



Policy: Privacy Policy
Issued By: Managing Partner
Date of this Version August 2022

Murdoch Clarke (ABN 94 401 833 778) ("**Murdoch Clarke**", "**we**", "**us**" or "**our**") is bound by the Privacy Act 1988 (Commonwealth) ("**Act**") and the Australian Privacy Principles ("**APPs**") contained in it.

This Privacy Policy has been prepared and is being implemented by us to ensure our compliance with the Act and the APPs. It explains how we collect, use and disclose your Personal Information. It also outlines our (and your) legal rights and obligations in relation to that information. It details the type of information collected, how it is used, held and disclosed, your rights of access, correction and deletion

1- TYPES OF INFORMATION

General Personal Information

Personal Information means any information from which your identity is apparent or from which you can reasonably be identified. The types of Personal Information used generally include name, personal details, date of birth, tax file number, contact details and account details. We may collect and hold your Personal Information.

We may also collect Personal Information about your legal matter or potential legal matter and any information that is necessary to provide you with legal services. This type of information may include information about your finances, assets, property held, employment history, income details and qualifications.

Sensitive Information

We may need to collect your Sensitive Information. Sensitive Information is information regarding race, religion, political opinions and/or criminal record.

We only collect and hold your Sensitive Information where it is necessary to provide you with our services and we will generally gain your consent prior to obtaining this information.

Information required by Law

In some circumstances due to the nature of your matter, we may collect Personal Information as required or authorised by a law, a court or tribunal order.

2 - COLLECTION OF PERSONAL INFORMATION

We will only collect information by lawful and fair means and not in an unreasonable or intrusive way.

Personal Information is generally obtained directly from you, for example, when you contact us in person, telephone us or provide written material to us.

Personal Information obtained from other sources

In some circumstances it is necessary that we collect Personal Information about you from third parties. This may be where:

- you have consented to the collection of the information from a third party;
- we are required or authorised by law to collect your information; or
- it may be unreasonable or impractical to collect the information from you.

Unsolicited collection of Personal Information

If we receive Personal Information that we did not request, we will check whether this is information we would have collected ourselves.

If it is not the information we would have collected from you, or obtained from legal means, we will destroy the information or de-identify the information provided it is lawful and reasonable to do so.

Notification of collection of Personal Information

When we collect information directly from you, we take reasonable steps to notify you that this information has been collected and in what circumstances we have collected the information.

Sometimes, we will collect your Personal Information from third parties, or you may not be aware that we have collected your Personal Information.

In these circumstances, if the information can be used to identify you we will take reasonable steps to notify you of the collection and the circumstances surrounding the collection.

Website Information Collection

Our websites use cookies which allow us to identify your browser while you are using our site. Cookies do not identify you, they simply allow us to track usage patterns so that we can measure the level of interest in various areas of our site.

All browsers allow you to be notified when you receive a cookie and elect to either accept it or not. Your Internet service provider should be able to assist you to set your preferences.

3 - INFORMATION WE COLLECT

Through the provision of legal services we may collect information from a number of parties.

Information collected on clients

If you are our client we will only collect Personal Information that is relevant and necessary to provide you with legal services.

Due to the nature of the matter, we may collect your Sensitive Information, this includes but is not limited to information concerning race, religion, political opinions and/or criminal record. The type of Sensitive Information we collect will depend upon your specific legal matter. We only collect Sensitive Information with your consent or as permitted under the Act.

Information collected on other parties to a client matter

In some circumstances it is necessary to collect, use and disclose Personal Information about individuals who we have limited contact with. These are generally other parties to a matter.

This Personal Information is generally obtained from our client, or publicly available sources. The information we collect may be Sensitive Information.

The collection of this information may be without your consent or knowledge. This is generally permitted under the Act as it relates to collection, use or disclosure that is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim, or for a confidential alternative dispute resolution process. We are not required to notify you that your information is collected where it is not reasonable in the circumstances.

4 - PURPOSE AND USE OF YOUR PERSONAL INFORMATION

We use your Personal Information for the purpose of providing our legal services.

We will collect, hold, use and disclose your Personal Information for the purpose for which it was collected and related purposes including but not limited to the following:

- to identify you;
- to provide legal services to you and your related entities;
- to provide you with cost estimates;
- to manage your file and account;
- for internal administrative purposes;
- to provide you with information about changes in the law, or services which may interest you unless you explicitly advise us otherwise;
- to improve legal services provided to you;
- to fulfil our professional obligations;
- to respond to complaints;
- to comply with laws, regulations or codes; and
- for any other purpose which you give your consent, or is reasonably necessary.

In general, we do not use or disclose your Personal Information for a purpose other than:

- a purpose set out in this Privacy Policy;
- a purpose you would reasonably expect;
- a purpose required or permitted by law; or
- a purpose otherwise disclosed to you to which you have consented.

Where information which we collect about you is Sensitive Information, we will generally seek your consent to its collection by us.

5 - DISCLOSURE OF PERSONAL INFORMATION

You agree that we may collect and use Personal Information, and disclose it to, the following, as appropriate, even if the disclosure is to an organisation overseas:

- our agents, contractors and external advisers whom we engage from time to time to carry out, or advise on, our functions and activities;
- your agents and contractors, including your finance broker, legal adviser, financial adviser, builder and settlement agent;
- your executor, administrator, trustee, guardian or attorney;
- your referees, including your employer;
- regulatory bodies, government agencies, law enforcement bodies and courts;
- any person who introduces you to us;
- external payment systems operators;
- your and our insurers or prospective insurers and their underwriters;
- your guarantors and prospective guarantors;
- an organisation proposing to fund the acquisition of, or acquire, any interest in any obligation you may owe us (whether under a loan, guarantee or security), that organisation’s agents, persons involved in assessing the risks and funding of the acquisition and, after acquisition, the purchaser and any manager;
- potential purchasers for the purpose of them conducting due diligence investigations in the event that we propose to sell our business. Any such disclosure will be made in confidence and it will be a condition of that disclosure that no Personal Information will be used or disclosed by them. In the event that a sale of our business is effected, we may transfer your Personal Information to the purchaser of the business. As a customer you will be advised of any such transfer; and
- any person to the extent necessary, in our view, that we are required by law to do so or in order to carry out any instruction you give to us.

Generally, Murdoch Clarke will not disclose your personal information to an overseas person/entity unless:

- we have taken reasonable steps to ensure that the recipient does not breach the APP’s;
- you have provided consent to its disclosure;
- we have a reasonable belief that the overseas entity is subject to a law or binding scheme which protects your Personal Information in the same manner as under the Act and Privacy Principles, and that you can access and enforce those protections; or
- the disclosure is otherwise authorised by the Act.

6 - SENSITIVE INFORMATION

We generally do not request or require any Sensitive Information (eg: race, religion, political opinion, criminal record, etc).

If it is necessary to do so, we may collect Sensitive Information from you. If so, we will generally obtain your consent to provide the Sensitive Information to us or to use or disclose it unless permitted by the Act or in accordance with the Policy.

7 - CONSEQUENCE OF NOT PROVIDING PERSONAL INFORMATION

If you do not provide (or consent to provide) certain Personal Information as referred to in this Privacy Policy we may not be able to provide you with a particular service. If so, we shall inform you of the reasons why and the information that may be necessary for us to be able to provide the particular service.

8 - SECURITY

We take all reasonable steps to ensure that your Personal Information held and stored by us is protected from:

- misuse, interference and loss, and
- unauthorised access, disclosure or modification.

We will take reasonable steps to protect Personal Information we hold about you against loss and against access, use, modification or disclosure that is unauthorised. Only authorised users can access your Personal Information, and access is only for approved purposes.

Your Personal Information may be stored in hard copy documents, as electronic data, or in Murdoch Clarke's software or systems. We maintain physical security over our paper and electronic data stores and premises. We also maintain computer and network security; for example, we use firewalls (security measures for the Internet) and other security systems such as user identifiers and passwords to control access to computer systems.

Subject to the reasons for collection of your Personal Information, hard copy documents containing Personal Information will be stored for various periods. Electronic data of Personal Information may be stored indefinitely and, if appropriate, will be removed at your request.

Murdoch Clarke will require all staff with access to your Personal Information to maintain confidentiality concerning that information. All employees of Murdoch Clarke are subject to legally binding confidentiality obligations.

9 - ACCESS TO YOUR PERSONAL INFORMATION

Subject to the provisions of the Act, you may access Personal Information which we hold about you at any time by asking us.

We will endeavour to respond to any request for access within 14-30 days depending on the complexity of the information and/or request.

You may request information by calling the Managing Partner Ph: (03) 6235 9311 (See Section 14 - Privacy Policy and Further Information) but depending on the circumstances and the complexity of your request we may require your request for access in writing.

We may charge you a fee for accessing your Personal Information. You will be advised at the time of your application for access of the applicable fee. In some circumstances, the Act permits us to deny access. If we deny your request for access, we will let you know why.

10 - ACCURACY

We take reasonable steps to make sure that the Personal Information that we collect, use or disclose is accurate, complete and up-to-date. However, if you believe your information is incorrect, incomplete or not current, you can request that we up-date this information by contacting us (refer Section 14 - Privacy Policy and Further Information).

11 - MARKETING

We may use or disclose your Personal Information (excluding sensitive information) for direct marketing purposes. This includes but is not limited to information regarding changes in law, function, events, legal services and products.

Our website may have advertising or direct marketing from a third party website. If so, that third party may collect personal information on how you use our website.

Notwithstanding anything else in this Privacy Policy, you may, at any time, tell us that you do not wish to receive any direct marketing communication.

12 - REVIEW OF OUR PRIVACY POLICY

We review our Privacy Policy from time to time (without notice to you) and make any changes that are necessary for our business requirements and/or the law.

Our current Privacy Policy is available either on-line at our website (www.murdochclarke.com.au) or by contacting us (refer Section 14 - Privacy Policy and Further Information).

13 - PRIVACY COMPLAINTS

If you have a complaint or concern about the collection or use of your Personal Information, you should first contact the lawyer handling your matter on 03 6235 9311 or call into 10 Victoria Street, Hobart. In most situations we will be able to resolve the matter at that time.

Written complaints can be forwarded to:

Managing Partner
Murdoch Clarke
10 Victoria Street
HOBART TASMANIA 7000

You can also email your complaint or concern to info@murdochclarke.com.au.

Should you remain unhappy with our final decision, the matter can be referred to the Office of the Australian Information Commissioner who may investigate your complaint further. They can be contacted on 1300 363 992 or at: GPO Box 5218 Sydney NSW 2001.

The Australian Securities and Investment Commission (ASIC) also has a free line Infoline 1300 300 630, which you may use to make a complaint and obtain information about your rights.

Alternatively, you can detail your complaint in an email to infoasic.gov.au

14 - PRIVACY POLICY AND FURTHER INFORMATION

If you wish to obtain a copy of the Murdoch Clarke Privacy Policy or have a query relating to our privacy practices please contact us by:

Phone on 03 62 359 311 during business hours Monday to Friday

Email at info@murdochclarke.com.au

Writing to the address below:

Managing Partner
Murdoch Clarke
10 Victoria Street
HOBART TASMANIA 7000

