

# Wilkie Civil Engineering Privacy Policy

This Privacy Policy sets out the approach Midas Engineering Group Pty Ltd trading as Wilkie Civil Engineering (Wilkie) will take in relation to the treatment of Personal Information. It includes information on how Wilkie collects, uses, discloses and keeps secure, individuals' personal information. It also covers how Wilkie makes the personal information it holds available for access to and correction by the individual.

This policy has been drafted having regard to Wilkie's obligations under the Privacy Act 1988 (including the National Privacy Principles) **(the Privacy Act)**.

This policy is a public document and has been prepared in light of National Privacy Principle 5, Openness.

## 1. Collection

1.1 Wilkie will only collect Personal Information where the information is necessary for Wilkie to perform one or more of its functions or activities. In this context, "collect" means gather, acquire or obtain by any means, information in circumstances where the individual is identifiable or identified.

1.2 Wilkie collects Personal Information primarily to supply employees of member organisations and individuals who obtain Wilkie products and services directly from Wilkie with information and details of its products and services. Wilkie also collects and uses Personal Information for secondary purposes including:

1. Provision of products and services;
2. Accounting purposes;
3. Business planning and product development.

1.3 Wilkie will notify individuals (including, but not limited to, our customers) of the matters listed below at the time of collecting any Personal Information:

1. The main reason that we are collecting Personal Information (this reason will be the Primary Purpose);
2. Other related Uses or Disclosures that we may make of the Personal Information (Secondary Purposes);
3. Our identity and how individuals can contact us, if this is not obvious;
4. That individuals can access the Personal Information that Wilkie holds about them;

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5. That individuals should contact Wilkie (even if they are not a member or an employee of a member) if they wish to access or correct Personal Information collected by us or have any concerns in relation to Personal Information;
6. The organisations or types of organisations to whom we usually Disclose the Personal Information;
7. Where applicable, any law that requires the Personal Information to be collected;
8. The consequences (if any) for the individual if all or part of the Personal Information is not provided to Wilkie.

1.4 Where it is not practicable for Wilkie to notify individuals of all of the Collection Information before the collection of Personal Information, Wilkie will ensure that individuals are notified of the Collection Information as soon as possible after the collection. Wilkie will provide “post collection notification” in those circumstances where it is not practicable to notify individuals about the collection of their personal information before it is collected.

1.5 Wilkie will not collect Sensitive Information from individuals except with express consent from the individual and only where it is necessary for Wilkie to collect such information for an activity or function.

1.6 Wilkie will not collect Personal Information secretly or in an underhanded way.

1.7 Wilkie will take steps to ensure that individuals on purchased lists are or have been notified of the information as outlined at 1.3.

## **2. Use**

2.1 Wilkie will obtain an individual's consent for Use of non-sensitive Personal Information for Secondary Purposes at the time of collection, unless the Use is a related Secondary Purpose which would be within the relevant individual's Reasonable Expectations.

2.2 Wilkie Uses Personal Information primarily for the purposes listed in 1.2 above.

2.3 If Wilkie relies on the Direct Marketing exception to Direct Market to individuals it will ensure that:

1. Individuals are clearly notified of their right to Opt Out from further Direct Marketing;  
and
2. If the individual Opts Out of all Direct Marketing the Opt Out will be respected by Wilkie and implemented free of charge.

2.4 Wilkie will not use Sensitive Information for Direct Marketing.

2.5 Wilkie may use Personal Information to avoid an imminent threat to a person's life or to public safety. It may also use Personal Information for reasons related to law enforcement or internal investigations into unlawful activities.

2.6 Wilkie will not use Personal Information without taking reasonable steps to ensure that the information is accurate, complete and up to date.

2.7 Wilkie will not attempt to match de-identified or anonymous data collected through surveys or such online devices as "cookies", with information identifying an individual, without the consent of the relevant individual.

### **3. Disclosure**

3.1 Wilkie may Disclose Personal Information to related or unrelated third parties if consent has been obtained from the individual.

3.2 Wilkie may Disclose Personal Information to unrelated third parties to enable outsourcing of functions where that Disclosure or Use is for a related Secondary Purpose and has been notified to individuals or where such Disclosure is within the individual's Reasonable Expectations.

3.3 Wilkie will take reasonable steps to ensure that its contracts with third parties include requirements for third parties to comply with the Use and Disclosure requirements of the Privacy Act.

3.4 In the rare event that Wilkie is required to disclose Personal Information to law enforcement agencies, government agencies or external advisors Wilkie will only do so in accordance with the Privacy Act or any other relevant Australian legislation.

3.5 Wilkie may Disclose Personal Information to avoid an imminent threat to a person's life or to public safety.

3.6 If a Disclosure is not for a Primary Purpose; is not for a related Secondary Purpose; or upfront consent has not been obtained, Wilkie will not Disclose Personal Information otherwise than in accordance with the exceptions set out at 3.1 to 3.5 above.

3.7 Wilkie does not generally share its customer lists on a commercial basis with third parties but if it did, it would only do so if we had the appropriate consent of the individual involved.

#### **4. Information Quality**

4.1 Wilkie will review, on a regular and ongoing basis, its collection and storage practices to ascertain how improvements to accuracy can be achieved.

4.2 Wilkie will take steps to destroy or de-identify Personal Information after as short a time as possible and after a maximum of seven years, unless the law requires otherwise.

#### **5. Information Security**

5.1 Wilkie requires employees and contractors to perform their duties in a manner that is consistent with Wilkie's legal responsibilities in relation to privacy.

5.2 Wilkie will take all reasonable steps to ensure that paper and electronic records containing Personal Information are stored in facilities that are only accessible by people within Wilkie who have a genuine "need to know" as well as "right to know".

5.3 Wilkie will review, on a regular and ongoing basis, its information security practices to ascertain how ongoing responsibilities can be achieved and maintained.

#### **6. Access and Correction**

6.1 Wilkie will allow its records containing Personal Information to be accessed by the individual concerned in accordance with the Privacy Act.

6.2 Wilkie will correct its records containing Personal Information as soon as practically possible, at the request of the individual concerned in accordance with the Privacy Act.

6.3 Individuals wishing to lodge a request to access and/or correct their Personal Information should do so by contacting Wilkie, as per the details on the back of this document.

6.4 Wilkie will not normally charge a fee for processing an access request unless the request is complex or is resource intensive.

#### **7. Openness**

7.1 Contact with Wilkie via phone or web inquiry will be the first point of contact for inquiries about privacy issues.

7.2 Any formal privacy related complaints should be directed in writing to the Marketing Coordinator, Level 6 524 Hay Street, Perth, WA 6000.

7.3 Wilkie will endeavour to manage any privacy related complaint efficiently and in a timely manner.

7.4 Wilkie websites will contain a prominently displayed privacy statement and will include a copy of this Wilkie Privacy Policy.

## **8. Anonymous Transactions**

8.1 Wilkie will not make it mandatory for visitors to its web sites to provide Personal Information unless such Personal Information is required to answer an inquiry or provide a service. Wilkie may however request visitors to provide Personal Information voluntarily to Wilkie (for example, as part of a competition or questionnaire).

8.2 Wilkie will allow its customers to transact with it anonymously wherever that is reasonable and practicable.

## **9. Transferring personal information overseas**

9.1 Wilkie generally does not send information overseas.

9.2 If Personal Information must be sent by Wilkie overseas for sound business reasons, Wilkie will require the overseas organisation receiving the information to provide a binding undertaking that it will handle that information in accordance with the National Privacy Principles, preferably as part of the services contract.

## **10. Glossary**

*Collection Information* means the information outlined in 1.3 notified to individuals prior to, or as soon as practical after, the collection of their Personal Information.

*Direct Marketing* means the marketing of goods or services through means of communication including written, verbal or electronic means. The goods or services which are marketed may be those of Wilkie or a Related Body Corporate or those of an independent third party organisation.

*Disclosure* generally means the release of information outside Wilkie, including under a contract to carry out an “outsourced function”.

*Wilkie* means Midas Engineering Group Pty Ltd trading as Wilkie Civil Engineering.

*Personal Information* means information or an opinion (including information or an opinion forming part of a database), whether true or not and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion.

*Primary Purpose* is the dominant or fundamental reason for information being collected in a particular transaction.

*Reasonable Expectation* means a reasonable individual's expectation that their personal information might be Used or Disclosed for the particular purpose.

*Sensitive Information* means:

1. Information or an opinion about an Individual's:
  - racial or ethnic origin; or
  - membership of a political association; or
  - religious beliefs or affiliations; or
  - philosophical beliefs; or
  - membership of a professional or trade association; or
  - membership of a trade union; or
  - sexual preferences or practices; or
  - criminal record; that is also personal information; or
2. Health Information about an individual; or

*Use* means the handling of Personal Information within Wilkie.