



**Bright
Spark
Power**

PRIVACY POLICY

1 January 2020



At Bright Spark Power we believe in keeping your information safe, secure and private.

BRIGHT SPARK POWER PTY LTD PRIVACY POLICY

This Privacy Policy outlines how Bright Spark Power Pty Ltd (ACN 622 864 984) collects and handles your personal information and explains how we will treat your personal information that you provide to us in any way. In this policy “we”, “our” and “us” refers to Bright Spark Power.

For the purposes of this policy, “personal information” refers to information or an opinion about an identified individual, or an individual who is reasonably identifiable.

At Bright Spark Power, our Privacy Policy is reviewed regularly and, on an ad-hoc basis as required by any external event, such as a regulatory change. A policy review is undertaken to ensure that it is up-to-date, and we encourage you to review this policy from time to time.

1. Open and transparent information management

At Bright Spark Power, we consider our obligations under the Privacy Act 1988 (the Act) and the Australian Privacy Principles (APPs) a top priority and have practices, procedures and systems in place to ensure we comply with these laws.

We are committed to maintaining the security and confidentiality of your personal information and adopting an open and transparent approach with you on how this is managed.

2. Collection of solicited personal information

2.1. Types of information collected

We collect and use your personal information for the purposes of carrying out our business of providing retail energy related products and services.

In the process of conducting our business, we collect a range of personal information about our current and prospective customers, users, suppliers, agents, service providers, other business associates and the people who run the businesses we deal with. This information can include such things as:

- a) name, residential address (and/or supply address), email address, phone numbers, gender, date of birth; and
- b) financial information; and
- c) details of your IP address and browser, your activity within our website and customer portal.

2.2. Personal information

We will only collect your personal information where:



- a) it is reasonably necessary for us to pursue one or more of our functions or activities; or
- b) we are required to by law.

2.3.Sensitive information (This will apply to the life saving devices or life-threatening information)

Some personal information is sensitive and requires a higher level of protection under the Privacy Act. We will only collect your sensitive information when:

- a) it is required or authorised by law;
- b) a “permitted general situation” exists as defined under the Act; and
- c) a “permitted health situation” exists as defined under the Act.

2.4.Collection by lawful and fair means (if not doing this then we should use as marketing tool)

We will only collect your personal information by lawful and fair means. This includes:

- a) cookies. If you do not wish to use cookies, you can adjust your browser settings to reject cookies or notify you when they are being used; and
- b) geo-location information. You may disable our collection and use of your location information at any time by turning location services off at the device level; and
- c) Website analytics. Data from website analytics is only used once anonymised.

2.5.Collection from you

We prefer to collect personal information directly from you as this is the best way to ensure its accuracy. It also provides you with an opportunity to contact us with any questions about our Privacy Policy. We also collect personal information about you indirectly using third parties (such as credit reporting agencies & credit providers).

Please see our Collection Notice below for more information about how we collect personal information about you.

3. Notification of collection

Before or at the time of collecting your personal information (or as soon as practicable afterwards) we will take reasonable steps to notify you or ensure you are aware of the following:

- a) our identity and contact details;
- b) circumstances where we are required or authorised by law to collect your personal information;
- c) reasons why we have collected your personal information;
- d) what may happen if we do not collect all or some of your personal information;
- e) details of the persons or entities that we usually disclose personal information to;



- f) how you may access and seek correction of your personal information;
- g) how you can lodge a complaint with us;
- h) we may disclose your personal information to third-party providers to countries located overseas. The Bright Spark Power Collection Notice lists both the third-party organisations and their geographic location (country) where your personal information may be disclosed. The Collection Notice will be updated if your personal information is held with other organisations and countries overseas.

4. Use or disclosure

Personal information that is not sensitive

Primary Purpose - We will only hold your personal information for the purpose of carrying out our business of providing retail energy related products and services.

Secondary Purpose - We will not use or disclose your personal information for another purpose unless:

- a) we first obtain your consent; or
- b) you would reasonably expect us to use or disclose it for a Secondary Purpose related to the Primary Purpose or, in the case of sensitive information, directly related to the Primary Purpose; or
- c) we are required to by law; or
- d) a permitted general purpose exists; or
- e) a permitted health situation exists; or
- f) we reasonably believe it is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body. In this circumstance we will make a note of such disclosure.

5. Use and collection of credit-related information

Where we provide products or services to you on credit (where you pay for products or services after we start providing them to you), we are a credit provider for the purposes of the Privacy Act. When you apply for and open an account with us, we may collect credit related information about you, and hold that credit information electronically, both at our own premises and with the assistance of our service providers. This credit related information includes information we collect direct from you, and information we collect from other credit providers and/or credit reporting bodies. The credit reporting body we currently use to perform credit checks is illion, but this may vary from time to time.

5.1. Credit-related information we collect

The credit related information we collect and retain includes:

- a) your personal details such as name, address, date of birth, contact details and any aliases;
- b) your credit history;



- c) details of any credit you have obtained or sought from other credit providers;
- d) your credit rating or credit assessment score that a credit reporting body may provide us; and
- e) any details of prior overdue payments, credit infringements, defaults, bankruptcies and judgments.

You understand that if we do not collect this credit-related information from you, then we will not be able to provide you with credit.

5.2. Why we collect credit-related information

The purpose of us collecting this credit related information is to hold and use this information to:

- a) evaluate your credit eligibility;
- b) determine what level of credit, if any, we can provide to you (and continue to provide to you);
- c) manage our relationship with you when supplying you with electricity;
- d) collect payments you owe us;
- e) respond to any access or correction requests that you make;
- f) respond to any complaint that you make;
- g) comply with law or an order of a court or tribunal.

We may also use this information, along with information disclosed to us by relevant credit reporting bodies to derive a credit assessment score for you. If we refuse your application for credit based on information provided to us by a credit reporting body, we will inform you of this and provide you with the name and contact details of that body.

5.3. When we disclose your credit-related information to third parties

We may disclose your credit-related information to:

- a) credit reporting bodies - the credit reporting body we currently use is illion, but this may vary from time to time. These credit reporting bodies may disclose this credit information to other credit providers while assessing your credit worthiness;
- b) debt collectors – both in Australia and overseas (and other third parties providing credit related services to us);
- c) to third parties to whom we may assign your debts – both in Australia and overseas;
- d) to other energy providers that provide or are considering providing, credit to you; and
- e) your guarantor (if any).

When permitted by law, we may report, to any credit reporting body, information relating to any outstanding payments (more than 60 days overdue) you have with us. If, after this report is made, any of the outstanding payments (along with any late payment fees, accrued interest, or other fees we are legally permitted to charge) are made or are otherwise discharged, we will notify the credit reporting body that your payments are no longer outstanding.



5.4. Credit card security

Your credit card information is transmitted using Secure Socket Layer (SSL) protocol, which encrypts your information. We do not keep your credit card or bank account details. Your full credit card details will be encrypted and securely stored by our online payment provider, Stripe. Please see <https://stripe.com/au/privacy> for the relevant privacy policy.

6. Direct marketing

6.1. What is direct marketing?

For the purposes of this policy, “direct marketing” is the promotion of goods and services directly to you including through emails, phone calls and the post.

6.2. Adoption of direct marketing laws

How we use your personal information for direct marketing is tightly controlled by the Act. We will follow those laws to ensure you only receive direct marketing in circumstances where you are expecting to. Under the Act we may use your personal information for the purposes of direct marketing if:

- a) we collected the information directly from you; and
- b) you would reasonably expect us to use or disclose your personal information for the purpose of direct marketing.

6.3. Opting-out

We will always provide a simple means for you to “opt-out” from receiving direct marketing, which typically involves an “opt-out” or “unsubscribe” link on emails, or through a pop-up on your screen when you provide personal information online.

If you do not want us to contact you about special offers or promotions of our products or services, you can select this option on your Bright Spark Power customer portal or contact us on privacy@brightsparkpower.com.au and we will add you to our “do not contact” register.

We will not use or disclose your personal information for the purposes of direct marketing material if you have previously advised us not to.

If at any time in the future you do not want us to send you direct marketing material or you wish to cancel a previous consent, please inform us by contacting us at privacy@brightsparkpower.com.au We will enact the change in a reasonable timeframe.



7. Cross-border disclosure of personal information

Our Collection Notice discloses third-party organisations and their country locations where we hold or may disclose your personal information. We may disclose your personal information to an overseas entity when we:

- a) have taken reasonable steps to ensure that they also treat it in accordance with the Act; or
- b) reasonably believe that the overseas entity is subject to the same or similar laws to that found in the Act and there are ways that you can take action to enforce those overseas laws; or
- c) are required or authorised by law; or
- d) a permitted general purpose exists; or
- e) a permitted health situation exists; or
- f) we reasonably believe it is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

8. Adoption, use or disclosure of government related identifiers

We will not adopt a government related identifier as your identifier unless:

- a) we are required or authorised by law; or
- b) it is reasonably necessary to verify your identity for the purposes of our activities or functions; or
- c) it is reasonably necessary to fulfil our obligations to an agency or State or Territory authority; or
- d) it is required or authorised by or under an Australian law, or a court/tribunal order; or
- e) some (but not all) permitted general situations exist; or
- f) we reasonably believe it is reasonably necessary for enforcement related activities by, or on behalf of, an enforcement body; or
- g) where it is allowed under the regulations.

9. Quality and Correction of personal information

We will take such steps (if any) as are reasonable in the circumstances to ensure that your personal information we collect, use or disclose is accurate, up-to-date, complete and relevant.

9.1. Correcting your personal information

If the personal information we hold about you is inaccurate, out-of-date, incomplete, irrelevant or misleading, you can:

- a) update your information via your customer portal on our website; or
- b) where this is not possible, you can contact us at privacy@brightsparkpower.com.au requesting that we correct the information.



9.2. Circumstances when we decline to make corrections

In certain circumstances we may decline to correct your personal information. When this occurs, we will provide you with an electronically written notice that sets out:

- a) the reasons for the refusal; and
- b) the mechanisms available to complain about the refusal.

10. Security of personal information

10.1. Protection

We will take such steps as are reasonable in the circumstances to protect your personal information:

1. from misuse, interference and loss; and
2. from unauthorised access, modification or disclosure.

10.2. Retention

To the extent permitted by law, we may keep records of your personal information after the cancellation of your account for general business purposes.

10.3. Destruction

When we no longer need your personal information for a permitted purpose and we are not required to keep it to comply with any laws, we will take such steps as are reasonable in the circumstances to destroy your personal information or to ensure that the information is de-identified in a timely manner.

11. Access to personal information

As a Bright Spark Power customer, you may access some personal information that we hold about you in the Customer Portal section of our website.

You may contact us at privacy@brightsparkpower.com.au to request access to your personal information we hold. Once we receive your request, we will provide you with an email copy of your personal information that we hold unless:

- a) we reasonably believe that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- b) giving access would have an unreasonable impact on the privacy of other individuals; or
- c) your request for access is frivolous or vexatious; or
- d) the information relates to existing or anticipated legal proceedings between us and you, and would not be accessible by the process of discovery in those proceedings; or



- e) giving access would reveal our intentions in relation to negotiations with you in such a way as to prejudice those negotiations; or
- f) giving access would be unlawful; or
- g) denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- h) we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in and giving you access would be likely to prejudice the taking of appropriate action in relation to those matters; or
- i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- j) would reveal evaluative information generated within the entity in connection with a commercially sensitive decision-making process.

12. Making a Complaint

If you have a concern or complaint relating to our handling of your personal information or any breaches of the APPs, please notify us at privacy@brightsparkpower.com.au outlining the nature of your complaint. We will endeavour to respond to your complaint within 30 days of receipt. We take your privacy very seriously and all concerns will be handled by one of our qualified privacy representatives. All actions taken will be done in accordance with our Complaints Handling Policy available at (**URL: www.brightsparkpower.com.au/complaints**)

If unresolved, you have a right to escalate your complaint to one of the below government agencies for further resolution:

New South Wales Energy & Water Ombudsman NSW
Reply Paid 86550
Sydney South NSW 1234
www.ewon.com.au
complaints@ewon.com.au
Phone: 1800 246 545
Free Fax: 1800 812 291

Queensland Energy & Water Ombudsman QLD
Mail: PO Box 3640
South Brisbane BC Qld 4101
www.ewon.com.au
Email: complaints@ewoq.com.au
Free Phone: 1800 662 837
Fax: (07) 3087 9477

Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001
1300 363 992



www.oaic.gov.au
enquiries@oaic.gov.au

If you would like a copy of this Privacy Policy sent to you, please request it by contacting us at privacy@brightsparkpower.com.au and we will provide you a copy of this Privacy Policy free of charge.

This policy was last updated March 2020.