



Privacy Policy

1. What is "personal information"?

Personal information is any information about you that identifies you or information by which your identity can be reasonably determined.

2. Why we collect personal information

Collecting your personal information is essential for the firm to be able to provide you with legal services.

Personal information obtained by us will be used to:

- 2.1. provide legal services to you;
- 2.2. give you the option of receiving our publications or other information;
- 2.3. monitor your satisfaction with our services; and
- 2.4. invite you to Schweizer Kobras's functions.

If we do not collect and make use of your personal information, we are unable to provide you with legal services.

3. How do we collect your personal information?

Where possible we collect your personal information directly from you. Personal information is generally collected in the course of receiving instructions from you.

Sometimes personal information may be collected about you from other sources. Examples of other sources from whom we may receive personal information about you are:

- 3.1. your accountants;
- 3.2. a real estate agent if you are buying or selling a property;
- 3.3. other lawyers who may act for you in different matters; and
- 3.4. your bank.

In most cases we will require you to specifically consent to any collection, use or disclosure of your personal information by us. Your consent will usually be required in writing but we may accept your verbal consent in certain circumstances. Sometimes your consent may be implied through your conduct with us.

However, no matter how your personal information is collected, it is dealt with by us in accordance with this Privacy Policy.

4. **Consequences to you if Schweizer Kobras does not have your personal information**

The nature of the service we provide means that, in most cases, if we do not collect your personal information, we may not be able to optimally represent you or your interests.

5. **How we use your personal information**

We use the personal information that we collect to provide legal services to you and to include it in our direct marketing database and client databases.

To enable us to do this, we may share your personal information within the firm.

6. **Direct marketing**

From time to time we may use your personal information to provide you with information about our services and our areas of practice or with information which may be of particular interest to you or your business.

If you do not want to receive any of this information just contact us on (02) 9223 9399 or email us at - mail@schweizer.com.au.

Once you have told us you no longer wish to receive information about our services, we will not send you any further material.

You can, however, change your mind about receiving information about our services at any time - you just need to let us know.

We do not disclose your personal information to any party outside the firm for the purposes of allowing them to market their products or services to you.

7. **Do we disclose your personal information to anyone?**

We may disclose your personal information in certain circumstances.

Sometimes we are required or authorised by law to disclose your personal information. For example, we may disclose your personal information to a Court in response to a subpoena.

We may also disclose your personal information where you have consented to us doing so. Your consent to the disclosure of your personal information may be given explicitly, such as in writing, or verbally or may be implied from your conduct.

Where the provision of legal services to you requires us to disclose your personal information to third parties, your consent will be implied when you engage us unless you tell us otherwise.

Some examples of parties outside the firm to whom we may disclose your personal information and the reason for disclosure are:

- 7.1. your accountants if, for instance, the matter in which we act for you may have taxation consequences;
- 7.2. barristers and expert witnesses such as doctors, engineers etc; and
- 7.3. other law firms who act as our agents.

Generally however we do not disclose your personal information to a third party outside the firm, unless that party is bound by privacy rules which we consider satisfactory.

8. **Ensuring your personal information is up-to-date**

We rely on the personal information we hold about you to efficiently provide legal services. For this reason, it is very important that the personal information we collect from you is accurate, complete and up-to-date.

During the course of our relationship with you, we will ask you to tell us of any changes to your personal information. However, you can contact us at any time to update your personal information or to tell us that the information we hold about you is inaccurate or incomplete.

9. **Is my personal information secure?**

Schweizer Kobras takes all reasonable precautions to safeguard your personal information from loss, misuse, unauthorised access, modification or disclosure.

We employ a number of means to protect your personal information including:

- 9.1. external and internal premises security;
- 9.2. restricted access to personal information;
- 9.3. confidentiality undertakings from all our employees; and
- 9.4. internal policies in relation to computer use.

When we no longer require your personal information, it is our practice to securely destroy the information or delete it from our systems. Hard copies of personal information are generally destroyed seven years after your file has been archived. However, we permanently retain our clients' address details on our computer system.

10. **Can I access my personal information?**

You may request access to any of the personal information we hold about you.

In most cases, a summary of personal information such as your name and address details, contact telephone numbers and the matters you have instructed us on, are freely available to you on request.

For more detailed requests for access to personal information, such as for access to information held in archives, a fee may be charged to cover the cost of retrieval and supply of this information to you.

All requests for access to personal information will be handled as quickly as possible, and we will endeavour to process any request for access within fourteen days after receiving it. Some requests for access may take longer than fourteen days to process depending upon the nature of the personal information being sought.

We may be required by law to retain your files, and therefore the personal information contained in those files, for a period of time after you have ceased instructing us. After the required time has passed, we attend to the secure destruction or deletion of those files. As noted, this generally occurs after seven years.

11. **Can your request to access your personal information be denied?**

We are not always required to provide you with access to your personal information on request.

We may refuse you access to personal information in a number of circumstances such as where the information may relate to existing or anticipated legal proceedings with you, where denying access is required or authorised by law, or where the request for access is regarded as frivolous or vexatious.

If we deny your request for access to, or refuse your request to correct your personal information, we will explain why. If you are not satisfied with our response, you may refer the matter to the Federal Privacy Commissioner (see item 20 below for details).

12. **What is a Commonwealth identifier?**

A Commonwealth identifier is a Commonwealth Government or Commonwealth Government agency designated identification number such as your Tax File Number (TFN) or Medicare number.

We do not use Commonwealth identifiers as a means of identifying the personal information that we may have collected about you.

13. **Do I have to be identified at all?**

Wherever it is lawful and practicable to do so, we may offer you the opportunity to deal with us anonymously, for example, when making an inquiry about the type of products or services we offer.

Otherwise, the nature of legal service provision is such that anonymity generally cannot be maintained.

14. **Does my personal information leave Australia?**

We do not send personal information outside Australia unless it is authorised to do so by law or you have consented to it as part of the legal service we are providing to you.

15. **Sensitive information**

If personal information concerns particular matters, it may be regarded as sensitive information. Sensitive information can be information about your:

- 15.1. racial or ethnic origin;
- 15.2. political opinions;
- 15.3. membership of a political association;

- 15.4. religious beliefs or affiliations;
- 15.5. philosophical beliefs;
- 15.6. membership of a professional or trade association;
- 15.7. membership of a trade union;
- 15.8. sexual preferences or practices;
- 15.9. criminal record; or
- 15.10. health.

We only collect, use or disclose sensitive information about you as allowed by law, for example, where we have received your consent to do so, or the collection is necessary for the provision of legal services.

16. Security of your personal information online

Generally, e-mail is not a secure way to communicate and you should be aware of this when sending personal information to us via e-mail.

17. Our Privacy Policy may change from time to time

We regularly review all our policies and procedures. As a result we may change this Privacy Policy from time to time.

This Privacy Policy was last amended on the date stated at the foot of this Policy.

18. Concerns or requests for access?

If you have a question about this Privacy Policy or wish to lodge a request to access your personal information, you can contact us by:

- 18.1. visiting our office;
- 18.2. telephoning us on (02) 9223 9399;
- 18.3. writing to us at - The Managing Partner, Schweizer Kobras, PO Box H283, Australia Square NSW 1215; or
- 18.4. emailing us on - mail@schweizer.com.au.

19. Can I complain about a breach of my privacy?

If you believe that we have not protected your personal information as set out in this Privacy Policy, you may lodge a complaint with us by:

- 19.1. telephoning us on (02) 9223 9399;
- 19.2. writing to us at The Managing Partner, Schweizer Kobras, PO Box H283, Australia Square NSW 1215; or
- 19.3. emailing us on mail@schweizer.com.au.

20. What if I am not satisfied with the response?

If you are not satisfied with our response to your complaint, you can refer your complaint to the Federal Privacy Commissioner. You can contact the Federal Privacy Commissioner by:

- 20.1. telephoning - 1300 363 992; or

20.2. writing to – Director of Complaints, Office of the Federal Privacy Commissioner, GPO Box 5218,
SYDNEY NSW 1042

SCHWEIZER KOBRAS

7 November 2002