



Barristers Sickness  
and Accident Fund Pty Ltd.

Privacy Policy  
14 December  
2022



# 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

# Contents

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Abbreviations Used In This Document .....	2
Contents .....	2
Privacy Policy .....	3
<b>1 Personal Information Collected by Bar Cover .....</b>	<b>3</b>
<b>2 How We Collect Personal Information .....</b>	<b>3</b>
<b>3 Purposes for Holding, Using and Disclosing Personal Information .....</b>	<b>4</b>
<b>4 How We Hold Personal Information .....</b>	<b>4</b>
<b>5 Disclosure of Personal Information .....</b>	<b>5</b>
<b>6 Access and Correction .....</b>	<b>5</b>
<b>6.1 Your Consent .....</b>	<b>5</b>
<b>6.2 Disclosure Without Your Consent .....</b>	<b>6</b>
<b>7 Notifiable Data Breaches .....</b>	<b>6</b>
<b>8 Direct Marketing Materials .....</b>	<b>6</b>
<b>9 Changes to the Privacy Policy .....</b>	<b>6</b>
<b>10 Privacy Complaints .....</b>	<b>7</b>
<b>11 Contact Details .....</b>	<b>7</b>

# Privacy Policy

Bar Cover complies with the Privacy Act 1988 (as amended) (The Act) and the Australian Privacy Principles provided for under The Act. We are committed to ensuring all Member personal information is handled in accordance with the principles of the Privacy 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

We collect personal information and data in various ways, where we consider it to be reasonably necessary, to enable us to provide you with our products and services. 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 renewal form for sickness and accident insurance;
- When you submit a variation to level of cover;
- When you submit a claim for benefits; and
- When 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, Using and Disclosing Personal Information**

We can only hold, use and disclose your personal information for the purpose it was collected, unless the use or disclosure for another purpose is with your consent or otherwise permitted by law.

We generally use and hold personal information for the following purposes:

- To approve transactions/claims you wish to make;
- To provide you with products and services you have requested;
- To check your eligibility for membership or check your identity;
- To consider and process your application to join Bar Cover or to renew your policy;
- To investigate and resolve complaints concerning the provision of services; and
- To comply with legislative requirements and provisions.

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

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

Bar Cover maintains strict information security systems and procedures to manage and protect the use of records containing personal information. We take all reasonable steps to retain any information held by us is protected from misuse, loss, unauthorised access, modification or disclosure.

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

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.

Where we no longer require your personal information for a permitted purpose under the APPs, we will take reasonable steps to destroy it.

## 5 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 products or services;
- To a medical practitioner in the course of considering a claim;
- Where required by law; and
- To our reinsurers and their agents.

## 6 Access and Correction

You are responsible for ensuring that your personal information is accurate, current and complete.

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

Access to your personal information held by Bar Cover can be obtained by contacting us directly, using the contact details provided below. We will acknowledge a request for access and endeavour to respond within a reasonable time. For your protection, we may require you to confirm your identity before access to your personal information is granted. We do not charge a fee to access 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.

You have the right to request us to correct any inaccurate, out-of-date, incomplete, irrelevant or misleading personal information. If you would like access to your information or to correct the personal information we hold about you, please make the request in writing using the contact details provided below.

In limited circumstances, a request for access may be denied or restricted access given. Access may be refused where providing access poses a serious threat to life, health or safety or if access may have an unreasonable impact on the privacy of other individuals, if Bar Cover refuses to provide you with access, we will provide reasons for the denial or limitation in writing.

### 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 purpose 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, (e.g. where information is required by bodies regulating us or in response to subpoenas or warrants).

## 7 Notifiable Data Breaches

In the event that there is a data breach, Bar Cover will take all reasonable steps to contain the suspected or known breach where possible. Bar Cover will take immediate steps to limit any further access or distribution where possible and take all reasonable steps to ensure an assessment is completed within 30 days of the breach

If remedial action we have taken has not been able to prevent the likely risk of serious harm and if we have reasonable grounds to suspect that the data breach is likely to result in serious harm to any individuals involved, 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.

If remedial action is successful in making serious harm no longer likely, then no notification or statement will be made.

We will review the incident and take action to prevent future breaches.

## 8 Direct Marketing Materials

We may send you direct marketing communications and information about our product and service. These communications may be sent in various forms, including mail, SMS and email, in accordance with applicable marketing laws, such as the Spam Act 2003 (Cth). If you indicate a preference for a method of communication, we will endeavour to use that method wherever practical to do so. In addition, at any time, you may opt-out of receiving marketing communications for us by contacting us (see the details below).

## 9 Changes to the Privacy Policy

We reserve the right to review, change, update, or withdraw this Privacy Policy from time to time. We may send you an updated Privacy Policy, using methods we choose from time to time, and/or publish it on a Bar Cover or related website. We encourage you to periodically review our Privacy Policy on our website [www.barcover.com.au](http://www.barcover.com.au).

## 10 Privacy Complaints

If you wish to make a complaint, or have any concerns about how we have treated your personal information or whether we have complied with the Privacy Act, please contact us using the contact details provided below.

We are committed to acknowledging your complaint in a prompt manner. We will review your complaint and will respond to you after we have carefully considered it (which may require further information from you).

If you complain to us and feel that your complaint has not been satisfactorily resolved, or we have not responded within 30 days of you lodging your complaint, you can contact The Office of the Australian Information Commissioner (OAIC). Complaints to the OAIC must be made in writing.

Post: GPO Box 5218 Sydney NSW 2001

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

Phone: 1300 363 992

Website: [www.oaic.gov.au](http://www.oaic.gov.au)

## 11 Contact Details

### BSAF Privacy Officer

Barristers Sickness & Accident Fund  
Level 21, 264 George Street, Sydney  
NSW 2000

**Telephone:** (02) 9413 8481

**Email:** [office@bsaf.com.au](mailto:office@bsaf.com.au)