



Christine Smyth Estate Law

Accredited Specialist Succession Law
We Hear. We Care. We Act.

Christine Smyth Estate Lawyers - Privacy Policy

Collection Notice

- *We collect personal information about individuals as part of our normal work in providing legal services for our clients. If you provide us personal information, we will make a record of it.*
- *We make every effort to ensure personal information we hold is accurate*
- *This policy contains information about how you may access the personal information we hold about you and seek correction of such information.*
- *This policy contains information about how you may complain about a breach of the Australian Privacy Principles, and how we will deal with such a complaint.*

Privacy Policy Quick Reference

- *We do not sell or give your personal information to marketers.*
- *We do not spam you.*
- *We are bound by strict rules of confidentiality to our clients, and we comply with those rules. We do not disclose personal information in breach of those rules.*
- *We use cloud services for functions like email, data storage, retrieval and transfer. The computers providing these services (and hence your personal information) may be overseas.*
- *We use Australian and overseas contractors in USA, India and The Philippines, and your personal information may be disclosed to those contractors. Those contractors only use the information in providing us services, and are legally bound to keep personal information confidential.*

Privacy Contact Information

Please direct any privacy related queries in writing to:

Privacy Officer

PO BOX 2505

Burleigh Waters Qld 4220

Privacy Policy

This document sets out the detail of our policies for the management of personal information.

Our privacy policy may change from time to time. The current version of our privacy policy may be obtained from our website at: www.csel.com.au



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If you are concerned that the personal information we hold about you may be inaccurate, or that we have breached our obligations to you under this privacy policy, please contact us.

What is 'Personal Information'?

The Privacy Act 1988 defines personal information as:

"information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and*
- (b) whether the information or opinion is recorded in a material form or not."*

We may hold information that does not constitute personal information. This Privacy Policy applies only to personal information, as defined.

What personal information do we collect and hold, and how do we collect it?

We keep records of our communications with or on behalf of our clients, and with suppliers, contractors and potential suppliers and contractors. Any information supplied to us, by any means, including personal conversations, written communications (including via electronic means), or the supply of documents (including electronic documents) is routinely retained as a record associated with the relevant client file. These records include names, addresses (including street, postal, email, telephone and other communication methods), date of birth, photographic identifiers, and will include confidential information and instructions relating to the legal matter for which our client is retaining our services, which may include sensitive information about an individual's assets, liabilities, state of health, criminal history, tax file numbers, intended course of action, or instructions.

We prefer to obtain personal information directly from the person about whom the information relates. We may obtain personal information from another party whom we reasonably consider is likely to provide a reliable source of information about the person. Examples of this may include information supplied by professionals engaged by the individual, such as lawyers, doctors, accountants, and persons with whom you have instructed or requested we liaise.

In the course of providing legal services to a client, we may need to collect personal information about another person via means other than from that person themselves - this applies particularly in cases where information is being collected about a person for whom we do not act who is involved in the proceedings with our client.

Examples of information we collect and hold, and how we collect it, include:



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Information We Collect

Records of in-person discussions

Records of correspondence

Records of Telephone Conversations

Records of Online Communications

Records of Banking/Financial Transactions

We may collect personal information from data collected during the course of visits to our website.

How We Collect it

Dictated and/or typed file notes and/or audio/video recordings

Paper based records are scanned and/or retained in paper form, electronic communications (including facsimiles, emails and instant messaging) are retained in their original form and/or converted to printed or other electronic form and copies retained

Dictated and/or typed file notes and/or audio/video recordings

Dictated and/or typed file notes, original and/or printed or electronically converted copies of the communication, and/or audio/video recordings.

Bank Statements, Online Banking facilities, communications with Financial Institutions.

Why do we collect information?

We only collect personal information when that information is necessary for one or more of our functions or activities. The principal functions and activities for which we collect personal information are:

- *To identify you when you communicate with us*
- *To provide legal services to our clients*
- *To comply with any law or legal obligation (such as the obligation of disclosure of documents in court proceedings)*
- *The provision and/or marketing to the public of services and products reasonably complementary to legal services*
- *The management and efficient operation of our business, including credit management, staff training and development.*

Laws Requiring Collection/Disclosure of Information

In the course of legal proceedings for which we represent clients, laws of disclosure may require us or our clients to collect and provide documents (which include personal information) information to the court or another person. Some laws require us to provide copies of documents we hold (which may contain personal information) to another person

We are required by laws governing the legal profession to collect and retain records including personal information, and upon demand to disclose that information to our Law Society and/or our Legal Services Commission.

We may be required by Anti-Money Laundering or Counter Terrorism Financing legislation to collect your personal information and to disclose that information to Australian government agencies.



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We will collect and disclose information in order to comply with such laws, or to assist our clients to comply with such laws.

Consequences of Non-Disclosure

If you do not provide us with the information we ask for, we may not be able to properly carry out our functions or activities. This may mean that you, or a client of ours, may not receive the assistance required or being sought from us, or we may not be able to provide you with information or assistance we consider to be useful to you. We may also be obliged to refuse to accept your instructions to act for you, or to communicate to you information you request from us.

Use and Disclosure of Personal Information

Generally, we do not disclose personal information to anyone you would not expect us to.

We use and disclose personal information in the course of providing legal services to our clients, to assist our clients in achieving their goals and to remain in compliance with the law. We also use personal information in the course of our own business, including to enforce obligations and collect amounts due to us from our clients.

We disclose personal information where required to do so by law.

We may also use personal information to offer you services we consider may be of benefit to you. We do not sell your personal information to any other party for marketing purposes. In the event we sell our business your personal information will be disclosed to the buyer. In that case the buyer will be legally required to protect your personal information as if you had given the information to them in the first instance.

Circumstances may arise in a particular instance in which we disclose personal information on another basis. We will not do so in breach of the duty of confidentiality which we owe to our clients.

Contractors

We use contractors to assist us to carry out our functions and activities, and those contractors may be given access to personal information.

Any external contractors we use are legally required to keep personal information confidential.

Examples of contractors who may have access to personal information are:

- *Accountants and Auditors*
- *Information Technology providers*
- *Secretarial and Administrative Support providers*
- *Agents and/or consultants whom we engage:*
 - *to assist us in provision of legal services to our clients; or*



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- *to assist us in carrying out our business functions*
- *Financial Institutions used by us in our business*
- *Other law firms, lawyers and barristers engaged by us*
- *Our Insurers.*

Overseas Transfer

We use cloud services for functions like email, data storage, retrieval and transfer. The computers providing these services (and hence your personal information) may be overseas.

We use overseas contractors to assist us to provide services such as administrative, paralegal, or secretarial services, to our clients and generally in operating our business. Those contractors have access to personal information we hold. Those contractors are legally required to keep personal information confidential. In particular, personal information is likely to be disclosed to contractors in United States of America, India and The Philippines.

Transfer of Business

If we sell the business or form a new entity to carry on the business, the personal information we hold will be transferred to the buyer or new entity. The new entity will be required to protect the personal information as if they had originally collected it.

How do we store personal information?

We store our records primarily in cloud based computer systems. The computer systems providing these cloud based services may be anywhere in the world.

We also store some of our paper records, and these are stored at Gold Coast, Australia

We utilise cloud storage systems for backup and for remote data access, and the computer systems providing these cloud storage services may be located anywhere in the world.

Access to Personal Information

At your request, we will provide you with access to personal information we hold about you. We may charge you a fee for the provision of the access.

We will not provide you with access where the Privacy Act 1988 does not require, or provides an exception to, our provision of that access. We will not give you access to information where to do so would be in breach of a legal obligation of confidentiality that we owe to another person.

We will give you reasons if we decide not to provide you with access.

You must make a request for access to your personal information personally, and provide us with adequate identification before access is granted. Depending upon the nature and location of the information, we may



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require some time to obtain and collate the information before we are able to give you access to it.

Data Quality

We strive to ensure that the information we hold is wholly accurate, complete and up-to-date. Whenever we become aware that this is not the case, we will update, complete or correct that information.

If you consider that the personal information we hold about you is not accurate, complete and up-to-date, please tell us. Unless we disagree, we will correct our information.

We will give you reasons if we decide not to correct our information. We will, at your request made in this instance, take reasonable steps to associate with the information a statement from you that you consider that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

Government Identifiers

We will not use as our own identifier of an individual, an identifier that the Privacy Act 1988 prohibits being used for this purpose.

Anonymity & Pseudonymity

It is impracticable to provide legal services on an anonymous basis, and we are required by law to identify individuals in the course of providing many common legal services (for example, we are required to identify you when witnessing your signature to any sworn document, and most government documents, including documents associated with transactions involving real estate). We are unable to supply legal services on an anonymous basis or to individuals using a pseudonym.

If you are not a client of our firm we may require proof of your identity before providing you with information or releasing documents to you, in order that we may meet our obligations of confidentiality to our client.

Complaints

If you wish to complain that we have breached any of the Australian Privacy Principles that bind us, you may do so by writing to:

Privacy Officer, Christine Smyth Estate Lawyers, PO Box 2505, Burleigh Waters Qld 4220

- A formal written notification of the detail of the complaint, including identification of the APP which you consider has been breached, and providing any supporting evidence establishing the breach;
- Identification documents for yourself satisfactory to us (we will require adequate photographic identification);
- Your contact details, including an email address and telephone number, so that we may contact you to clarify any aspect of your complaint.

We will investigate your complaint, and will respond to you in writing within a reasonable time. In the course



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of our investigation we may ask to meet with you to discuss the issues raised in your complaint. When we have completed our investigation, we will write to you with our decision.

If you remain dissatisfied after you have our decision, you may complain to the Australian Information Commissioner.

Alterations to Policy

We may alter the terms of this policy at any time. We will publish the current version of our Privacy Policy on our website at www.csel.com.au

Liability limited by a scheme approved under professional standards legislation