

**MUSICORP'S PRIVACY POLICY**  
**Musicorp Australia Pty Ltd ABN 98 066 641 325**

**Introduction**

Musicorp Australia Pty Ltd ("Musicorp") recognizes the importance of maintaining the privacy of your personal information. Musicorp is committed both to respecting your privacy rights and to protecting your personal information. We are bound by the statement of legal obligations set out in the Federal Privacy Act 1988 known as the National Privacy Principles and any other relevant Health Privacy Principles under State legislation as well as any other applicable laws and codes affecting your personal information (the "Privacy Principles"). The Privacy Principles control the way in which we may collect, store, use and disclose your personal information, including any sensitive information that may come to be disclosed in the course of your dealings with us. Personal information can be described as any information about you where you are identified, or where your identity can be reasonably ascertained, including in the form of an opinion. As such, this means virtually any information relating to names, addresses and other identifying characteristics, along with sensitive information, including health information.

This privacy policy sets out Musicorp's commitment to your privacy and also the protection of your personal information against misuse by acting in accordance with the requirements of the Privacy Principles. It explains what kind of personal information we collect and how we may use that information. It also provides some details about your privacy rights, together with an outline of our general obligations and rights.

In the course of our dealings with you and in order that we may supply you with our products or services, we ask that you provide us with certain information, such as your name, address, contact details and in some instances certain third party information. This information is mostly personal in nature but may in one very limited area also include sensitive or health information, as is explained in more detail below. We understand that the confidentiality of your personal information is a very important matter and we are committed to ensuring that all information, which you provide to us, is handled correctly, used for the purpose for which it was provided and is protected against misuse.

Each of Musicorp's divisions and a number of other entities, which are closely associated with Musicorp or are otherwise integrally involved with the delivery of our products and services to you, have also adopted this Policy as a statement of their commitment to the privacy and protection of your personal information. Therefore in dealing with any of Musicorp's divisions or such other entities, you may be assured that the terms of this Policy will be equally applied in those instances. The divisions or other entities in question at the date of this edition of the Policy include:

- Musicorp (NSW/ACT) Pty Ltd
- Musicorp (Qld)
- Musicorp (Vic/Tas) Pty Ltd
- Musicorp (SA/NT)
- Musicorp (WA) Pty Ltd
- Musicorp Teaching Services Pty Ltd

Additional entities which may be associated or involved with Musicorp from time to time in this way, will be asked to adopt this policy in the same manner as those mentioned.

The application of this Privacy Policy extends to all of your dealings with Musicorp, whether at one of our offices, over the phone or online through our web site.

Please read this Privacy Policy carefully and contact us should you have any questions. From time to time it may be necessary for us to alter or amend the terms of our Policy. You can at any time confirm the latest version of the Policy by visiting our web site at [www.musicorp.com.au](http://www.musicorp.com.au) or by visiting your nearest Musicorp office or by contacting our Privacy Officer. We would encourage you to regularly either check the web site or ask us about updates.

**Some information about Musicorp**

Musicorp is one of the largest, if not the largest supplier of brass and woodwind musical instruments to the primary and secondary school community. Our head office is in Adelaide, with state representative offices (which are mentioned above) in all of the mainland capital cities, plus a selected network of agents. Primarily we are involved with instrument rental and music tuition services but also are involved to a limited degree in retail sales and the offering of instrument repair services.

**Openness of our information handling practices and access to information**

Our dealings with you and our handling of your personal information will be conducted in an open manner. Accordingly, we will let you know:

- When we collect information about you
- What the information may be used for
- What organizations or types of organizations the information may be disclosed to
- If any law requires the collection of such information
- The likely consequences, if any, of not providing us with the all or part of the information

You have a right to access the personal information we have collected in the course of our dealings with you and up-date it if not correct. The law however provides some exceptions to this general right of access and we will inform you at the time that you request access if any of them apply. For example factors affecting the right of access include:

- Access having an unreasonable impact on the privacy of others
- Frivolous or vexatious requests
- Information relating to a commercially sensitive decision making process
- Existence of a legal dispute or proceedings

If we deny access, we will provide you with the reasons why.

In any event before giving you access to your information we may first need to verify your identity. Details of how to request access and how to otherwise contact us in relation to any privacy issues are set out at the end of this Policy. Where our responding to a request for access involves photocopying costs, facsimile charges or labour costs for retrieving the information, a small fee may be charged to cover these.

Upon request, we will also provide you with a more detailed explanation of our privacy policies.

**How we collect Information**

We may collect information about you when you deal with us over the phone, send us correspondence, which may be in the form of a letter, fax or email, when you visit our website and complete an online rental application or if you have contact with us in person. As well as collecting information directly from you, occasionally we may collect information about you from a third party, for example if you have authorized us to be able to speak to a third party in relation to your account with us.

### **What kind of information do we collect and why and what happens if you chose not to provide it**

We respect your privacy and therefore the personal information that we collect is only used for limited purposes. The primary purpose is to enable us to carry out the functions and activities associated with our business and will relate to such matters as:

- assessing an application you make for our products or services, for example for the purposes of our rental agreement and if approved, for establishing and administering your account with us during the continuance of our relationship;
- establishing your account for other services we offer, for example our tuition services and where the service in question is an ongoing one, administering the account for the duration of the relationship;
- identifying you for the purposes of our dealings with you;
- arrears enforcement;
- communications at the end of our arrangements with you.

We may also collect your personal information for a range of other purposes, or secondary purposes that are related to the primary purpose, as well as for certain unrelated secondary purposes but in this case only where you have given your consent to use of the information in this way.

Accordingly, we will only collect your personal information where that information is necessary for one or more of the business functions or activities directly connected with our being able to supply our goods and services to you or in connection with related secondary purposes or with your consent for unrelated secondary purposes. All of these together are called "approved purposes" in this Policy.

In collecting that information, we will only do so by lawful and fair means and so as not to be unreasonably intrusive and at or before the point that we collect personal information from you (or if that is not practicable, as soon as practicable thereafter) we will provide you with a statement outlining certain basic details concerning us and our information handling practices.

Personal information we collect in the course of our dealings with you, will generally only be collected directly from you, such as in a rental or tuition application or administrative form (eg in changing your selected payment method), or when you provide us with information by telephone, over the counter or online via our web site. However in some cases it may be obtained from third parties you have nominated and where we have your consent to do so (such as a spouse or next of kin), or from a credit reporting agency or from publicly available sources of information.

As mentioned, the information may in some cases also include certain third party/referee details. When you provide us with such details, you will at the same time be asked to acknowledge that you are providing it with the knowledge and consent of the party concerned or you are otherwise authorised to provide it, for example as parent or guardian in respect of child/student details requested in our school related rental agreements and our tuition agreements. Such information is subject to the same kind of privacy considerations as are set out in this Policy.

In general terms, the type of personal information that we may collect and the purposes for which it may be used are set out below.

*Information that identifies you, such as your name, address, telephone and email contact details, driver's license and date of birth and third party contact details (eg spouse or next of kin).* This information may be used for purposes such as:

- Entering into rental agreements and tuition agreements and in relation to instruments returned for repairs and contacting you in relation to any matters arising from these transactions
- Identifying you if you contact us for information about your account or transactions with us or on matters arising out of those transactions
- To assist us if we need to contact you about your account or transactions with us
- Advising you of special offers, events and other marketing information about our products or services that may be of interest to you (however, you will have the opportunity to opt not to receive such information at the time we collect your personal information or at any time by contacting us – see below)
- Conducting market surveys or customer research

*Family and employment details and financial information in relation to our rental agreements.* These details may be used for purposes such as:

- Assessing your application and establishing adequate security criteria
- Identifying you if you contact us for information about your account

*Student and school details in relation to our school related rental agreements and for our tuition services.* These details may be used for purposes such as:

- Delivery of products
- Administration and delivery of our tuition services

*Student Healthcare and emergency contact information.* These details will be collected and used only in conjunction with students attending music workshops and camps organised as part of our tuition services to assist with possible health care needs that may arise. If a student attending a workshop or camp becomes ill or is injured, this health information may be disclosed on a needs basis to any relevant care providers but so as only to be able to provide first aid and to seek emergency medical assistance.

*Bank account details for direct debit purposes or credit card account details.* This information is required for the purposes of:

- Our being able to accept the relevant transaction
- Where the relationship is an ongoing one, such as through our rental agreement or tuition service, establishing and administering your account with us and the payment arrangements intended to operate throughout the course of the relationship

*Information from a credit reporting agency in connection with a rental agreement.* This information may be used as part of the process of assessing your application. Further information about this is provided when you apply for a rental agreement.

*Information about individuals who are involved in supplying products and/or services to us.* This information is only used for purposes related to the products and/or services we require.

Other purposes for which we may use your personal information include such matters as:

- To assist us in considering any other applications or requests that you may submit to us after any earlier dealing between us

- To help us identify products and services that may be of interest to you
- To maintain our relationship with you
- For purposes associated with our internal business administration and operation, which may include accounting, risk management, record keeping, archiving, developing systems and staff training
- To manage our rights and obligations in relation to any external electronic payment processing bureau
- To investigate and resolve complaints concerning your dealings with us or others associated with us
- To fulfil our legislative or regulatory requirements
- For any unrelated secondary purposes to which you consent

If you chose not to provide any of the personal information requested, we may not be able to deal with you or to supply you with the product or service that you require.

### Disclosing Personal Information

Personal information may be disclosed by Musicorp to its associated companies (within the meaning of the Corporations Act) and to its state representatives and selected agents. Such information may also be received by them directly (and by our selected agents) in the course of normal business operations. They are all under an obligation to protect the privacy of any personal information disclosed to them or which they may receive and to observe the Privacy Principles in the same way in which Musicorp is obliged to do so. In particular our state representatives may act as Musicorp's agents in performing some of the tasks associated with our normal business operations. To the extent that these tasks involve the use of personal information, they are bound to use that information only in ways specifically authorised by Musicorp and then only in a manner that is consistent with how Musicorp is itself authorised to use that information.

Personal information that we hold may also be disclosed to the following types of organisations:

- Our courier or delivery contractor to the extent necessary to enable delivery of products or their collection
- Our Bankers or electronic payment processing bureau or other financial institutions to the extent necessary for processing our payment arrangements with you, including clearing cheques
- Our solicitors or debt collection agency to the extent necessary to initiate debt collection services or to otherwise enable us to exercise any of our rights arising under an agreement with you
- Our instrument repairers to the extent necessary to identify you and your instrument where any repairs or maintenance is required
- Our accountants or our bankers or its accountants for audit purposes
- Our contractors who provide us with other necessary business services such as, computer consultancy for IT systems support and development, business systems, procedures and infrastructure and mailing house services and printers to the extent necessary for the services they provide to us
- Our tuition contractors to the extent necessary for the delivery of the tuition services we offer
- Our solicitors, accountants, regulatory bodies, government agencies and other parties to whom we are required by law to disclose information to, to the extent necessary to comply with our legal obligations
- To any organizations involved in a transfer of all or part of Musicorp's assets or business operations or those of any of the other entities who are subject to this Policy
- To any other organizations where you have given your consent

The information disclosed to these organizations is for use only for the specific purpose associated with the disclosure. Where appropriate your personal information will be de-identified before being disclosed.

While Musicorp may otherwise provide aggregate statistics about our customers, business activity patterns and other commercial information about our business operations to third parties, in doing so we do not provide any details which may identify you. In particular, unless a disclosure occurs as part of a transfer of assets or business operations, as mentioned earlier, we do not otherwise sell, trade, or rent personal information to others for direct marketing by them.

### Consent to use or disclosure of Personal Information

Usually your personal information is only used or disclosed after we obtain your consent, which can either be express or implied. The affect of giving such consent means that for the purposes of the relationship that you have entered into with us, you consent to the personal information that you have provided being collected, used and disclosed for any of the approved purposes outlined in this Privacy Policy.

Express consent can either be in written or verbal form. For example, our rental and tuition agreements contain statements relating to the use and disclosure of the personal information that we collect through those agreements. By signing those forms you are giving us your express consent in relation to the matters stated in those forms.

Implied consent arises in circumstances where we can reasonably conclude that you have given your consent, by either you having taken some action or deciding not to take some action. For example, new customers purchasing any of our products over the counter will be added to our mailing database to receive information about products or services that may be of interest. As this use of personal information is stated in our Privacy Disclosure Statement available at point of purchase, your consent to this will be implied, unless you tell us otherwise.

In particular, for the limited purposes mentioned above, we will on occasion seek to collect sensitive or health information from you about your dependent student children, in your capacity as parent or guardian and the person authorised to give such information. By supplying such information you will be taken to have:

- given your consent to the collection of that information to the extent that it relates to you; and
- the authority to do so on their behalf or where applicable have the consent of any such dependents to our collection of that information about them from you

Similarly, as also mentioned above, there will be occasions where we will seek to collect certain other third party information in connection with providing any of our goods and/or services to you. Again by supplying that information you will be taken to have the authority and consent of the third parties concerned to our collection of that information about them from you.

In entering into your relationship with us, in conjunction with which you are providing us with any third party information, you will be taken to have agreed to have made the third party aware of the terms of this Privacy Policy and the fact that all personal information collected by us will be handled in accordance with its terms. One exception to this relates to information concerning your dependent children where you are legally recognised as having the authority to provide the information and any consent as to its use on their behalf.

In the particular case of consent being given to the use of personal information for any unrelated secondary purpose, that consent may be withdrawn at any time by writing to us at the contact address given below.

In choosing not to supply any personal information or consent for the manner in which we would normally seek to use the information, we may not be able to deal with you or to provide you with a particular product or service.

#### **Managing Personal Information and its security**

Our procedures recognise the importance of protecting the personal information we hold and we take reasonable steps to protect your information from misuse, loss, unauthorised access, modification or disclosure in accordance with the terms of our Privacy Policy and the Privacy Principles. Our staff have all be informed about the need to protect your privacy and the importance of ensuring that the Privacy Principles are complied with, for example the need to verify identity before disclosing personal information. We accordingly expect our staff to comply with certain set standards of behaviour when dealing with personal information.

The personal information we keep is both in electronic form and in hardcopy or document form. Our electronic records are kept in a secure system environment. Computer and network security measures are maintained such as internet firewalls and data encryption. Only staff who require access to the information in the normal performance of their duties are authorised to have access. In particular, access to bank account or credit card information is restricted to key essential personnel. Hardcopy records and documents are also securely stored and away from public areas, with again only select staff being authorised to have access. We also have physical security measures in place such as, locks and security systems. Additional security measures apply to our online dealings with customers, which are mentioned below.

If any personal information we hold is no longer needed for any of the purposes for which it was collected or for the purpose of enabling us to meet any legal obligations, it will be de-identified, destroyed or deleted from our systems. As regards the latter, personal information we hold, may for legal reasons need to be kept for up to 7 years after the completion of our transaction with you. Where it is sufficient for the information to be maintained in electronic form, as soon as any hardcopy documents or records containing that information are no longer required, they will be securely destroyed.

#### **Keeping Personal Information accurate, complete and up to date**

Musicorp will make every reasonable attempt to ensure that the personal information we hold about you is accurate, complete and up to date at the time of collecting, using or disclosing such information. To assist us in this we would ask that you provide us with correct information and inform us if any of your details change. If we become or are made aware that any personal information is not accurate, complete or up to date, we will take the necessary steps to promptly correct it or if appropriate delete it from our records.

#### **Dealing with us anonymously**

You may deal with us anonymously, where it is lawful and practical to do so. For example if you wish to just inquire about any of our products or services, you do not need to provide us with any personal information.

#### **Your Privacy Online**

The principles set out in this Privacy Policy equally apply to information collected on Musicorp's website to the extent that they are capable of applying in an online environment. However, Musicorp's website ([www.musicorp.com.au](http://www.musicorp.com.au)) also contains a Privacy Statement with further statements relevant to the privacy of your personal information on the internet. If you visit the website we recommend that you review the website Privacy Statement in conjunction with this Privacy Policy.

#### **Contacting us about your privacy and the privacy complaint process**

If you would like more information about our Privacy Policy or have any queries, obtain access to any personal information that we hold about you or make a complaint because you are concerned with the way in which your personal information has been handled, please contact our Privacy Officer. Depending on the nature of your request, you may be asked to properly identify yourself to verify your right to receive the information requested, and may be asked to submit your request in writing. We will endeavour to respond to any inquiry or complaint as soon as possible (usually within 14 to 30 days). The contact details for our Privacy Officer are:

Address: The Privacy Officer  
Musicorp Australia Pty Ltd  
118 Richmond Road  
Marleston SA 5033

Facsimile: (08) 8351 7566  
Telephone: (08) 8351 7555

If you are not satisfied with the response you receive to any complaint, you may then wish to contact the Federal Privacy Commissioner's Office or if the matter concerns an issue governed by State legislation, then the appropriate State authority.

**Last Modified: May 2006**