

# Privacy Policy

Managing the collection, use, disclosure and security of personal information



WHYTE, JUST & MOORE - LAWYERS

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## 1 Purpose and scope

### 1.1 Purpose

- (1) At Whyte Just & Moore we are committed to keeping your personal information safe and secure. We are required to comply with the Australian Privacy Principles (**APPs**) as found in the *Privacy Act 1988* (Cth) (the **Act**).
- (2) The APPs regulate how personal information is handled from its collection to use and disclosure, storage, accessibility and disposal.
- (3) The purpose of this policy is to outline how we collect, hold, use and disclose personal information to assist us in carrying on our business and the steps we take to secure it.
- (4) This policy may be reviewed and amended by us from time to time.

## 2 Personal information

### 2.1 What is personal information?

'Personal information' is any information that identifies you or information that can reasonably be used to identify you (**Personal Information**). This may include:

- (1) your name, gender, date of birth and age;
- (2) contact details, including residential and/or business addresses, email addresses and telephone numbers;
- (3) financial information such as bank details, employment or business details;
- (4) associations and affiliates, including trusts and companies; or
- (5) relationships with individuals, including family members, friends and professionals.

### 2.2 Purpose

- (1) We will collect your Personal Information only when it is required to conduct our business as a law firm.
- (2) We will not use your Personal Information for any other purpose unless we have your prior written consent.

### 2.3 Collection of Personal Information

- (1) We collect your Personal Information where it is necessary in order to provide you with our legal services.
- (2) The main ways we collect your Personal Information are:
  - (a) directly from you during the course of your legal matter;

- (b) when you visit and browse our website;
  - (c) interact with us electronically by social media (including Facebook, Instagram or LinkedIn);
  - (d) contact us by email, telephone or facsimile; or
  - (e) if you are a supplier or service provider to our business.
- (3) We may also collect your Personal Information from third parties where:
- (a) you authorise a third party to provide us with your Personal Information on your behalf;
  - (b) it is unreasonable or impracticable to obtain the Personal Information directly from you; or
  - (c) the information is publicly available.

### **3 Use and disclosure of Personal Information**

#### **3.1 Use**

- (1) We will collect, hold, use or disclose your Personal Information in order to:
- (a) provide our legal services;
  - (b) provide you with our communications;
  - (c) obtain the services of third party service providers as part of providing our services;
  - (d) manage and improve our legal services and client relationships;
  - (e) where we are otherwise required or authorised to do so by law; and
  - (f) otherwise to run our business.

#### **3.2 Disclosure**

- (1) Subject to our professional obligations to you, we may disclose your Personal Information to:
- (a) other entities (such as barristers, experts and/or valuers we have engaged, and other parties involved in dispute resolution) as part of providing our services to you;
  - (b) third party service providers, agents and contractors such as imaging firms, marketing firms and couriers;
  - (c) our professional advisers and insurers;
  - (d) regulators, government agencies, and law enforcement agencies or as otherwise required or authorised by law; and
  - (e) others where you have provided consent for us to do so.

- (2) We do not routinely disclose Personal Information overseas. We do disclose Personal Information overseas when it is specifically appropriate to providing our legal services for a particular client.
- (3) If we do disclose your Personal Information we ensure that the recipient is bound by an obligation of confidentiality, where it is lawful and appropriate to do so. However, if Personal Information is disclosed to a Court or a government body, it will usually not be possible to require that it be kept confidential.

## **4 Marketing**

### 4.1 Marketing

- (1) Where we have a business relationship with you, or you have consented, we may send legal updates or other communications to you.
- (2) You may opt out at any time if you no longer wish to receive our marketing information. You can make this request by contacting our Privacy Officer (details below), or by 'unsubscribing' from our email marketing messages.

### 4.2 Third party

We do not disclose your Personal Information (including your email address) to any third party for the purpose of allowing them to market their products or services to you.

## **5 Data quality and security**

### 5.1 Data Quality

The accuracy of your Personal Information is important to us and is essential to providing you with proper legal services. We take reasonable steps to ensure that the Personal Information we collect, use and disclose is accurate, complete and up-to-date and, in the case of use or disclosure, relevant.

### 5.2 Data Security

- (1) We hold your Personal Information in physical as well as electronic files and we take stringent measures to protect that information from misuse, interference and loss and from unauthorised access, modification or disclosure.
- (2) We have a broad range of security safeguards in place to protect your Personal Information, including that:
  - (a) all electronic databases incorporate strict password access and virus and firewall protection; and
  - (b) security measures both physical and cyber are taken to deal with external threats and the possibility of internal breaches.
- (3) When we no longer require your Personal Information, it is securely destroyed and/or deleted from our systems. For your matter related information, this will occur seven years after the completion of your matter.

## **6 Access and correction**

### 6.1 Access

- (1) You may request access to the Personal Information we hold about you at any time, by contacting our Privacy Officer (details below). We will promptly acknowledge your

request for access and let you know when we will provide you with the requested information.

- (2) In normal circumstances we will give you full access to the Personal Information held about you as soon as practicable, subject to and in accordance with the Act. However, in some circumstances we may require proof of identity, impose a charge or deny your request if it would be unreasonable to provide you with access, or would impact on the privacy of another person.
- (3) We reserve the right to charge a fee for searching for and providing access to your Personal Information. In the event we refuse you access to your Personal Information, we will provide you with an explanation for that refusal.
- (4) Due to our professional obligations, we may not be able to confirm that we act for a particular client or whether we hold any information about any person at a particular time or at all.

## 6.2 Correction

- (1) We seek to ensure that the Personal Information we hold is accurate, up-to-date and complete.
- (2) You can request that information about you be corrected or deleted. However, Personal Information may be retained in certain files in order to resolve disputes or for auditing purposes.
- (3) Where we believe that the information we hold is inaccurate, out-of-date, incomplete, irrelevant or misleading, we will take reasonable steps to correct that information and (if you ask and it is reasonable and practicable for us to do so) to notify that correction to third parties that may have received the incorrect information from us. If you believe that information we hold about you should be corrected, you may also request that we do so, by contacting our Privacy Officer (details below).
- (4) If we do not agree with the corrections you have requested, we are not obliged to alter your Personal Information and may refuse to do so. If we refuse, we will provide you with an explanation for that refusal.
- (5) We will not charge you for making a correction request, for correcting your information or for associating a statement with your information.

## 7 Enquiries and complaints

- (1) If you have any enquiries, concerns or complaints about this privacy policy, how we handled your Personal Information or our compliance with the Act, please contact our Privacy Officer.
- (2) We will respond to your complaint within a reasonable period of time or let you know if we need further information to respond to your enquiry, concern or complaint.
- (3) If the complaint cannot be resolved, you can contact the Office of the Australian Information Commissioner on 1300 363 992 or via email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).

## 8 Privacy Officer

Privacy Officer:           Name:           Will Punivalu  
  Address:       27 Malop Street  
  Geelong Victoria 3220  
  Phone:        5222 2077  
  Email:        [will.punivalu@wimlawyers.com.au](mailto:will.punivalu@wimlawyers.com.au)