

# PRIVACY POLICY

Revised on 24 November 2016

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## 1 Overview

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*We know that the manner in which we collect, use, disclose and protect the personal information of the people we deal with is important. That's why protecting personal information and being clear about what we do with it is a key part of our business.*

This Privacy Policy (**Policy**) applies to South32 Limited and its subsidiaries, unless any of those subsidiaries has developed and implemented its own privacy policy (**South32, we or us**).

As a global mining company, South32 is regulated under data protection laws and privacy laws that apply in its countries of operation. This Policy is not intended to explain all the different legal obligations that apply to South32 around the globe under applicable privacy and data protection laws, rather it is intended to provide a general illustration of how South32 will process personal data about you.

When we handle personal information in Australia we are bound by the *Australian Privacy Act 1988* (Cth) (the **Privacy Act**) and the Australian Privacy Principles. Similar principles and requirements apply in the other jurisdictions in which South32 handles personal information. This Policy details how we handle personal information in accordance with those requirements.

South32 is committed to complying with the privacy laws which apply to its businesses and respecting the privacy and security of any personal information we receive or collect.

## 2 What is this Policy about?

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This Policy outlines how we handle “personal information”, being any information (including an opinion) which can be used to identify you. This includes “sensitive information”, such as information about your race or ethnicity, political or religious beliefs, membership of a professional or trade association and health information.

This Policy addresses who we collect personal information from, what personal information we collect and hold, how we collect and hold personal information, why we collect, hold and use personal information, why we disclose personal information, and where you have a right to access, and seek correction of, your personal information.

We also detail how you can contact us if you have any questions about this Policy, would like to access or correct the personal information we hold about you or would like to lodge a complaint with us regarding our compliance with applicable privacy laws, including the Privacy Act, or this Policy.

### **3 Who do we collect personal information from?**

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When people and businesses interact with South32, they will generally provide us with some personal information. This is because it is impractical, in most instances, for us to do business with an anonymous party.

We may collect personal information during the course of our business interactions with you, including from third party contractors, employees, landholders and community members, shareholders and visitors to our offices, operational sites and website.

Where it is lawful and practicable for us to allow it, you have the right not to identify yourself when dealing with us. However, if you don't provide us with your personal information, it may impact on our ability to provide you with a specific product or service. For instance, we will be unable to register you as a shareholder of South32 Limited without first collecting your name and address.

### **4 What personal information do we collect?**

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South32 will only collect personal information where it is reasonably necessary for the purposes of our business, including our legal or regulatory compliance obligations from time to time. We will only collect personal information about you by lawful and fair means and will only collect that information to the extent required depending on the nature of our interaction with you. The personal information we may collect includes the following:

- from shareholders: their shareholding, name, address, banking details and tax file numbers for payment of dividends and other amounts
- from employees: (depending on the service provided) their names, addresses, birthdates, working conditions, health and workers compensation claims information, results of drug and alcohol testing, information regarding equal opportunity monitoring, banking and tax file numbers
- from our suppliers: some limited information including the names and contact details of the people that we deal with and information necessary to allow us to conduct business partner clearance procedures
- from job applicants: employment and academic histories, names and contact details of referees and, in some cases, limited health information, employment history, experience and details of performance, education, qualifications and skills, professional memberships and affiliations
- from people who correspond with us, including visitors to our website: copies of correspondence and relevant contact details, and
- from visitors to our physical premises: name and employer details.

## **5 How do we collect and hold personal information?**

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South32 will collect personal information directly from you where it is possible to do so. This may be because you have corresponded with or registered your details with us, entered into arrangements with us, or provided feedback to us. We may also collect personal information from third parties, for instance information regarding shareholders is collected from our share registrar and information about job applicants may be collected from recruitment agents.

We will only collect sensitive information directly from you with your consent, or where we are required, authorised or otherwise permitted to collect the information from a third party by law.

We may collect personal information orally, in writing, by telephone, by e-mail, via our website and in person. We will not collect personal information in an unreasonable or intrusive manner.

We hold your personal information electronically and, in some cases, hard copy form, both at our own secure premises and with the assistance of our service providers. We are committed to keeping your personal information safe, confidential and secure and take all reasonable steps to ensure that the personal information that we hold is protected from loss, misuse, unauthorised access and corruption by computer viruses. We use physical, electronic and procedural safeguards to do this. We also train our employees on privacy matters as appropriate, and seek to limit access to personal information to those staff members, joint venture partners, subsidiaries and third parties who need to know that information.

## **6 Why we disclose personal information?**

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We do not disclose personal information, other than as set out in this Policy, unless we are permitted to do so by law or have obtained your consent. We are permitted by law to disclose personal information in certain circumstances (for instance, to our related companies) as required in our interactions with you.

Your personal information may be disclosed between related bodies corporate within the South32 group worldwide, and used by those entities for the same purposes for which we are entitled to use it. We may also disclose your personal information to third party business service providers and business associates, including (but not limited to):

- auditors, legal advisers and share registries
- IT service providers
- government and law enforcement agencies
- financial institutions, and
- where disclosure is required by law.

We take contractual steps to protect the confidentiality and security of your personal information when it is disclosed to external service providers and third parties with whom we do business and seek to ensure your information is dealt with in accordance with our instructions, applicable privacy laws, and only for the purpose for which it is disclosed.

## **7 Will my information be disclosed overseas?**

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Possibly. South32 may disclose your personal information to entities located in different countries, including to our own related bodies corporate, third party business service providers and business associates.

South32 companies may be located in a country which does not afford the same level of protection as your country or where your personal data may be accessible by law enforcement, government, regulatory or national security authorities. In addition, South32's external service providers (including external professional advisers) may be located in a country which does not have laws that provide the same level of data protection as in your country. Where we disclose personal information overseas, we will take all reasonable steps to ensure that the recipient will handle the information in a manner consistent with this Policy and the Privacy Act, including contractual steps where the information is disclosed to third parties.

South32 has operations in many countries across the world. The current list of countries or regions which your personal information could be sent to includes (without limitation) Brazil, the British Virgin Islands, Canada, Colombia, Gabon, Mexico, Namibia, the Netherlands, Singapore, South Africa, Switzerland, the United Kingdom and the United States of America.

## **8 Can I access the personal information that you hold about me? What happens if I need to change that information?**

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It is important to South32 that the personal information we hold about you is accurate, complete, not misleading and kept up to date.

You can request access to your personal information held by us, or request that it be updated or corrected, at any time, by contacting our Privacy Officer at the address below. To ensure confidentiality, details of your personal information will be passed on to you only if we are satisfied that the information relates to you. A fee will not be charged for an access request, but you may be charged the reasonable expenses we incur (for instance extraction, search and copying costs).

We will respond to any access request within a reasonable time (usually 30 days), and will try to give you full access to the information you have requested in the way you have requested it, unless there is a legal or administrative reason we cannot do so.

## **9 How does South32 deal with personal information it no longer needs?**

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South32 archives and destroys records, which include personal information, according to our information management requirements, which incorporates document retention and destruction requirements imposed by law.

If we receive unsolicited personal information, it will be handled in accordance with this Policy and the information management requirements.

## **10 Who can I contact if I have a question or a complaint?**

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If you have a question, concern or complaint regarding the way in which we handle your personal information, or if you believe that South32 has breached its obligations under the Privacy Act or has failed to comply with this Policy, you can make a complaint.

Any complaint should be made in writing to:

**By mail:** Privacy Officer  
South32 Limited  
Level 35  
108 St Georges Terrace  
Perth WA 6000

**By email:** [privacyofficer@south32.net](mailto:privacyofficer@south32.net)

South32 will review and respond to your complaint as soon as possible, generally within 30 days of receiving it.

If you are not satisfied with our response, you can refer your complaint to the national data protection authority applicable to your jurisdiction (in Australia, this is the Office of the Australian Information Commissioner (**OAIC**)). The OAIC, together with other national data protection authorities, will generally only consider your complaint if you have first written to us and given us a reasonable opportunity to resolve your complaint.

## **11 Will we make changes to the Policy?**

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We will update this Policy from time to time. Please visit our website at [www.south32.net](http://www.south32.net) to obtain a copy of the latest version at any time.