



## Privacy Policy & Collection Notice

The *Privacy Act* 1988 (Cth)(the **Act**) allows for 'personal information', including 'sensitive information' (which are defined in the Act) about you to be collected, used and disclosed provided we have provided you with notice and in certain circumstances also obtained your consent. In this Privacy Policy and, where appropriate, a reference to 'personal information' includes 'sensitive information'.

We may (from time to time) update, revise, amend or replace this Privacy Policy by posting any changes to it on our website or by giving you any other form of notification.

This Privacy Policy is available on our website, at our office and may also be made available to you at any property inspection or when we first communicate with you by email.

### **What is your personal information?**

In general terms, it is any information that can be used to personally identify you. This may include but not be limited to your name, address, contact numbers & email address. In the case of applying for a property, it also includes your current & previous living arrangements and employment history. If the information we collect personally identifies you, or you are reasonably identifiable from it, the information will be considered personal information.

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

Any information you provide to us as mentioned above, as well as any additional information you provide to us directly or indirectly through our website & through communications with our representatives.

### **How we collect personal information from you**

We collect your personal information directly from yourself in the following ways:

- during conversations between yourself and our representatives;
- by telephone, letter or email;
- through your use of our website;
- requesting information or material from us;
- providing feedback or completing surveys; and
- information provided by you when checking-in at an open home.

### **We will collect personal information from you in the following circumstances**

#### Property Management

- if you are a prospective or current landlord and you want us to manage your property, then we will collect personal information from you in order to identify you and the property;
- if you are a prospective or current landlord and you want us to manage your property, then we will collect personal information from you in order to comply with our AML/CTF Obligations;

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- if you are a prospective or current tenant and/or you inspect any rental property, then we will collect personal information from you when you attend the property inspection; and
- if you are a prospective or current tenant and you want to rent a property, then we will collect personal information from you, usually at the rental application stage from the rental application and supporting documentation that you supply. If you are the successful tenant then we may also collect personal information from you during the continuation of any tenancy or lease agreement with the landlord.

### Sales

- if you are a prospective or current vendor and you want us to act as your sales agent, then we will collect personal information from you in order to identify you and the property;
- if you are a prospective or current vendor and you want us to sell your property, then we will collect personal information from you in order to comply with our AML/CTF Obligations;
- if you are a prospective or current purchaser and you inspect any property, then we will collect personal information from you when you attend the inspection;
- if you are a current purchaser, then we will collect personal information then we will collect personal information from you in order to comply with our AML/CTF Obligations; and
- subject to the other provisions of this Privacy Policy, we may also collect personal information from you when you make any other enquiry with us about the property.

### **How we collect personal information from other sources**

We can collect personal information about you from other sources in any manner permitted by the Act. We will only collect personal information from other sources where it is reasonably necessary for us to do so in relation to, or in connection with, any services we are supplying in connection with our real estate business. Examples of such sources of personal information include:

- from your agents, other owners, insurers and underwriters, contractors, legal, financial and other advisors in relation to or in connection with any tenancy, lease or contract for sale of the property;
- from public registers including those managed by the NSW Land & Property Information;
- from publicly available information;
- from property valuers or related service providers; and
- from our other service providers including any third party that has been authorised to supply us with personal information.

### **When the law authorises or requires collection of personal information**

There are laws that may require us to collect and disclose your personal information. For example, we may be required to collect and disclose your personal information pursuant to the *Property, Stock and Business Agents Act 2002* (NSW), including any regulation under that law.

### **For what purposes do we collect, hold, use and disclose your personal information?**

We collect, hold, use and disclose your personal information for the following purposes:

- to update our records and keep your contact details up to date;
- to comply with any law or regulation in co-operation with any governmental authority;
- to provide products and services to you and to send communications requested by you;
- to answer enquiries and provide information or advice about existing and new products or services by our company or any affiliated company;
- to assess the performance of the website and to improve the operation of the website; and
- to process and respond to any complaint made by you.

### **How your personal information may be used**

We may collect and disclose your personal information for the following purposes including:

## Property Management

- to identify and/or verify the identity of any prospective or actual landlord or tenant for any property we manage or propose to manage;
- to process and assess any application received in relation to a tenancy or lease of any property;
- to advertise, market and promote any tenancy or lease of any property;
- to negotiate and prepare any tenancy agreement, lease or any other document for any property;
- to liaise and exchange information with the landlord or the tenant as well as their agents, contractors, legal, financial and other advisors in relation to or in connection with any tenancy or lease of the property;
- to manage any tenancy or lease agreement including the collection of rent and other amounts on behalf of the landlord and the preparation of required statements of account;
- to ensure the safety and security of landlords and existing occupiers and of each of their property in connection with the inspection of any property by prospective tenants;
- to provide your insurer with information relating to or connected with any property;
- to comply with any applicable law in connection with the tenancy agreement or lease;
- to confirm whether the landlord or tenant is registered for GST purposes;
- to tell you about any other rental property that we are managing or any other service that we provide, unless you tell us not to (this is referred to as direct marketing);

## Sales

- to identify and/or verify the identity of any prospective or actual vendor for any property;
- to advertise, market and promote the sale of any property;
- to negotiate and manage the sale of any property (including to provide non-legal assistance with the exchange of the contracts for the sale of property as well as the preparation of any required statements of account);
- to liaise and exchange information with the vendor, purchaser (including any prospective purchaser) as well with their respective agents, contractors, legal, financial and other advisors in relation to or in connection with the sale of the property;
- to ensure the safety and security of vendors and existing occupiers and of each of their property in connection with auctions and the inspection of any property by prospective purchasers;
- to comply with any applicable law in connection with the sale of the property;
- to confirm whether the vendor or purchaser is registered for GST purposes;
- to tell you about any other property that we are selling or any other service that we provide, unless you tell us not to (this is referred to as direct marketing);

## Automated Decision Making

- to be used in the operation of ADM (e.g. computer programs) to make various decisions that may impact our services, including but not limited to client's rights under an arrangement and access to a significant service or support;

## Generally

- to provide statistical and other information to the Real Estate Institute of New South Wales, Richardson & Wrench Head Office, Renowned (aka Rate My Agent), solicitors and conveyancers, Microtek (as our IT service provider);
- to allow us to run our business efficiently and to perform administrative and operational tasks;
- to comply with any dispute resolution or other legal process;
- to act on behalf of clients in accordance with any agency agreement and to comply with our obligations under that agreement;
- in order to update our records and your contact details;
- to operate controlled money accounts;

- if we enter into or propose to enter into any agreement or arrangement with any party for the purpose of, or in connection with, the acquisition of our business (including any part of our business that includes personal information), then we may provide that party (including its legal, financial and other professional advisers) with personal information in relation to or in connection with those arrangements;
- to comply with the law including our AML/CTF Obligations; and
- any other purpose to which you have consented.

You can tell us at any time if you no longer wish to receive direct marketing information or offers from us. We will process your request as soon as reasonably practicable after receipt of the request.

## **How we share your personal information**

### Sharing personal information with third parties

We may seek and use personal information about you from, and use or disclose personal information about you to, third parties in relation to or in connection with the potential or actual rental of a property, the sale and purchase of a property or other business or administrative functions for the real estate agency. These third parties may include:

- your representatives, attorneys, lawyers, settlement agents, accountants, brokers;
- any conjunction, co-listing, buyers' or other property agents that acts on your behalf in connection with the rental, leasing, sale and purchase of property;
- auctioneers;
- your financier including any mortgage brokers that may be assisting you with any existing mortgage loan or application in relation to the sale or purchase of property;
- valuers, surveyors, insurers, re-insurers, claim assessors and investigators;
- financial institutions including deposit taking institutions;
- if you are a tenant, including any prospective tenant, your referees, including your employer or other individuals to confirm your identity and/or other details about you in any rental application that you submit;
- organisations in and associated with debt collecting;
- law enforcement agencies;
- government and/or regulatory bodies including (without limitation) the NSW Land and Property Management Authority, Australian Taxation Office, the NSW Office of State Revenue. In many cases, these organisations may share information with foreign authorities;
- mailing houses and telemarketing agencies that assist us to communicate with you;
- if we enter into, or propose to enter into, any agreement or arrangement with any party for the purpose of, or in connection with, the acquisition of our business (including any part of our business that includes personal information), that party (including its legal, financial and other professional advisers) to provide personal information in relation to or in connection with those arrangements; and
- service providers including IT and data consultants, agents, contractors and advisers that assist us to conduct our business.

### Sharing personal information with related companies

We may share personal information about you with our related companies for any of the purposes described above.

### Sharing personal information outside of Australia

We may store information about you in cloud or other types of networked or electronic storage. As electronic or networked storage can be accessed from various countries through an internet connection it is not always practical to know in which country personal information about you may be held.

We will take reasonable steps to ensure that any overseas organisation that receives your personal information will comply with the Act.

## **If you do not provide personal information**

If you do not provide your personal information to us, it may not be possible to provide you with the service that you have requested or applied for, for example:

- if personal information is not disclosed in a rental application by a prospective tenant, then we may be unable to process the application and/or submit it to the landlord for their consideration or approval. If you enter into a rental or lease agreement, you will need to be identified and your personal information will be included in the rental or lease agreement;
- if personal information is not disclosed by a vendor in connection with the sale of their property, we will not be able to verify that they are the owner of the property and/or to advertise and market the property;
- if personal information is not disclosed by a prospective purchaser at an open inspection, then we may not be able to admit them into the inspection;
- if personal information is not disclosed by a prospective purchaser at an auction, then we will not be able to register them as a bidder;
- if personal information is not disclosed and we cannot comply with our AML/CTF Obligations we may not be able to provide any services; and
- to let you know about other services we provide that might be suitable for your needs (unless you opt out of this by telling us that you do not wish to receive such information).

## **Personal information about other people**

If you give us personal information about any other person in relation to, or in connection with, the rental/lease or sale of any property:

- we are entitled to assume that you have sought their consent to the disclosure of such personal information to us;
- we have collected their personal information for the purposes set out in this Privacy Policy;
- we may exchange their personal information with other organisations for the purposes set out in this Privacy Policy;
- we will handle their personal information in the same way as set out in this Privacy Policy and they can:
  - access or request a copy of this Privacy Policy; or
  - access the personal information we hold about them.

## **Anonymity and pseudonymity**

We are not always able to deal with people who do not wish to identify themselves. This will be particularly the case when we are proposing to, or we do, act for a vendor or a landlord in relation to either the sale or rental/lease of any property. This will also apply where we are also dealing with actual or prospective tenants for any rental property that we manage.

Further, we are not able to allow people through any property inspections who do not wish to identify themselves as this can create security and other concerns for the property owner (among other considerations).

However, where possible, we can provide information of a general nature such as, for example, we can respond to general telephone and related enquiries about a rental/lease or sale property to unidentified individuals. Of course, if an individual makes an enquiry by email or other electronic or written methods then there is every possibility that the mode of communication may identify you.

## **Information security**

We take reasonable steps to protect all information which we hold (including any personal or sensitive information) from misuse, loss, unauthorised access, modification or disclosure.

As our website is linked to the internet, and the internet can be at times insecure, we cannot provide any assurance regarding the security of information communicated to us online. Therefore, any personal information or other information which you transmit to us online is transmitted at your own risk.

### **Links to other websites**

Our website may contain links to other websites operated by third parties. We make no representations or warranties in relation to their privacy practices and cannot take responsible for the privacy policies or the content of any third party website.

### **Cookies**

A cookie is an electronic token that is passed to the user's browser which passes it back to the server whenever a page is sent to the user. Our servers may generate cookies which are used to keep track of the pages that users have accessed while using the website. The cookie also allows data to be inputted into a form or template and temporarily stored until the user chooses to save that form or template. Cookies generally remain on the user's computer even after an internet session is ended and the computer rebooted. The cookie can be read by the server that placed it there during a subsequent visit to that same server. Their exact behaviour is server specific.

When users visit this website, our server may log certain information, including the type of browser and operating system the user is using, the top-level domain name (for example .com, .net, .au, etc), the address of the referring site (for example, the previous site visited), the server's IP address, the date and time of visit and the address of the pages accessed and the documents downloaded. This information is generally only for internal statistical analysis and system administration purposes.

Any other information supplied to us (for example, if a user sends an email or enters any personal information into our website) is treated in accordance with this Privacy Policy.

### **Marketing materials & how they are communicated**

We may send you information about our products and services that we consider may be of interest to you. These communications may be sent in various forms, including mail, SMS and email, in accordance with applicable marketing laws. If you indicate a preferred method of communication, we will endeavour to communicate with you in your preferred way. In addition, at any time you may opt-out of receiving marketing communications from us by contacting our office and we will then remove your name from our mailing list.

### **Accessing your Personal Information**

Unless we are entitled to withhold access to your personal information (there are various reasons why this may be the case), you have the right to request access to any personal information held by us which relates to you. We may charge a reasonable fee where access to personal information is provided. Any requests for access to your personal information should be made in writing to the Privacy Officer (details specified below). You also have the right to request the correction of any personal information which relates to you that is inaccurate, incomplete, irrelevant, misleading or out-of-date.

We will treat your requests or complaints confidentially. We will contact you within a reasonable time frame to discuss your concerns and outline options regarding how they may be resolved. We will aim to ensure that your complaint is resolved in timely and appropriate manner.

### **Acceptance of this Privacy Policy**

By using this website, accessing any of our products, services or features, the user acknowledges that it has read, understands and accepts this Privacy Policy and the permissions to collect, use and disclose personal

information, and the user authorises us to collect, use and disclose, in accordance with the Act, their personal information for the purposes specified in this Privacy Policy.

### **Further information, queries or complaints**

If you require any further information about our management of personal information or have any queries or complaints, you should contact:

The Privacy Officer  
Richardson & Wrench Blackheath  
31 Govetts Leap Road, Blackheath NSW 2785  
02 4787 8372  
[officemanager@rwblackheath.com.au](mailto:officemanager@rwblackheath.com.au)

The Office of the Information Commissioner can be contacted as follows:

<b>Phone enquiries</b>	<a href="tel:1300363992">1300 363 992</a> Mon–Thurs 10am–4pm AEST/AEDT
<b>Online enquiries</b>	<a href="#">Enquiry form</a>
<b>Post</b>	GPO Box 5288 Sydney NSW 2001
<b>Fax</b>	+61 2 9284 9666