



Xchanging Privacy Policy

The Privacy Act and the National Privacy Principles (NPPs)

Xchanging* values the privacy of your personal information.

We are bound by the National Privacy Principles (NPPs) outlined in the Privacy Act 1988 (Cth) and any relevant Health Privacy Principles under State legislation, as well as other applicable laws and codes affecting your personal information.

The Privacy Act sets out standards for the collection, use, disclosure and handling of personal information.

About our Privacy Policy

This Privacy Policy outlines how we manage personal information.

The policy applies to any personal information provided to Xchanging and any personal information we collect, use, disclose or handle. Any updates to our Privacy Policy can be accessed via our website or by contacting one of our offices.

Why we collect personal information

We collect personal information to offer, provide, manage and administer Xchanging services and products. These services include claims management, injury management, premium management and risk management. If you would like more information on the services and products available please contact us.

Collection and use of information in particular situations

We may collect personal or health information about individuals who:

- make a claim for workers' compensation
- have been involved in an incident or accident in the workplace
- provide services to us or injured workers
- request us to give them information, provide us with information, make a complaint or otherwise contact us
- visit our website or send us an email.

We also collect personal information to develop products and services, and conduct market or customer satisfaction research. Personal information is also collected to develop, establish and administer alliances and other arrangements with other organisations in relation to the promotion, administration and use of our respective products and services.

The usual type of personal information collected includes your name and postal or email address.

If you do not provide the information requested, we, or those involved with the provision of the service or product, may not be able to provide the appropriate type or level of service or product.

How we collect personal information

We generally collect personal information directly from you but in some cases we may collect it from a third party.

Claims for workers' compensation

We collect personal and health information from persons claiming compensation and other benefits under the applicable Victorian and New South Wales legislation.

We collect personal and health information on the form that an injured worker completes and signs when making a claim. In the course of managing the claim, we may also collect personal and health information from:

- the injured worker's employer, and previous employers
- government agencies
- investigators and loss adjusters
- credit reporting agencies
- health, rehabilitation and other service providers
- other persons who can provide information relevant to the claim.

We try to collect the information we need directly from the injured worker, but this is not always practicable. We try to ensure that any person we engage to collect information on our behalf does so in accordance with applicable privacy laws.

When a person first makes a claim, we provide a collection statement identifying and setting out the purpose for which personal and health information is collected, the types of organisations to which such information would usually be disclosed, any law that authorises its collection and the person's rights of access to that information. If, in the course of managing a claim, it is necessary for us to collect, use or disclose information in circumstances that are not covered in that collection statement, we will try to ensure that the injured worker is made aware of how and why we need to use that information.

However, we are not required to do this in a number of situations, including:

- when we receive health information in confidence from certain sources
- when we believe it is necessary for us to carry out a law enforcement activity
- where the information is collected in connection with the conduct of certain legal proceedings
- where doing so would pose a serious threat to the life and health of an individual.

We will only collect sensitive or health information where we have the express or implied consent of the injured worker, or where we are otherwise authorised by law to do so. Various provisions in the Victorian and New South Wales legislation authorise us to collect personal and health information.

Use and disclosure

Client affairs

We have a duty to maintain the confidentiality of our clients' affairs, including personal information. Our duty of confidentiality applies except where disclosure of personal information is with our client's consent or compelled by law.

Workers' compensation claims

We disclose personal information to third parties who assist us to provide, manage and administer the services we provide and products we offer.

We try to ensure that only personal and health information that is necessary for the purpose of assessing, processing and managing the claim is collected. However, the information may also be used for other purposes related to the claim, for example:

- assisting with rehabilitation and return to work
- assisting us to better manage claims generally
- assessing another claim made by the same injured worker
- for the purposes of a dispute or legal proceedings arising out of the claim.

Personal and health information collected in relation to a claim may be disclosed to a number of different types of organisations, including:

- our employees, contractors and agents
- the injured worker's employer or previous employers
- the Accident Compensation Conciliation Service (Victoria)
- WorkSafe Victoria
- WorkCover New South Wales
- health and rehabilitation service providers
- lawyers acting for us
- government agencies that might have an interest in, or information relevant to, the claim (such as the Transport Accident Commission or Motor Accidents Authority)
- courts or tribunals
- other persons authorised by the injured worker, or by law, to receive the information.

In determining and managing a claim we may engage an investigator or loss adjuster to carry out surveillance and make other enquiries to help us decide whether or not to accept the claim, to assist in assessing the appropriate benefits to pay, or to determine whether or not there is an ongoing entitlement to benefits. For this purpose we may disclose personal or health information to the investigator, and may receive personal information about the injured worker or other individuals that is collected by the investigator.

We require all investigators and loss adjusters engaged in relation to workers' compensation claims to comply with applicable privacy legislation. Investigators must also comply with applicable legislation relating to surveillance, any protocols agreed with the WorkCover Authorities and with our policies for the conduct of surveillance.

Personal and health information relating to claims is held in claims files maintained by us. Information is also stored in our databases. Only staff who have a need to access that information are permitted to do so. Generally, personal and health information in our claims files is retained for at least seven years after a claim has been finalised. Sometimes personal information is retained for longer periods, in case an injured worker makes a future claim.

If you provide us with information about others

When you provide us with personal information about other individuals, we rely on you to have made or make them aware that you will or may provide their information to us, the types of third parties we may provide it to, the relevant purposes we (and the third parties we disclose it to) will use it for, and how they can access it. If it is sensitive information we rely on you to have obtained consent to the above. If you have not done either of these things, you must tell us before you provide the relevant information.

If you collect, use, disclose or handle personal information on our behalf, or receive it from us, you and your representatives must meet the relevant requirements of the National Privacy Principles set out in the Privacy Act 1988 and applicable state legislation relating to health information and only use and disclose it for the purposes to which we have agreed.

Security of your personal information

Your personal information may be stored in hard copy documents, as electronic data, or in our software or systems. We endeavour to protect any personal information that we hold from misuse and loss, and to protect it from unauthorised access, modification and disclosure.

Some of the ways we achieve this are:

- confidentiality requirements of our employees
- policies on document storage security
- security measures for access to our systems
- only providing access once proper identification has been given
- controlling access to our premises.

Keeping information up to date and accessing it

We take all reasonable steps to ensure that your personal information is accurate, complete, and up-to-date whenever we collect, disclose or use it.

We will, on request, provide you with access to information we hold about you, unless there is an exception which applies under the NPPs. Things that may affect a right to access include:

- access would pose a serious threat to the life or health of any individual
- access would have an unreasonable impact on the privacy of others
- a frivolous or vexatious request
- the information relates to a commercially sensitive decision making process
- access would be unlawful or denying access is required or authorised by law (e.g. we have a duty of confidentiality to our clients and will not provide access to personal information about you if it will breach that duty)
- access would prejudice enforcement activities relating to criminal activities and other breaches of law, public revenue, a security function, or negotiations with the individual
- legal dispute resolution proceedings.

You can also gain access to correct or update your personal information at any time.

Opting out of receiving marketing information

If we send you information about services or products, or you do not want us to disclose your personal information to any other organisation (including related bodies corporate) you can opt out by emailing Xchanging at info@au.xchanging.com

Dealing with us anonymously

Where lawful and practicable to do so, you can deal with us anonymously e.g. general inquiries about the services we can offer injured workers and clients.

Resolving your privacy issues

If you would like to discuss any issues about our Privacy Policy you are welcome to speak directly to our Privacy Officer who will do their best to resolve your issue. Our Privacy Officer can be contacted on 03 9947 3000 or by email at info@au.xchanging.com

Contact Us

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