

PRIVACY POLICY

Your privacy is important to us. This privacy policy explains how Gilshenan & Luton Legal Practice collects and deals with personal information (being information that could reasonably identify a person), in accordance with the Australian Privacy Principles (APP) contained in the *Privacy Act 1988*. All principles of the APP are applied by us, even where a specific principle is not set out in this policy.

In this policy you will find information explaining:

- The kinds of personal information that Gilshenan & Luton collects and holds;
- How we collect and hold personal information;
- The purposes for which we collect, hold, use and disclose personal information;
- How you may access and seek the correction of your personal information as held by us; and
- How you may complain about a breach of the APP, and how we deal with complaints.

1. The kinds of personal information we collect and hold

Personal information

We only collect personal information that is reasonably necessary for us to conduct our business as a law firm (including providing legal services to you) or that we are required or authorised under law to do so. The kinds of information that we collect include:

- Name, address, age and gender;
- Educational and work history;
- Contact details such as postal address, telephone number and email address; and
- Views and opinions.

Sensitive information

We may also collect sensitive information about you which includes information about your racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, health details, or criminal record.

Sensitive information is collected only where reasonably necessary for us to conduct our business as a law firm (including providing legal services to you) and you have consented, or where we are required or authorised under law to do so.

2. How we collect and hold personal information

Collection of information

We collect personal information by fair and lawful means from a number of sources in the course of carrying on our business. Usually personal information is collected directly from you via telephone, email, in person, or by written correspondence. However, on occasions we may collect personal information:

- from our clients about employees of our clients;
- from our clients about other individuals involved in matters in which our clients are involved or for which our clients seek our advice;
- from our business associates and referrers about potential clients;
- from your accountant or other advisors;
- from sources such as the Australian Tax Office; or
- from public sources such as the internet.

Information storage and security

We hold personal information both in paper form as part of client files, and electronically in our secure practice management software. Gilshenan & Luton takes reasonable steps to protect this information including:

- office access controls;
- confidentiality requirements for all staff;
- document storage security;
- secure password protected computers and software;
- security measures to our computer system including firewalls;
- secure password protected server and off site secure back-ups.

However we cannot guarantee that personal information will be protected against unauthorised access or misuse and Gilshenan & Luton does not accept any liability for the improper or illegal actions of unauthorised third parties.

Unsolicited information

Sometimes we receive unsolicited personal information sent to us without any request, such as an expression of interest in potential employment. Gilshenan & Luton may retain this information in the form in which it is sent to us, if it is reasonably necessary for one or more of our business function or activities. If not, the unsolicited information will be lawfully and securely destroyed.

Notification of collection of information

At or before the time we collect your personal information, or as soon as practicable afterwards, we will take reasonable steps to notify you or make sure you are aware:

- of Gilshenan & Luton's contact details;
- if the information has been collected from someone else, the fact that we have collected information, and the circumstances of that collection;
- that the collection of the information is required or authorised by law or a court/tribunal order;
- the purposes for which the information was collected by us;
- the main consequences for you if the information is not collected;
- the other entities, bodies or persons, to which Gilshenan & Luton usually disclosed personal information;
- of whether we are likely to disclose the personal information to overseas recipients; and
- of this privacy policy and that it contains information about how you can access and seek correction of your personal information, and how you can complain about a breach of the APP, and how that complaint will be dealt with.

3. How and why we use personal information

Primary purposes

We collect personal information for the primary purposes of:

- providing legal services to our clients;
- marketing our services to clients and potential clients; and
- facilitating the management of our business, including the fulfilment of legal obligations in the conduct of our business.

You can refuse to provide personal information, but if you do so, we may not be able to provide legal services to you.

Use and disclosure

We will not use or disclose personal information for a purpose other than the primary purposes listed above unless:

- you have consented;
- we are authorised or required to do so by law;
- you would reasonably expect us to do so for a secondary purpose that is directly related to the primary purpose (sensitive information), or related to the primary purpose (not sensitive information);
- there exists a permitted general situation;
- there exists a permitted health situation; or
- we reasonably believe that it is necessary for an enforcement related activity conducted by, or on behalf of, an enforcement body (in which case a written note will be made of the use or disclosure).

In appropriate cases, we disclose personal information to:

- other parties involved in the matter and their professional advisers;
- other professional advisers engaged by us or by our client in the matter;
- courts, tribunals, mediators and others involved in the court process or other dispute resolution processes;
- government authorities where we are required to do so;
- postal, freight and courier services;
- printers and distributors of marketing material; and
- debt collection agencies.

We do not sell or trade personal information. We do not transfer personal information to a foreign country unless we are allowed to do so under the APP, or if it is necessary for us to do so in order to provide or facilitate the provision of legal services to a client.

Direct Marketing

Gilshenan & Luton may use personal information (not sensitive information) for direct marketing if:

- we collected the information from you, and you would reasonably expect us to use or disclose the information for this purpose, or we have obtained your consent unless it is impracticable for us to do so;
- we collected the information from someone else, and we have obtained your consent unless it is impracticable for us to do so;

- we provide you with a simple way to request that you not receive direct marketing material;
- where you wouldn't reasonably expect us to use the information for direct marketing, or where we obtained the information from someone else, our direct marketing material contains a prominent statement that you can request to not receive the material; and
- you have not made such a request.

4. Access to and correction of personal information

Access to information

You can request access at any time to personal information we hold about you. We may charge a reasonable fee to give you access to the information. To request access, please contact our Office Manager. You will be given access within a reasonable time where it is reasonable and practicable for us to do so.

We are entitled to refuse to provide access to personal information for reasons set out in the APP, including if:

- access poses a serious threat to life, health or safety;
- access would have an unreasonable impact on the privacy of others;
- the request is frivolous or vexatious;
- the request relates to legal proceedings between you and us;
- the request would prejudice negotiations or reveal our intentions;
- access is unlawful;
- the refusal is required or authorised by law or court/tribunal order;
- access would prejudice law enforcement activities; and
- access would affect a commercially sensitive decision-making process.

If we refuse to give you access, we will give you written reasons and tell you how you can complain about the refusal.

Accuracy of personal information

Having regard to the purpose for which the information is held, Gilshenan & Luton will take reasonable steps to ensure that personal information is accurate, complete, up-to-date, relevant and not misleading. If you think that the personal information that we hold about you is not correct, please contact our Office Manager to:

- tell us what information is incorrect; and
- provide us with up-to-date information.

We will take reasonable steps to correct your personal information. If we refuse to correct your personal information, we will provide you with written reasons and tell you how you can complain about the refusal. You may also request that Gilshenan & Luton associates your information with a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading. Gilshenan & Luton will take reasonable steps to make the statement apparent to users of the information.

5. How to make a complaint

If you have any concerns about how Gilshenan & Luton has collected, held or used your personal information, or if you wish to make a complaint about a privacy issue, please contact our Office Manager, Kerrie Bolte:

Email: kbolte@gnl.com.au

Telephone: 07 3361 0217

Post: Gilshenan & Luton Legal Practice
PO Box 12215
George St Brisbane QLD 4003

If your concerns are not resolved to your satisfaction, you may contact the Office of the Australian Information Commissioner on 1300 363 992 or at www.oaic.gov.au.