

# Management of Personal Information Policy

## ("Privacy Policy")

### Henkel Australia

**Prepared by:**

Susan O'Neill

President and Head of Finance ANZ  
Henkel Australia

**Reviewed by:**

ANZ Excom

**Approved by:**

ANZ Excom

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## Contents

1. Purpose
2. Commencement of Policy
3. Application of Policy
4. What is Personal Information?
5. Collection of Personal information
6. Use and Disclosure of Personal Information
7. How long will personal information be kept?
8. Variations
9. Availability of this policy
10. Integrity of personal information, Enquiries and complaints

## 1 Purpose

**Henkel** (Henkel Australia Pty Ltd) is committed to complying with the privacy laws.

In Australia these are set out in the Privacy Act 1988 (***the Act***), which contains the Australian Privacy Principles (***APPs***), and in relevant privacy codes. See <http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles> .

Henkel understands that personal information may only be used by Henkel in limited circumstances. Personal information concerning employees is confidential and will only be used for purposes which are reasonably necessary for appropriate personnel administration.

This Policy outlines the circumstances surrounding the management of personal information in accordance with privacy laws.

## 2 Commencement of Policy

This Policy will commence from 1 April 2014. It replaces all other privacy and disclosure of personal information policies of Henkel

## 3 Application of Policy

This Policy applies to all Henkel's dealings with individuals, including employees (past and present) and prospective employees of Henkel. This Policy does not form part of any employee's contract of employment.

## 4 What is Personal Information?

***Personal information*** is information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not (i.e. digitally or hard copy).

***Sensitive information*** is a special category of personal information and includes information or an opinion about a person's health, race or ethnic origin, political or religious beliefs, membership of a trade union or association, criminal record, sexual orientation and genetic and 'biometric' information.

Henkel shall also treat credit card or bank account information as sensitive.

Henkel will only collect a person's sensitive information where it is reasonably necessary for one or more of Henkel's functions or activities and with the person's consent.

## 5 Collection of Personal Information

### 5.1 *Kinds of personal information Henkel collects and holds*<sup>1</sup>

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<sup>1</sup> APP1.4(a)

The kinds of personal information that Henkel collects will depend upon the dealings the relevant individual may have with Henkel. Henkel may collect and hold information about:

- purchasers or potential purchasers of Henkel's products (for example, in the ordinary course of dealings, in relation to credit applications and sales and marketing and promotional activities);
- suppliers (for example, when establishing records and systems to enable payment for goods or services);
- job applicants (for the purposes of employment);
- employees (employee records);
- individuals as contractors (for example, when establishing records and systems to enable payment for services);
- other individuals who may come into contact with Henkel.

The kinds of personal information may include, but are not limited to:

- information that identifies the individual (for example, name, address, contact details);
- information about the individual's financial position (creditworthiness);
- information about the individual that is required or authorised by law;
- where the individual is an employee or prospective employee or contractor, their date of birth, tax file number, employment history, references, educational qualifications, dependants, driver's licence, passport details, residency or visa status etc;
- the individual's opinion about Henkel's products, services or staff.

## **5.2 How Henkel collects and holds personal information<sup>2</sup>**

Whenever it is reasonable and practical to do so, Henkel only collects personal information directly from an individual. In some circumstances, however, it may be unsolicited.

Henkel will take reasonable steps to inform an individual before, or at the time it collects personal information or, if this is not practicable, as soon as practicable after collection that it has obtained their personal information, unless it is obvious from the circumstances of its collection (for example, exchanging business cards at a trade function).

The individual whose personal information has been obtained by Henkel should be advised of the following:

- Henkel's identity and contact details including their title, telephone number and email address of a contact who handles enquiries and requests relating to the Act;
- the facts and circumstances of the collection;
- whether the collection is required or authorised by law;
- the purposes of collection;
- the consequences if personal information is not collected;
- how and to whom else Henkel may disclose that personal information;
- information about Henkel's Privacy Policy, including an individual's right to access and seek correction of personal information held by Henkel relating to them; and
- whether Henkel is likely to disclose personal information to overseas recipients, and if practicable, the countries where they are located (see 5.5 below).<sup>3</sup>

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<sup>2</sup> APP1.4(b) & 4

<sup>3</sup> APP 5.1 & 5.2 - the Privacy Commissioner has published guidelines on this.

To the extent practicable, Henkel will provide individuals with the option of not identifying themselves or of using a pseudonym when dealing with Henkel<sup>4</sup>

In the case of unsolicited information, this will generally be destroyed or de-identified unless Henkel could have validly solicited the information and kept it.

Henkel will not adopt or use a government related identifier (eg, TFN, Medicare number) of an individual unless it is permitted to do so by law.<sup>5</sup>

### **5.3 Credit information**

Henkel may obtain information that has a bearing on: an individual's eligibility to be provided with credit; or their history in relation to credit; or their capacity to repay credit (all, 'credit information') directly from an individual or from a Credit Reporting Body (CRB) in connection with an application for commercial credit or provision of a guarantee relating to such an application.

Henkel will only do so where an individual has consented to the disclosure of that information.<sup>6</sup>

Where Henkel obtains such credit information, it will only use that information for the credit guarantee purpose; or internal management purposes of Henkel that are directly related to the provision or management of any credit by it or for debt collection purposes.<sup>7</sup>

Henkel will take such steps (if any) as are reasonable in the circumstances to ensure that the credit information it collects is accurate, up-to-date and complete. When it no longer needs it for the purpose for which it was collected, Henkel will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.<sup>8</sup>

The rights of individuals to access that information are set out in section 11.2 below. Otherwise, the provisions of this policy as they relate to personal information will generally also apply to credit information in relation to an individual.

### **5.4 Purposes for which Henkel collects personal information<sup>9</sup>**

Henkel only collects personal information which is reasonably necessary for its dealings with the relevant individual in the course of Henkel's business, unless there is a need to collect such information in accordance with the Act or to comply with any other legislation.

### **5.5 Storage/location of personal information<sup>10</sup>**

Henkel utilises international affiliates that operate Shared Service Centres located in Slovakia, India, Philippines, Egypt and Mexico, and may disclose personal information to those overseas service centres for data storage and processing accounts receivables and payables. It may also disclose personal information, particularly of employees, as part of personnel management and reporting to regional operations in New Zealand, Malaysia, China, India and head office in Germany.

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<sup>4</sup> APP 2

<sup>5</sup> APP 9.1

<sup>6</sup> Schedule 2, section 20F

<sup>7</sup> Schedule 2, section 21H and 21M

<sup>8</sup> Schedule 2, section 2

<sup>9</sup> APP 1.4(c)

<sup>10</sup> APP 1.4(b), (f) & (g)

Henkel utilises security measures to protect sensitive data and personal information in all of its operations.

Henkel will take such steps as are reasonable to ensure that overseas recipients of an individual's personal information comply with the APPs in relation to that information.<sup>11</sup>

Where that is not the case, Henkel will expressly advise the individual that, if he or she consents to the disclosure of their personal information to an overseas recipient, it may not be covered by the APPs.<sup>12</sup> Such advice will be made before Henkel obtains any such consent and, if consent is not given, disclosure will not be made to that overseas recipient unless Henkel is otherwise permitted to do so on other grounds as set out in APP 8.

If the individual consents to the disclosure to an overseas recipient and they handle the personal information in breach of the APPs:

- Henkel will not be accountable under the Privacy Act; and
- the individual will not be able to seek redress under the Privacy Act; and
- individuals should be aware that the overseas recipient may be subject to a foreign law that could compel the disclosure of personal information to a third party, such as an overseas authority.

## **6 Use and Disclosure of Personal Information<sup>13</sup>**

Henkel's policy is only to use personal information for the purpose which was either specified or reasonably apparent at the time when the information was collected. Henkel may also use or disclose the information collected for any other related purpose for which the individual would reasonably expect it to be used.

Henkel will not use personal information for the purpose of direct marketing without an individual's express or inferred consent and only where Henkel has provided a simple means by which the individual may easily request not to receive direct marketing communications from us (and the individual has not made such a request). Note that the Spam Act and Do Not Call Register Act apply.

If Henkel wishes to use or disclose the personal information in other circumstances, it needs to obtain the individual's consent to do so.

In general, Henkel uses personal information for the following purposes:

- providing products or services that have been requested;
- communicating with the individual;
- assessing the creditworthiness of prospective customers;
- helping Henkel manage and enhance its products and services, including analysing customer feedback and future customer needs;
- providing ongoing information about Henkel's products and services to individuals that Henkel believes may be interested;
- complying with regulatory and legal obligations; or
- recruiting employees and engaging contractors.

## **7 How long will personal information be kept?**

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<sup>11</sup> APP8.1

<sup>12</sup> APP 8.2(b)

<sup>13</sup> APP1.4(c)

Henkel will not keep personal information about any individual for any longer than it needs to. <sup>14</sup> Generally speaking, Henkel will keep employee records for seven years or as required by law.

## **8 Variations**

Henkel reserves the right to vary, replace or terminate this policy from time to time.

## **9 Availability of this policy<sup>15</sup>**

An up-to-date version of this policy is available at [www.henkel.com.au/privacy](http://www.henkel.com.au/privacy).

If you do not have access to the Internet, Henkel will send you a copy upon request.

## **10 Integrity of personal information, enquiries and complaints<sup>16</sup>**

Henkel will take such steps as are reasonable to ensure that personal information it collects uses or discloses is accurate, up-to-date and complete.<sup>17</sup>

### **10.1 Complaints**

If an individual has a complaint about Henkel's privacy practices it should contact a representative from Henkel's Compliance Officer – see contact details below.

### **10.2 Access to and correction of personal information**

Subject to any agreed or lawful exceptions, an individual has a right to:

- access and copy their personal information which is held by Henkel; and
- correct any incorrect information held by Henkel about the applicant.

If an individual requests access to the personal information Henkel holds about them, or requests that Henkel change that personal information, it will respond within a reasonable period and, if it is reasonable and practicable to do so, allow access unless it considers that there is a sound reason under the Act or other relevant law to withhold the information.

If Henkel is satisfied that the personal information is incorrect, Henkel will take such steps as are reasonable to correct that information.

If Henkel refuses to correct personal information as requested by an individual, it will explain its decision to the applicant and advise them of mechanisms available to them to complain about that refusal.<sup>18</sup>

APP 12.3 sets out some grounds upon which Henkel may refuse to provide an individual access to personal information.

### **10.3 Henkel contact details**

Compliance Officer: Susan O'Neill, President and Head of Finance, Australia and New Zealand

Telephone: +61 2 9978 0730

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<sup>14</sup> APP 11

<sup>15</sup> APP 1.5, 1.6

<sup>16</sup> APP 1.2(b), 1.4(d) and (e), APP12 & 13

<sup>17</sup> APP 10

<sup>18</sup> APP 13.3

Email: [susan.oneill@henkel.com](mailto:susan.oneill@henkel.com)

More information:

- <http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles>