

# Legal & Privacy

August 2014

## Lynch Meyer Privacy Policy

Lynch Meyer and its affiliates (collectively known as "Lynch Meyer" and also referred to in this Policy as "us," "we" and "our") seek to provide the best possible service to its clients.

We understand how important it is to protect your personal information. This document sets out our Privacy Policy commitment in respect of personal information that you may provide to us.

We recognise that any personal information we collect about you will only be used for the purposes indicated in our policy, where we have your consent to do so, or as otherwise required or authorised by law. It is important to us that you are confident that any personal information we collect from you or is received by us will be treated with appropriate respect ensuring protection of your personal information.

Our commitment in respect of personal information is to abide by the Privacy Act 1988 (Cth) and any other relevant law.

## Who is Lynch Meyer?

Lynch Meyer is an Adelaide-based commercial law firm. Our business is the delivery of legal services. Lynch Meyer respects the privacy of individuals and has current systems in place to protect personal information from misuse, loss and unauthorised access, modification or disclosure.

Due to the nature of our work, Lynch Meyer may from time to time act for credit providers and provide advice to the credit provider on the enforceability of a loan made by that credit provider. In this capacity we may act as an 'affected information recipient' as defined in the Privacy Act (Cth).

## Personal information

When we refer to personal information we mean information or an opinion about you, from which you are, or may reasonably be, identified.

This information may include (but is not limited to) your name, date of birth, driver's licence number, marital status, phone number, email address, address, nationality, employment history, income, assets, liabilities and repayment history information.

Due to the nature of the services provided by us, some of the information we collect may be sensitive information, including details about your race or ethnic background. We may also collect other sensitive information about you from time to time (such as information about your health, religion, trade union membership, political opinion, sexual preference or criminal record), but only if such information is required in order to provide legal services to you. We will only collect sensitive information about you with your consent.

In addition, when we act for credit providers and provide advice to the credit provider on the enforceability of a loan made by that credit provider, we may receive personal credit information about you including:

- your identification details

- what type of loans you have
- how much you have borrowed
- whether or not you have met your loan payment obligations
- any court proceedings that are on foot that relate to you
- if you have committed a serious credit infringement (such as fraud).

We may also receive an opinion from a credit provider about their overall assessment of your creditworthiness.

We collect and receive personal information about you in order to conduct our business and to provide our legal services. We may also use the personal information we hold about you for direct marketing of our legal services or for the purpose of providing you with information which may be of interest to you from time to time. This information will usually be in the form of a newsletter and is provided free of charge. Any such mail-out includes a provision which allows you to opt out of receiving further information by return mail.

### How do we collect your personal information?

Where reasonable and practical we will collect your personal information only directly from you. However, we will also collect information about you from third parties, such as a partner or spouse who contacts us on your behalf, from our contractors who supply services to us, from a financial institution on whose behalf we act, through our referrers, from a publicly maintained record or from other individuals or companies authorised by you.

If you do not provide the information requested by us, we may not be able to provide you with our legal services.

If you provide personal information to us about someone else, you must ensure that you are entitled to disclose that information to us and that, without us taking any further steps required by privacy laws, we may collect, use and disclose such information for the purposes described in this Privacy Policy. For example, you should take reasonable steps to ensure the individual concerned is aware of the various matters detailed in this Privacy Policy. The individual must also provide the consents set out in this Privacy Policy in respect of how we will deal with their personal information.

Should you be seeking our advice for the first time by email, please only provide your name and the names of others involved in the transaction or matter. Please be sure to not include any confidential information about the substance of the transaction or matter to allow us to undertake conflict checks. Unfortunately, should you do so before we are formally retained, we are unable to guarantee the confidentiality of the information provided.

### How do we use your personal information?

Personal information about clients will only be used internally or disclosed on a confidential basis to other firms acting as our agent. Your personal information will not be forwarded to any third party without your express consent. If we need to forward personal information to any third party, such as an interstate or overseas agent, a barrister or a government agency, we will first obtain your consent. We use your personal information for the purpose for which it has been provided, for reasonably related secondary purposes, any other purpose you have consented to and any other purpose permitted under the Privacy Act. This may include using your personal information for the following purposes:

- to provide you with the products or services you requested
- to verify your identity
- to assess, process and manage your application for employment
- for complaints handling or data analytics purposes.

We will not use information about you that is provided to us by a credit provider to whom we provide advice about the enforceability of a loan made by that credit provider for any purpose other than providing legal advice to that credit provider and acting on behalf of that credit provider.

### To whom will we disclose your personal information?

To enable us to maintain a successful relationship with you, we may disclose your personal information to:

- organisations that provide services to us, such as settlement agents, financial institutions, credit reporting agencies, rating agencies and debt collectors
- your employer/s or referees, your guarantors, your professional advisors, your bank and any other organisation that may have or is considering having an interest in our business
- companies and contractors who we retain to provide services for us, such as IT contractors, call centres, stationery printing houses, mail houses, storage facilities, lawyers, accountants and auditors, who will need to have access to your personal information to provide those services
- people considering acquiring an interest in our business or assets
- other individuals or companies authorised by you.

We may also disclose personal information about you to a credit provider who has retained us to provide advice to them on the enforceability of a loan made by that credit provider.

By providing us with your personal information, you consent to us disclosing your information to such entities without obtaining your consent on a case by case basis.

Sometimes we are required or authorised by law to disclose your personal information.

Circumstances in which we may disclose your personal information would be to a Court, Tribunal or law enforcement agency in response to a request or in response to a subpoena or to the Australian Taxation Office.

Lynch Meyer record IP information from people who visit our website to assist with marketing planning, and to ensure a better user experience for frequent users. This IP information is not associated with user identity.

Some of our third party service providers are located in countries outside of Australia (mostly in United States, Europe or the United Kingdom). We may transfer information about you to these service providers located in other countries for a relevant purpose described above. Although our contracts with these parties generally include an obligation for them to comply with Australian privacy law and our Privacy Policy, some of these countries do not have laws that provide the same level of protection as the laws of Australia.

### Direct marketing

From time to time we may use your personal information to provide you with current information about our legal services or services being offered by us or any company we are associated with. By

providing us with your personal information, you consent to us using your information to contact you on an ongoing basis for this purpose, including by mail, email, SMS, social media and telephone.

If you do not wish to receive marketing information, you may at any time decline to receive such information by contacting our Privacy Officer on the contact details below. We will not charge you for giving effect to your request and will take all reasonable steps to meet your request at the earliest possible opportunity.

### Updating your personal information

It is important to our relationship that the personal information we hold about you is accurate and up to date. During the course of our relationship with you we will ask you to inform us if any of your personal information has changed.

If you wish to make any changes to your personal information (including your credit related personal information) that we hold about you, you should contact our Privacy Officer and we will endeavour to update or correct your information as soon as possible. We will generally rely on you to assist us in informing us if the information we hold about you is inaccurate or incomplete.

### Access to your personal information

We will provide you with access to the personal information we hold about you, subject to limited exceptions in the Privacy Act as outlined below. You may request access to any of the personal information we hold about you, including any credit-related personal information we hold about you, at any time.

To access personal information that we hold about you, use the contact details specified below. We may charge a fee for our reasonable costs in retrieving and supplying the information to you.

### Denied access to personal information

There may be situations where we are not required to provide you with access to your personal information. For example, such a situation would be information relating to an existing or anticipated legal proceeding with you, or if your request is vexatious.

An explanation will be provided to you if we deny you access to your personal information we hold.

### Business without identifying you

In most circumstances it will be necessary for us to identify you in order to successfully do business with you, however, where, it is lawful and practicable to do so, we will offer you the opportunity of doing business with us without providing us with personal information. Such a situation would be where you make general inquiries about our legal services.

### How safe and secure is your personal information that we hold?

Lynch Meyer has physical, electronic and procedural safeguards to protect the personal information it collects, from unauthorised access, modification and disclosure. Files that are not currently in use are archived. Any documents that we consider to be sensitive are stored in our deed room which is locked at all times. Files that contain client's personal information are retained for no more than seven years.

We destroy all client files and documents seven years after the date of the final bill rendered by us in relation to each client matter.

### Further information and complaints

You may request further information about the way we manage your personal information or lodge a complaint by contacting our Privacy Officer(s) on the contact details below.

We will deal with the complaint by investigating the complaint, and providing a response to the complainant within 15 business days, provided that we have all necessary information and have completed any investigation required. In cases where further information, assessment or investigation is required, we will seek to agree alternative time frames with you.

### Contact details

Our Privacy Officer is Ashleigh Windsor. If you have a question regarding the personal information Lynch Meyer holds about you, please contact Ashleigh on 08 8 223 7600.

### Copies of our Privacy Policy

We will ensure that our Privacy Policy will be available on our website at all times. However, if you would prefer a printed copy of our Privacy Policy, or if you would like us to send you a copy of our Privacy Policy by email, please contact our Privacy Officer as set out above.

### Change in our Privacy Policy

We are constantly reviewing all of our policies and attempt to keep up to date with market expectations. Technology is constantly changing, as is the law and market place practices.

As a consequence we may change this Privacy Policy from time to time or as the need arises.

*Updated August 2014*