



Information Collection, Storage and Dissemination Policy

Nationwide House Energy Rating Scheme[®]

January 2022

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Background

About NatHERS

The Nationwide House Energy Rating Scheme (NatHERS) measures a home's energy efficiency to generate a star rating. It was first introduced in 1993.

The higher the star rating, the less energy needed to heat and cool the home to keep it comfortable.

NatHERS Assessors currently use the house plans and building specifications of a home to input data into a NatHERS accredited software tool. NatHERS tools estimate the amount of heat that needs to be added or removed to keep that home comfortable. The NatHERS tools then generate a NatHERS Certificate with a star rating from 0 to 10. This star rating measures the home's thermal performance, based on its structure, design and materials.

NatHERS remains the most popular pathway to demonstrate compliance with the National Construction Code (NCC) energy efficiency requirements. Around 94 per cent of building approvals in 2020-2021 were assessed via the Scheme. A star rating of 6 or above is required in most parts of Australia for detached homes.

NatHERS is administered by the Department of Industry, Science, Energy and Resources (**the Department**) on behalf of the states and territories.

Under these arrangements, the Commonwealth Government, acting as the NatHERS Administrator (**we, our, us**), is responsible for:

- accreditation of NatHERS Software Tools;
- approval and oversight of NatHERS Assessor Accrediting Organisations (AAOs);
- development and maintenance of NatHERS protocols and procedures;
- management of upgrades to CSIRO's Chenath calculation engine (which currently underpins all of the NatHERS software tools);
- communication with industry, government and consumer stakeholders; and
- NatHERS development.

About this Policy

This Policy outlines how the Department manages the collection, storage and dissemination of NatHERS information. It is a privacy policy for the purposes of the Department's activities as NatHERS Administrator.

The Department is bound by the Australian Privacy Principles (**APPs**) in the *Privacy Act 1988* (Cth) (**the Privacy Act**), which regulates the collection, use, disclosure and storage of personal information (including sensitive information) and how individuals may access and correct records containing their personal information.

The Department also has a Privacy Policy which addresses the Department's general activities, available here: <https://www.industry.gov.au/data-and-publications/privacy-policy>. For clarity where there is a perceived contradiction, the Department's Privacy Policy prevails.

Interaction with other NatHERS documents

This Policy should be read in conjunction with the following documents, which apply to the Department's activities as NatHERS Administrator:

- the Software Accreditation Protocol (**SAP**) under which we accredit software that can be used to generate NatHERS ratings and certificates, and any associated terms and conditions of accreditation; and
- the Protocol for Assessor Accrediting Organisations (**AAO Protocol**) which sets out the rights and obligations of organisations who accredit NatHERS assessors.

Collection of information

What information we collect

The Department collects information (including personal information) that is reasonably necessary for, or directly related to, our functions and activities in administering NatHERS. This information may be collected by us directly from you, or via third-parties such as NatHERS accredited assessors, accredited software providers and NatHERS Assessor Accrediting Organisations (AAOs).

When used in this Policy, the term "personal information" has the meaning given to it in the Privacy Act. In general terms, it is any information that can be used to identify you, whether or not the information is true. If the information we collect identifies you (an individual as opposed to a business or other entity – except sole traders and partnerships), or your identity can be reasonably ascertained from it, the information will be considered personal information.

The Department will only use and disclose your personal information for the purposes it was collected, or otherwise in accordance with the Privacy Act.

The type of information we may collect includes, but is not limited to:

- names;
- contact information, such as mailing and/or street addresses, email address, and telephone and fax numbers;
- details of professions, occupations and/or job titles;
- photographic images and/or pictorial representations;
- information regarding assessor accreditation and conduct (whether NatHERS-accredited or otherwise);
- information regarding assessments conducted or purporting to be conducted in compliance with NatHERS;
- business and other information of organisations we deal with (including accredited software providers and assessor accrediting organisations);
- information which is required to be submitted to generate a NatHERS rating and certificate (including house plans);
- cookie and clickstream data (only limited personal information may be collected via cookies and clickstream data and individuals who do not wish to receive cookies may disable this function on their web browser);
- any additional information relating to you that you provide to us directly through our websites or indirectly through use of our websites, through our representatives or otherwise;

- information which is reasonably necessary for us to fulfil our role as NatHERS Administrator; and
- information you provide to us through our service centre, customer surveys or visits by our representatives from time to time.

Business information provided to us, such as information regarding a NatHERS accredited software provider or an AAO) will not ordinarily fall within the definition of personal information under the Privacy Act, but it may do so when the business information relates to sole traders and partnerships. Business information may also contain some personal information.

We understand that from time to time you may not want to provide this information to us. This may mean that we are not able to provide you with the products and services you require, or a high level of service. In circumstances where it will be impracticable for us to deal with you anonymously, or through the use of a pseudonym, we will ordinarily request you to identify yourself to enable us to appropriately action your request and carry out our functions and activities.

How we collect information

The Department collects information in a variety of ways, including from you directly or from third-parties.

We will generally collect your personal information directly from you. The ways in which we collect personal information may include, but is not limited to:

- through your access and use of our website and web-based channels;
- during conversations with you via telephone and in person; and
- through written correspondence with you, including email.

From time to time we may collect information (including personal information) from third parties including, but not limited to:

- persons who are authorised to act on your behalf;
- other government agencies;
- NatHERS accredited assessors;
- other thermal performance assessors;
- NatHERS accredited software providers;
- NatHERS assessor accrediting organisations;
- law enforcement agencies;
- credit reporting agencies;
- service providers to the Department; and
- other third-parties which have interactions or deal with NatHERS (including building practitioners, other regulatory authorities and members of the public).

Collection of your personal information from a third party may occur if:

- you consent;
- collection from the third party is required or authorised under an Australian law, or a court/tribunal order; or
- direct collection is unreasonable or impracticable (such as where required for us to conduct an investigation into assessor-related conduct).

In limited circumstances we may receive personal information about third parties from individuals who contact us or supply us with personal information belonging to others in the documents they provide. This is referred to as 'unsolicited personal information'. In these circumstances we will consider whether we could have collected the information had it solicited the information and will handle it in accordance with the Privacy Act.

Information collection through our website

The Department collects information through our website in a number of ways.

Analytics

We use Google Analytics to collect anonymised data about your interaction with our website, which is hosted by a third party provider. This data is collected for the purpose of improving our website. The types of data collected include your device's IP address, geographic location (country only, search terms and pages visited, and date and time of webpage access).

Google Analytics uses first-party cookies and JavaScript code to help analyse how users use the site. It anonymously tracks how our visitors interact with this website, including how they have accessed the site (for example from a search engine, a link, an advertisement etcetera) and what they did on the site. The information from the cookie about your use of the website (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purposes of compiling reports on website activity and providing other services relating to website activity and internet usage. You may refuse the use of cookies by selecting the appropriate settings on your browser.

Cookies

A cookie is a piece of information in a small data file that a website sends to your browser when you access our website. Our website uses session-based cookies to gather website usage data, for the purpose of improving our website.

If you do not wish to have cookies placed on your device, you can change your web browser settings to reject cookies.

We will only use this information to:

- evaluate your use of our websites;
- compile reports on website activity for website operators; and
- provide other services relating to website activity and internet usage.

Information collection through our newsletter

The Department publish a NatHERS newsletter via email, and manage the distribution (including contact details) through MailChimp. MailChimp is a third-party service provider, which provides online tools that can be used to create, send, and manage emails.

MailChimp may collect personal information, such as distribution lists, which contain email addresses and other information relating to those email addresses. For further information about the type of personal information MailChimp collects, refer to the MailChimp Privacy Policy.

We will only use this information to:

- create, send and manage emails relating to the work of the Department;
- measure email campaign performance;
- evaluate your click through to website links; and
- improve the features for specific segments of customers.

MailChimp may transfer this information to third-parties where required to do so by law, or where such third parties process the information on MailChimp's behalf.

MailChimp collects information about:

- when you visit the websites linked from the Newsletter;
- when you use the services provided by Mailchimp;
- your browser type and version; and
- your operating system and other similar information.

MailChimp is based in the United States of America (USA) and the information collected about your use of the website (including your IP address) will be transmitted to and stored by MailChimp on servers located outside Australia.

By subscribing to our eNewsletter, you will be taken to have consented to your personal information being used as described above. This means:

- you consent to your personal information being collected, used, disclosed and stored as set out in Mail Chimp's Privacy Policy and agree to abide by MailChimp's Terms of Use;
- you understand and acknowledge this service utilises a MailChimp platform, which is located in the USA and relevant legislation of the USA will apply;
- as you have consented to the disclosure of your personal information to MailChimp, Australian Privacy Principle 8.1 contained in Schedule 1 of the Privacy Act will not apply;
- you understand and acknowledge that MailChimp is not subject to the Privacy Act and you will not be able to seek redress under the Privacy Act, but will need to seek redress under the laws of the USA; and
- you can opt out of our mailing list if you choose the 'unsubscribe' service provided by MailChimp in every email, or contact us.

MailChimp has the endorsement of TRUSTe's Privacy Seal, which means its privacy policy has been reviewed by TRUSTe for compliance with their program requirements, including transparency, accountability, and choice related to the collection and use of your personal information. TRUSTe is an independent third party that operates a globally-recognised privacy trustmark.

Information storage

Storage generally

Once the Department receives information from you, the information is maintained in a secure environment. Your personal information will not be released unless the law permits it or your permission is granted. We take reasonable steps to ensure your personal information is protected from misuse and loss, and from unauthorised access, modification or disclosure. We may hold your information in either electronic or hard copy form. Personal information is

destroyed or de-identified when no longer needed in accordance with the requirements of the Archives Act 1983 (Cth).

Cloud Computing

The Department comply with cloud computing obligations in accordance with the guidelines issued by the Attorney-General. For further information, please refer to the Australian Government Information Security Management Guidelines.

As our website is linked to the internet, we cannot provide assurance regarding the security of transmission of information you communicate to us via online channels. We also cannot guarantee that the information you supply will not be intercepted while being transmitted over the internet. Any personal information or other information which you send to us is transmitted at your own risk.

Our website may contain links to other websites operated by third parties. We make no representations or warranties in relation to the privacy practices of any third party website and we are not responsible for the privacy policies or the content of any third party website. Third party websites are responsible for informing you about their own privacy practices. We encourage you to examine each website's privacy policy.

Storage of personal information

Once we receive personal information, the information is maintained in a secure environment. Your personal information will not be released other than in accordance with the law, this Privacy Policy or your consent.

We take reasonable steps to ensure your personal information is protected from misuse and loss and from unauthorised access, modification or disclosure. We may hold your information in either electronic or hard copy form. Personal information is destroyed or de-identified when no longer needed in accordance with the requirements of the *Archives Act 1983* (Cth).

Use and dissemination of information

Why we collect, hold, use and disclose information

The Department collects information (including personal information) about you so that we can perform our functions and activities. We collect, hold, use and disclose your information to:

- identify you, and update our records and keep your contact details up-to-date;
- provide products and services to you and to send communications requested by you;
- administer NatHERS in accordance with our governance arrangements;
- liaise with key organisations delivering aspects of NatHERS, including accredited software providers, AAOs and state, territory and local governments;
- answer enquiries, and provide information or advice about NatHERS;
- provide you with access to protected areas of our website;
- assess the performance of the website and to improve the operation of the website;
- conduct business processing functions;
- process and respond to any complaint made by you;

- conduct planning, product or service development, program evaluation, quality control and research for the purposes of the Department, its contractors or service providers;
- provide information to our contractors or service providers to enable them to provide our products and services to you, including business, marketing, research and related purposes; and
- comply with any Australian law, orders of courts or tribunals, any rule, regulation, lawful and binding determination, decision or direction of a regulator, or in co-operation with any governmental authority of any country (or political sub-division of a country).

How we may disclose or share your information

The third parties the Department may disclose your information to include, but are not limited to:

- our employees, contractors or service providers for the purposes of operation of our website or our functions, fulfilling requests by you, and to otherwise provide information, products and services to you. This includes, without limitation, web hosting providers, IT systems administrators, cloud computing services, mailing houses, couriers, payment processors, data entry service providers, electronic network administrators, debt collectors, and professional advisors such as accountants, solicitors, business advisors and consultants;
- suppliers and other third parties with whom we have commercial relationships for the purposes of administering NatHERS, and other business, marketing, research and related purposes;
- suppliers and other third-parties delivering aspects of NatHERS, including accredited software providers, AAOs and state, territory and local governments; and
- any organisation for any authorised purpose with your express consent.

We may disclose information to third party suppliers and service providers located overseas for some of these purposes. We take reasonable steps to ensure that overseas recipients of your personal information do not breach the privacy obligations relating to your personal information. However, it may be subject to local legislation.

Your personal information will not be shared or disclosed other than as described in this privacy policy, or unless:

- you have consented;
- the disclosure is authorised or required by or under an Australian law or court/tribunal order; or
- it is otherwise permitted under the Privacy Act.

Additional arrangements

We have additional arrangements in place with NatHERS AAOs and NatHERS Accredited Software Tool Providers to protect your personal information. Both the AAO Protocol and the SAP set requirements that all personal information is managed in line with all relevant legislation.

Contacting us

How you can contact us

If you have any questions about this Policy, or any concerns or a complaint regarding the treatment of your privacy, or a possible breach of this Policy or your privacy, please contact our Information Officer and provide details of the incident so that we can investigate it, via the following:

Information Officer

Department of Industry, Science Energy and Resources

Industry House

10 Binara Street

Canberra City ACT 2601

GPO Box 2013

Canberra ACT 2601

Phone: (02) 6213 6000

Email: admin@nathers.gov.au

The process after you contact us

Requests and complaints will be treated confidentially. Our representative will contact you within a reasonable time after receipt of your request or complaint to discuss your concerns and outline options regarding how they may be resolved. We will aim to ensure that your request or complaint is resolved in a timely and appropriate manner.

When a complaint or possible breach is received, the Department will conduct internal enquiries. The Department will deal with your complaint or possible breach as quickly as possible and will keep you informed of its progress. Once the Department has completed its internal enquiries, you will be advised of the outcome in writing.

If you are not happy with the response provided by the Department and the matter is privacy-related, you can make a complaint to the Office of the Australian Information Commissioner (**OAIC**). Information about how to make a complaint can be found on the [OAIC website](#).

Updates to this Policy

We may update this Policy from time to time. Any updated versions of this Policy will be posted on our website.

This Policy was last updated on 8 February 2022.