

**SWICK MINING SERVICES**

ABN: 20 112 917 905

64 Great Eastern Highway  
South Guildford WA 6055PO Box 74 | Guildford WA 6935  
T: +61 8 9277 8800  
F: +61 8 9277 8844W: [www.swickmining.com](http://www.swickmining.com)Reference: SWK-HR-POL-023  
Version: 4  
Reviewed: 31 May 2019  
Review Period: 1 Year  
Status: Issued for Use

# PRIVACY POLICY

Swick Mining Services (“Swick”) is committed to ensuring that the Personal Information it holds about Individuals is handled appropriately and lawfully. Swick believes that privacy is an important Individual right and is important to our business and businesses of our clients.

## Definitions

Personal Information means information or an opinion which identifies an Individual or from which an Individual’s identity can be reasonably ascertained:

- whether the information is true or not; and
- recorded in material form or not,

and includes Sensitive Information. Names, addresses and home telephone numbers are examples of Personal Information.

Sensitive Information includes information, Personal Data or an opinion about an Individual’s racial or ethnic origin, political opinions, philosophical or religious beliefs or affiliations, membership of a political, trade or professional association or trade union, sexual preferences or practices, criminal record or Health Information.

Health Information means information or an opinion about Individual’s physical, mental or psychological health, disability, health services and donation of body parts, including genetic information. This encompasses sick leave certificates, doctors’ reports and medical checks.

Primary Purpose means the reason the information is collected by Swick.

Secondary Purpose means a purpose other than the Primary Purpose.

Processing means any set of operations performed on Personal Information such as collecting, recording, organising, structuring, storing, adapting or altering, retrieving, consulting, using, disclosing by transmission, disseminating or otherwise making available, aligning or combining, restricting, erasing or destroying personal data.

Individual means a person whose Personal Information or Health Information has been collected by Swick and includes a Data Subject.

## Scope

Swick will endeavour to comply with this policy in handling Personal Information about its clients, customers, contractors, consultants and job applicants.

Swick requires that all staff (including casual and contract staff) comply with this policy at all times in collecting and handling Personal Information in the course of their employment or engagement with Swick.

Staff must collect and handle Personal Information in accordance with this policy and must take reasonable steps to protect any Personal Information in their control. This can include measures such as:

- storing Personal Information in locked filing cabinets;
- having a secure system of work;
- not allowing others to use personal computer passwords and locking computers when away from desks;
- not disclosing or discussing Personal Information concerning others to any other person.

### **Collection of Personal Information**

Swick will only collect Personal Information if it is reasonably necessary for our functions and activities.

Swick will collect Personal Information by fair means and not in an unreasonably intrusive way.

When Swick collects any Personal Information about an Individual, it will take reasonable steps to provide the Individual with information about:

- the identity of Swick and how to contact it;
- why Swick is collecting the Personal Information;
- the category of Personal Information collected (in circumstances where the Personal Information is collected in the European Union from a third party and not directly from the Individual);
- how Swick holds Personal Information, namely electronically and in hard copy format;
- the intended recipients of the Personal Information, including the types of organisations (if any) to which Swick may disclose the Personal Information (eg payroll processing services);
- their right to request access to their Personal Information;
- the period which the Personal Information will be stored, or where this is not possible the criteria used to determine how long the Personal Information is stored;
- any law that requires the particular Personal Information to be collected and the main consequences for failure to provide that Personal Information.

Where the Personal Information was collected in the European Union and it is reasonable, Swick will endeavour to provide the Individual with this information within one month of collecting their Personal Information.

Where reasonable and appropriate, Swick will collect Personal Information directly from the Individual, and where Personal Information is collected in the European Union with their consent. However, there are certain situations in which Personal Information about an Individual may be collected from someone else; for example from a medical assessment provider or from Swick's clients. In either case, Swick will take reasonable steps to notify the Individual of the matters listed above.

In certain circumstances Swick may collect Sensitive Information or Health Information. Swick will only collect this information with an Individual's consent or otherwise where the collection, use or disclosure is reasonably necessary.

### **Use and Disclosure of Personal Information**

Personal Information is generally used for the Primary Purpose for which it was collected. This may include supplying Swick's services or responding to an Individual's request.

Swick will only use or disclose Personal Information it holds for the Primary Purpose it was collected; or a Secondary Purpose if permitted in the circumstances, for example:

- an Individual consents to Personal Information being disclosed for a Secondary Purpose;
- an Individual reasonably expects Swick will disclose the Personal Information, but for Sensitive Information, for a Secondary Purpose related to the Primary Purpose;
- where the nature of the Personal Information and context in which it was collected deliberated the use or disclosure for a Secondary Purpose;
- disclosure for the Secondary Purpose is authorised by law; or
- the disclosure is necessary for an enforcement related activity.

Where Swick needs to use or disclose Personal Information for purposes other than these purposes, Swick will obtain consent where appropriate and necessary. Exceptions to this include where:

- the use or disclosure is required to lessen or prevent serious threat to an Individual's health or life, or to public health and safety;
- the use or disclosure is required or authorised by law;
- the use or disclosure is reasonably necessary to assist a law enforcement agency in its law enforcement functions; or
- Swick suspects fraud or unlawful activity.

Where Personal Information is collected in the European Union, and the Individual consents to Swick using and disclosing their Personal Information, an Individual may withdraw their consent at any time. In the event an Individual withdraws their consent, Swick will take reasonable steps to destroy the Personal Information.

### **Storage of Personal Information**

Swick holds Personal Information in electronic and hard copy format.

Swick will take reasonable steps to protect the security of the Personal Information it holds. This includes taking appropriate measures to protect electronic material and material stored and generated in hard copy.

## **Quality and accuracy of Personal Information**

Swick will take reasonable steps to ensure that any Personal Information that Swick uses or discloses is complete, accurate and up-to-date.

An Individual may make corrections and additions to their Personal Information held by Swick to ensure that the information is accurate, up to date and complete. To do this, please contact the human resources department on 08 9277 8800 or by email [hr.requests@swickmining.com](mailto:hr.requests@swickmining.com)

## **Access to Personal Information**

An Individual generally has the right to request access to any Personal Information held by Swick about them.

There are a number of exceptions to this principle, including:

- where providing access would pose a serious and imminent threat to the life or health of any Individual;
- where providing access would have an unreasonable impact upon the privacy of other persons (this may be relevant where information about other persons is included on a file);
- the request for access is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings where the information would not otherwise be discoverable;
- providing access would prejudice negotiations;
- providing access would be unlawful;
- denying access is required by law;
- providing access would prejudice an investigation of possible unlawful activity;
- providing access would prejudice law enforcement; and
- providing access would reveal commercially sensitive information.

Requests for access should be forwarded to Swick's Human Resources Department at (08) 6253 2360 or [hr.requests@swickmining.com](mailto:hr.requests@swickmining.com).

In circumstances where Swick decides to decline a request, it will provide reasons for its decision to the Individual.

## **Access to Personal Information by overseas recipients**

Requests for access should be forwarded to Swick's United States Human Resource Generalist at 775 – 777 – 3993 or [stefanie.stewart@swickmining.com](mailto:stefanie.stewart@swickmining.com).

Requests for access for EU employees should be forwarded to Swick's Australian human resources department on 08 9277 8800 or by email [hr.requests@swickmining.com](mailto:hr.requests@swickmining.com)

Where the Personal Information was collected in the European Union, Swick will endeavour to consider requests within one month of receipt of request. However, in certain circumstances this period may be extended by a further two months.

In circumstances where Swick decides to decline a request, it will provide reasons for its decision to the Individual.

### **Retention and destruction of Personal Information**

Swick will only keep Personal Information on file for as long as it is necessary to fulfil business needs or legal requirements. When Swick no longer requires the Personal Information, Swick will destroy or dispose of it in a secure manner.

In certain circumstances, an Individual whose Personal Information is collected in the European Union may have the right to request the erasure of their Personal Information held by Swick. Examples of these circumstances include:

- the Personal Information held by Swick is no longer necessary for the Primary Purpose or Secondary Purpose it was collected;
- the Individual withdraws their consent;
- the Processing of the Personal Information was unlawful; or
- the erasure of the Personal Information is required by law.

Where an Individual requests the erasure of their Personal Information for a valid reason and Swick has made that Personal Information public, for example passing Personal Information onto a third party, it will endeavor to inform third parties about the Individual's request.

### **Data breaches**

In the unlikely event that Personal Information held by Swick is subject to a data breach, Swick will seek to notify affected Individuals as soon as reasonably practicable. As part of this notification, Swick will provide an affected Individual with:

- the nature of the breach;
- the name and contact details of the Swick representative dealing with the matter;
- any likely consequences of the breach;
- the measures being taken, or proposed to be, by Swick to mitigate the breach.

### **Complaints procedure**

If an Individual wishes to complain about their Personal Information being inappropriately handled, then that complaint should be referred to the Human Resource and Administration Team Leader on (08) 6253 2360 or [hr.requests@swickmining.com](mailto:hr.requests@swickmining.com)

If the complaint cannot be resolved by Swick, the complaint can be referred to the Office of the Australian Information Commissioner.

Complaints will be handled impartially and as promptly as possible in the circumstances. Only those people who are involved in the investigation of the complaint will have access to Personal Information in relation to the complaint.

### **Breach of this Policy**

Employees, consultants and contractors found to have breached this policy will be subject to appropriate disciplinary action, which may include termination of employment or engagement with Swick.

A handwritten signature in black ink, appearing to read 'K. Swick', written in a cursive style.

**Kent Swick**  
**Managing Director**