



Barristers Sickness  
and Accident Fund Pty Ltd.

Privacy Policy  
14 October  
2020



## Abbreviations Used In This Document

<b>BSAF or the Fund</b>	Barristers Sickness and Accident Fund Pty Ltd (Trustee for the Barristers' Sickness and Accident Fund 1961)
<b>Bar Cover</b>	BSAF's business (trading) name
<b>The Act</b>	Privacy Act 1988 (as amended)
<b>APPs</b>	Australian Privacy Principles

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# Privacy Policy

Bar Cover's Privacy Policy is to ensure compliance with the Privacy Act 1988 (as amended) (The Act) and the Australian Privacy Principles provided for under The Act.

Bar Cover is a fund for the benefit of Members who become incapacitated by sickness or personal injury from attending to their practice as barristers. In the course of providing our service, we may obtain Personal Information including Health Information of our Members. Our primary purpose in collecting such information is to assist us in making an informed decision as to whether we should accept the risk of extending or renewing cover and to consider claims.

This Privacy Policy document contains information about how we will collect, hold, use, and disclose Personal Information of our Members, how Members can gain access to Personal Information held by us and how Members may complain about possible breaches of their privacy.

Where we use the terms "we" or "us" in this document, we are referring to any of Bar Cover's directors, staff and contractors or subcontractors engaged to perform the services provided by Bar Cover to its members.

## 1 Personal Information Collected by Bar Cover

The Personal Information we collect from Members includes:

- Your name, address, date of birth, contact details and other personal details as required to set up sickness and accident cover for you;
- Information about the status of your sickness and accident cover;
- Information about claims you make or wish to make on your cover; and
- Personal Information that is regarded as sensitive information or health information, subject to your consent or as authorised by law.

## 2 How We Collect Personal Information

Where it is reasonable and practicable to do so we collect relevant Personal Information from you directly, such as:

- When you submit a proposal form for sickness and accident insurance;
- When you submit a variation to level of cover;
- When you submit a claim for benefits; and
- Each time we have contact with you.

Sometimes we may ask to collect particular Personal Information about you. Unless we have already done so, when or before we collect that information, we will take reasonable steps to inform you of:

- The purposes for which the information is collected;
- Where applicable, any law requiring the information to be collected; and
- The main consequences if all or part of the information is not provided.

Sometimes we collect information from third parties such as:

- In circumstances where additional health information is required we may contact your medical practitioner or other health provider;
- We may contact your medical practitioner to clarify details provided by you; and
- In circumstances where benefits paid to you may be compensable from another source, we may contact the relevant third parties to ensure that our information is accurate.

If you do not provide any information requested about you or do not consent to our collecting that information from third parties, then depending upon the type of information concerned, the consequences of our not being able to collect this information may include:

- Our inability to process any application for membership, membership renewal or claims; and
- Our inability to provide any other services to you.

### **3 Purposes for Holding Personal Information**

We generally hold personal information for the following purposes:

- To approve transactions/claims you wish to make;
- To provide you with services you have requested; and
- To consider your application to join Bar Cover or to renew your policy.

### **4 How We Hold Personal Information**

We hold your personal information in a combination of computer storage facilities and paper-based files.

These facilities and records are located on site at our registered office at 12 Tryon Rd, Lindfield NSW. Bar Cover maintains strict information security and personal information held by us is protected from misuse, loss, unauthorised access, modification or disclosure.

Our electronic data is encrypted and backed up both within our office and by a third party provider located within Australia. This data may include your personal information.

## 5 How We Use Personal Information

We collect and use personal information for the following purposes:

- To check your eligibility for membership or check your identity;
- To process your application for services;
- To provide you with services you have requested;
- To investigate and resolve complaints concerning the provision of services; and
- To comply with legislative requirements and provisions.

## 6 Disclosure of Personal Information

We do not disclose your information to others, except in the following cases:

- With your consent or where it is necessary to provide you with services;
- To a medical practitioner in the course of considering a claim;
- Where required by law; and
- To our reinsurers and their agents.

### 6.1 Your Consent

By becoming a member, or continuing your relationship with us, you are taken to have consented to the following:

- The use and disclosure of Personal Information for the purposes identified in this Privacy Policy; and
- The collection of sensitive health information by us from third parties as detailed in this Privacy Policy.

You should note that you may withdraw any or all of your consents at any time simply by notifying us. However, depending on the circumstances, this may prevent us from being able to provide services to you.

If we use or disclose your personal information in a way not contemplated in this Privacy Policy we will do so only after gaining your consent. We may ask for your consent in writing.

We would not normally expect to disclose your personal information to overseas recipients and would not do so without first obtaining your consent.

## 6.2 Disclosure Without Your Consent

We also may disclose or use your personal information without your consent in the following circumstances:

- For a reasonably expected secondary purpose which is related to the primary purposes for collecting the information as contemplated by this Privacy Policy; or
- We reasonably believe it is necessary to assist an enforcement body to perform its functions; or
- For audit, actuarial, accounting, legal services and for external compliance services; or
- We suspect that an unlawful activity has been, is being or may be engaged in and the Personal Information is a necessary part of our investigation or reporting of the matter; or
- We reasonably believe it is necessary to prevent a threat to life, health or safety; or
- We are authorised or required by law to do so, (eg. where information is required by bodies regulating us or in response to subpoenas or warrants).

## 7 Access and Correction

An individual may request access to personal information held about them. The type of information held generally includes the following:

- A record of premium payments;
- Membership history: includes the history of your membership and level of cover held;
- Financial information: this includes bank account details; and
- Claims history: a record of hospital, medical and or related claims

Details of the personal information held by Bar Cover can be obtained by contacting us in writing to the address specified below. We will acknowledge a request for access and endeavour to respond within a reasonable time. If the request is complex or comprehensive in terms of the scope of information sought, Bar Cover may ask for additional information. Bar Cover may recover from you the reasonable costs of providing access to your personal information.

Where an individual's access request may result in disclosure of personal information and, in particular sensitive information, about other individuals, the request for access must be in writing with appropriate consents or a declaration that consent has been given before the personal information is released.

If an individual establishes that the Personal Information held is not accurate, complete or up-to- date, Bar Cover will take reasonable steps to correct the information. Please assist us to keep accurate details by informing us whenever your personal details change or whenever you become aware our records are inaccurate.

In limited circumstances, a request for access may be denied or restricted access given. Bar Cover will provide reasons for denial or limitation on access and will inform you of any exceptions relied on under The Act.

## 8 Security

Bar Cover has strict information security procedures in place to protect Personal Information held by us from misuse, unauthorised access, modification or disclosure.

Personal information may be stored in either hard copy documents or as electronic data. Security is maintained, for example, by user identifiers and passwords to access our computer system.

Archived information is held on-site at our premises or off-site by our external records management outsource provider.

Archived information is normally held for at least 10 years. After that time Bar Cover may destroy or authorise our external records management outsource provider to destroy such information, using secure destruction methods.

If we have reasonable grounds to believe that there has been an eligible data breach under The Act, we will provide a statement to the Office of the Australian Information Commissioner (OAIC) as required under The Act and we will notify the contents of the statement to each of the individuals to whom the relevant information relates.

## 9 Changes to the Privacy Policy

We may change our policies and update the Privacy Policy from time to time. We may send you an updated Privacy Policy, using methods we choose from time to time, and may publish it on a Bar Cover or related website.

To obtain a copy of our most current Privacy Policy, please visit our website, which can be accessed via [www.barcovers.com.au](http://www.barcovers.com.au) or contact us at 12 Tryon Rd, Lindfield NSW 2070.

## 10 Privacy Complaints

An individual should first direct any complaint of an alleged breach of The Act to BSAF's Privacy Compliance Officer.

BSAF will 'interfere with the privacy of an individual' if it deals with personal information in a way that is contrary to, or inconsistent with, an APP.

The Australian Information Commissioner may investigate complaints about acts or practices that constitute an 'interference with privacy' if BSAF does not resolve the individual's concerns.

If you are not satisfied with how Bar Cover has dealt with the complaint, you may contact the **Information Commissioner** at:

GPO Box 5218, Sydney, NSW 2001

**Telephone:** 1300 363 992 (local call charge)

**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

## 11 Contact Details

### Privacy Compliance Officer:

Steve Kerbel

Barristers Sickness & Accident Fund  
Suite 18, 12 Tryon Rd Lindfield NSW 2070

**Telephone:** (02) 9413 8481

**Fax:** (02) 9413 8483

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