
- communicating with you during the course of your business or other relationship with us, including payment of invoices and/or loan repayments
- account management and administering records of our subscription services
- if you offer to act (as an individual) as guarantor in respect of commercial credit, we may disclose your credit-related personal information to, or collect credit-related personal information about you from, another credit provider (for example, where we have entered into a co-financing arrangement with a third party credit provider) or a credit reporting body
- our insurers may obtain credit-related personal information about you from us, such as for the purpose of assessing whether to provide insurance to us in relation to the commercial credit we provide
- promotion of the CEFC Group and its programmes, including carrying out direct marketing (for example, about our products and services and those offered jointly or on behalf of other organisations) and market research campaigns (for example, on the effectiveness of our programmes). In certain cases, we may aggregate your personal or sensitive information (so that no individuals are identified) for marketing and strategic purposes

- where necessary, updating and maintaining our records
- making our website easier for you to use and providing you with access to all parts of our website
- notifying you about important changes or developments to our functions, activities, services, or our website
- administering, supporting, improving, and developing our business and the services we provide to you or we have helped you to obtain from a third party
- any other purpose which relates to or arises out of requests made by you
- if you lodge a complaint with us, processing and responding to your complaint
- doing anything which you authorise or consent to us doing
- taking any action, we are required or authorised by law to take
- notifying employees that a colleague or visitor has or may have contracted COVID-19, however, the CEFC Group will only use or disclose personal information that is reasonably necessary in order to prevent or manage COVID-19 in the workplace. For example, depending on the circumstances, it may not be necessary to reveal the name of an individual in order to prevent or manage COVID-19, or the disclosure of the name of the individual may be restricted to a limited number of people on a "need-to-know basis". The CEFC Group will follow the advice of the Department of Health when determining whether disclosure is necessary.

While the COVID-19 pandemic remains an issue, personal and sensitive information will only be used or disclosed on a 'need-to-know' basis. The CEFC Group will not sell, trade or rent personal or sensitive information we hold about you to unaffiliated third parties unless your prior consent is first obtained.

## 4. Disclosing your information

We may disclose your information to:

- the CEFC Group and its directors, officers or employees
- Australian Government bodies
- third parties from whom you have asked us to arrange the provision of a financial product or financial service on your behalf under the CEIM AFSL (for example, if you ask us to arrange for a bank to provide a deposit account to you, we will provide your personal information to that bank)
- in respect of your credit-related personal information, to other Australian credit providers or credit reporting bodies (with your consent or for other reasons permitted by the Privacy Act). We will provide you with written notice of any disclosure of your credit-related personal information
- our business partners and service providers (such as the CEFC Group's lead contractors who provide website, electronic signing platforms, IT, marketing, administration and other services to support the CEFC Group)
- in respect of internet protocol (IP) addresses collected via electronic signing platforms (for example, DocuSign), the counterparties to the document being executed electronically by you
- suppliers the CEFC Group engages for data processing and other administrative and support functions
- our professional advisers (for example, our insurers, auditors, lawyers and consultants)
- third parties we engage to carry out promotions or other activities you have requested, or for direct marketing purposes (unless you have opted-out of direct marketing communications)
- any entity to whom we are required or authorised by law to disclose your personal or sensitive information (for example, law enforcement agencies and government and regulatory authorities such as AUSTRAC)
- any successors in title to our business (including new business partners or owners if a CEFC Group member enters into a joint venture with or is sold to or merged with another entity)
- with your consent (express or implied), other entities.

The above entities may in turn disclose your information to other entities as described in their respective privacy policies or notices.

The CEFC Group will only use or disclose personal or sensitive information about an individual for the particular purpose that it was collected for (the Primary Purpose). The CEFC Group will only use or disclose that personal or sensitive information for another purpose if:

- the individual has consented to the use or disclosure of the relevant information; or
- another exception applies (including where the use or disclosure is required or authorised under an Australian law or where a permitted general situation applies, such as where it is unreasonable or impracticable to obtain consent, and it is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety).

If the Primary Purpose of collecting personal or sensitive information is to prevent or manage the risk of COVID-19, that information may be used or disclosed for that same purpose.

## 5. Correction of information

To effectively conduct business with you, it is important that the information we hold about you is complete, accurate, current and relevant. At any time while we hold your information, we may ask you to tell us of changes to your information. Alternatively, if you believe that any of the information we hold about you is inaccurate, out-of-date, incomplete, irrelevant or misleading and needs to be corrected or updated, please contact us using our details provided below.

We will respond to a request to correct your information within 30 calendar days. If we cannot respond to you within 30 calendar days, we will contact you and provide a reason for the delay and an expected timeframe for finalising your request.

Pursuant to the Privacy Act, in certain circumstances we may not be required to correct your Information (for example, where it would be unlawful). Also, we may not be able to require third parties or our business partners to provide you with access to the information they hold about you. In respect of credit-related personal information, we recommend that, in order to ensure that you have access to the most up-to date information, you additionally request access to the credit reporting information held by credit reporting bodies about you.

If we refuse to correct your information, you may request that we associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

If we decide not to correct your information, we will give you reasons for our decision.

## 6. Access to information

You may request access to the information we hold about you by contacting us using our details provided below.

We will respond to a request for access of personal or sensitive information within 30 calendar days and to a request for access to credit-related personal information with 10 calendar days, either by giving you access to the information requested, or by notifying you of our refusal to give access. If we cannot respond to you within the time specified above, we will contact you and provide a reason for the delay and an expected timeframe for finalising your request.

If a request by you has not been made in the previous 12 months, we will not charge you an application fee for making a request to access the information we hold about you or for making any corrections to your information. We may request to verify your identity before responding to any request.

Please also note that under some circumstances under the Privacy Act or other legislation, we may not be able to provide you with the access you request, for example, if it is unlawful to give you access or if it is likely to prejudice enforcement related activities.

If we decide not to provide you with access to your information, we will give you reasons for our decision.

### 6.1 FOI Act

An alternative mechanism for requesting access to, or correction of, information we hold about you is to lodge a formal application under the *Freedom of Information Act 1982 (FOI Act)*. For more information on how to lodge an FOI application with the CEFC please visit our website [www.cefc.com.au](http://www.cefc.com.au).

### 6.2 Data storage, retention, security and location of your information

We are committed to ensure that we protect any information we hold from misuse, interference, loss, unauthorised access, modification and disclosure.

We will (and will require our third-party suppliers to) take reasonable steps to protect your information from loss, misuse, unauthorised access, modification or disclosure. We may store your information in different forms, including in hardcopy and electronic form. We have implemented policies, procedures and systems to keep your information secure. We ensure the on-going adequacy of these measures by regularly reviewing them.

When your information is no longer required by law to be retained by us, we may take reasonable steps to destroy, delete or de-identify your information in a secure manner. However, we may sometimes be required by law to retain certain information, for example, under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* or the *Archives Act 1983*.

### **6.3 Overseas disclosure of information**

From time to time, the CEFC Group may engage service providers located overseas to perform certain functions and activities. While providing services to the CEFC Group, we may need to disclose your personal or sensitive information to these service providers. If overseas service providers are engaged and personal or sensitive information is sent overseas, we will take reasonable steps to ensure that our service providers have policies, procedures and systems in place to ensure your personal or sensitive information is handled in accordance with the Privacy Act and other applicable legislation.

### **6.4 Your consent**

In most cases, before or at the time of collecting your information, we will obtain your consent to the purposes for which we intend to use and disclose your information. However, where we have collected information about you from an entity that is your employer or of which you are a director or substantial owner we may not seek your consent and we may assume that the entity has your authorisation to provide that information to us. We will only collect sensitive information about you if we obtain prior consent to the collection of the information or if the collection is required or authorised by law.

If you do not give us consent, we may not be able to provide you with the products or services you want. This is because we are required to collect this information to proceed.

## 7. Lodging a complaint

If you have a complaint or otherwise wish to contact us regarding our handling of your information, please contact:

- by post at: Clean Energy Finance Corporation, Suite 1702, 1 Bligh Street, Sydney NSW 2000, Attention: Privacy Officer
- by email: [privacy@cefc.com.au](mailto:privacy@cefc.com.au)
- by phone: 1300 002 332

We welcome your questions and any suggestions you may have about our Policy.

Please note that we will ask you to lodge any formal complaint in writing. We will acknowledge receipt of your complaint as soon as possible after receiving your complaint.

We will then investigate the circumstances of your complaint and provide you with a response within a reasonable timeframe.

If you are not satisfied with how your complaint is handled by us, then you may lodge a formal complaint with the Office of the Australian Information Commissioner (OAIC) at:

- telephone: 1300 363 992 (if calling from outside Australia including Norfolk Island please call: +61 2 9284 9749)
- National Relay Service: through the Contact Us page on the OAIC website <https://www.oaic.gov.au/about-us/contact-us/>
- post: Office of the Australian Information Commissioner, GPO Box 5218, SYDNEY NSW 2001
- fax: +61 2 9284 9666
- email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)
- website: <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>

## 8. Dealing with us online

### 8.1 CEFC website

This Policy applies to your use of the CEFC website – [www.cefc.com.au](http://www.cefc.com.au) – any personal or sensitive information that you may provide to us via our website.

We believe it is important for you to know how we treat this personal or sensitive information and how we carry out data processing practices with the Internet and any other electronic communications networks.

When you visit our website, we and/or our contractors may collect certain information about your visit. Examples of such information may include:

- *cookies*: cookies are small amounts of information which we may store on your computer (after you register on our website) to enable our server to collect certain information from your web browser. Cookies in themselves do not identify the individual user, just the computer used. Cookies and other similar technology make it easier for you to log on to and use the website during future visits. It also allows us to monitor website traffic, to identify you when you visit this website, to personalise the content of the website for you and to enable you to both carry out transactions and have access to information about your account. Cookies themselves only record which areas of the site have been visited by the computer in question, and for how long. Allowing us to create a cookie does not give us access to the rest of your computer and we will not use cookies to track your online activity once you leave our site. Cookies are read only by the server that placed them, and are unable to execute any code or virus; and
- *site visit information*: we collect general information about your visit to our website. The information we collect is not used to personally identify you, but instead may include your server address, the date and time of your visit, the pages you accessed and the type of internet browser you use. This information is aggregated and used for the purposes of system administration, to prepare statistics on the use of our website and to improve its content.

Our website may contain links to other websites which are outside our control and are not covered by this Policy. We do not endorse, approve or recommend the services or products provided on other websites. If you access other websites using the links provided, the operators of these websites may collect information from you which will be used by them in accordance with their policy framework which may differ from ours.

By using our website, providing us with information or holding an account with us, you consent to us managing your information in the way described in this Policy.

### 8.2 Social media

We compile and categorise a list of our followers on social media platforms. In addition to the above, we may also receive aggregate, non-personalised statistics on the CEFC Group's coverage in social media.



## 9. Contacting us

If you wish to contact us regarding our handling of your information or any of the matters covered in this Policy, please contact the Privacy Officer via email at [privacy@cefc.com.au](mailto:privacy@cefc.com.au)

### 9.1 Changes to this policy

The CEFC Group reserves the right to revise or supplement this Policy from time to time. Any updated version of this Policy will be posted on our website [www.cefc.com.au](http://www.cefc.com.au) and will be effective from the date of posting. You should bookmark and periodically review this page to ensure that you are familiar with the most current version of this Policy and so you are aware of the way we handle your information.

This Policy was updated in September 2022.

### 9.2 Low Carbon Australia Limited

This Policy also applies to Information previously disclosed to Low Carbon Australia Limited (LCAL) (ABN 61 141 478 748) and which is now held by the CEFC Group. LCAL was an independent company established by the Australian Government whose activities were transferred to the CEFC.

## About the CEFC

The CEFC is a specialist investor at the centre of efforts to help deliver on Australia's ambitions for a thriving, low emissions future. With a strong investment track record, we are committed to accelerating our transition to net zero emissions by 2050. In addressing some of our toughest emissions challenges, we are filling market gaps and collaborating with investors, innovators and industry leaders to spur substantial new investment where it will have the greatest impact. The CEFC invests on behalf of the Australian Government, with a strong commitment to deliver a positive return for taxpayers across our portfolio.