

ENERGY FACTS: USE AND DISCLOSURE OF CUSTOMER INFORMATION

Under National Privacy Principles all energy retailers must not use or disclose customer's personal information for a purpose other than the sale or supply of energy services unless:

It is related to the sale or supply of energy services and you would reasonably expect the retailer to use or disclose the information.

- You have consented to the use or disclosure.
- The relevant purpose is direct marketing and it is impracticable for your retailer to
- seek your consent before using the information.
- The use or disclosure is required or authorised by or under law.

Main Purpose

Your energy retailer is allowed to use or disclose your personal information for the main purpose of giving you the service you have agreed with them to provide.

If you have an account with an energy retailer they may use or disclose your personal information for the purpose of supplying you with energy.

Related and Expected Exception

Your energy retailer can use or disclose your personal information for a purpose related to the sale and supply of energy services where you would reasonably expect the retailer to use or disclose the information such as for marketing activities or conducting customer surveys.

Your electricity retailer may use your details for marketing electricity supply services but this exception would not allow them to use or disclosure of your details for the marketing of gas supply services.

Direct Marketing

Your retailer may use your personal information for direct marketing if it is impractical for your retailer to seek your consent before that particular use.

Generally, the Essential Services Commission believes that as energy retailers are in regular contact with their customers it would not be deemed impractical for them to

gain your consent before using your information for direct marketing.

Any circumstances where to gain consent would be deemed impractical would be assessed by the situation and circumstances.

Consent

Your energy retailer can use or disclose your personal information if you have given them permission.

Your retailer is also allowed to use your personal information to request consent to any particular use or disclosure of the information. It may also disclose information to a related body corporate who may then request your consent to market its services to you

To give consent you must be capable of understanding what you are doing, be able to make a judgement based on the information provided to you and state what your decision is.

If you wish to give consent on behalf of someone else you must have legal authority to do so.

Your energy retailer must explain in plain English all matters relevant to you giving your consent including any relevant uses or possible consequences of the disclosure of your information.

Your consent may be given verbally, in writing or by signed electronic communication.

Consent may also be implied. Implied consent is when circumstances would suggest consent has been given even though no direct or explicit words of agreement have been stated. The Commission considers situations where consent is implied are limited. In certain circumstances, consent may be implied if you have not ticked the 'opt out' selection box that is clearly stated on a form that you have signed. The more serious the consequence the less likely it is that implied consent would be considered given.

To receive on-line marketing material you must agree to receive the material on-line.

Legally Required or Authorised

A retailer can use or disclose your personal information where the use or disclosure is required or authorised by or under law.

As a "credit provider" your energy retailer is entitled to access personal credit information about you. Your energy retailer may also provide information to a credit reporting agency about any defaults in relation to your energy bills. For further information please see the ACCC/ASIC guidelines *Dealing with your debt: your rights and responsibilities* at <http://www.accc.gov.au/> or contact them on 1300 302 502.

About this Document

This Document has been prepared by the Essential Services Commission - the independent regulator of the energy and water industries in Victoria.

For further information, visit www.esc.vic.gov.au/yourchoice or call 1300 134 575.