

# Privacy Policy

## 1. Objective of Policy

The objective of this Policy is to protect the privacy of individuals dealing with Us and to explain how We collect, use, disclose and store Personal Information, including Personal Data, in accordance with the APPs and the GDPR. This Policy also describes why We collect Personal Information, including Personal Data, and how You can access and correct Personal Information, including Personal Data, about You. This Policy does not cover information collected about employees.

This Policy is also intended to inform You particularly about the type, scope, purpose, duration, and legal basis for the Processing of such Personal Information, including Personal Data, either under our own control or in conjunction with others.

## 2. Type of Personal Information including Personal Data collected

We may collect Personal Information, including Personal Data, or opinions about You in the normal course of Our dealing with You. This Personal Information, including Personal Data, is collected in order to provide You with legal services. The Personal Information, including Personal Data, may include Your name, gender, contact details, IP address, bank and credit card details, employment situation, financial information or other information that is required by Us to provide You with legal services. No Sensitive Information will be collected without Your consent.

## 3. Scope of Personal Information including Personal Data collected

Personal Information, including Personal Data, will only be Processed by Us to the extent necessary and only for the Primary or Secondary Purposes.

We collect Personal Information, including Personal Data, for one or more of the Primary Purposes. We also collect Personal Information, including Personal Data, for one or more of the Secondary Purposes but only if it is related to one or the other Primary Purposes.

## 4. How We collect Personal Information including Personal Data

We collect Personal Information, including Personal Data, by various means, including:

- directly from You in the course of receiving instructions from You and from Our discussions and correspondences with You;
- from third parties, such as Your accountant, a real estate agent if You are buying or selling a property, other lawyers who may act for You in different matters and Your bank;
- phone enquiries, mail, fax and email;
- when You attend a seminar or event that we are hosting or presenting;
- in situations where You provide information relating to related parties and parties against whom proceedings are conducted, relevant to the advice or services We are providing; and
- if we undertake a search or investigation.

Personal Information, including Personal Data, provided to Us will always be handled by Us in accordance with this Policy, the APPs and GDPR, regardless of who provides it.

#### **5. Notification of Collection of Personal Information including Personal Data**

If Personal Information, including Personal Data, about You is collected from someone other than Us and if We are notified that You are not aware that We have collected the Personal Information, including Personal Data, then We will take reasonable steps to notify You that the Personal Information, including Personal Data, has been collected and will be dealt with in accordance with this Policy, the APPs and the GDPR.

#### **6. Consent**

By giving Us instructions to act for You, You also give Your consent to the Processing of your Personal Data for one or more of the Primary Purposes and the Secondary Purposes.

#### **7. Use or Disclosure of Personal Information including Personal Data**

Your Personal Information, including Personal Data, which is Processed when using Our website will be deleted or blocked as soon as the reason for its storage ceases to apply, provided that the deletion is not in breach of any statutory storage obligations or unless otherwise stipulated below.

We provide legal services to Our clients. In order to obtain these services, You will need to submit Personal Information, including Personal Data, to Us. However, Personal Information, including Personal Data, provided by You for the purpose of obtaining any legal services may be tracked, edited and/or disclosed in order to:

- provide You with the services You have requested;
- help Us develop, improve, manage and administer all of the services We provide to You;
- comply with the law;
- investigate, respond to and defend claims made against, or involving Us;
- enforce a contract or agreement You have with another party; and/or
- enforce a contract or agreement which We have with You.

We may also use or disclose Your email address or other contact details to third parties to:

- send You follow-ups on services You have enquired about; and
- keep You informed of changes to the law and the services offered by Us.

We also use or disclose the Personal Information, including Personal Data, that We collect to:

- Your accountant if, for instance, the matter in which We act for You may have taxation or other financial consequences;
- barristers and expert witnesses such as doctors, engineers etc; and
- other law firms who act as Our agents.

#### **8. Cross-border Disclosure of Personal Information including Personal Data**

We disclose Personal Information, including Personal Data, to lawyers representing Our clients in countries such as Austria, Germany and Switzerland. We use Our best reasonable endeavours to ensure that such lawyers do not breach the APPs or the GDPR. We will only disclose Your Personal Information, including Personal Data, to persons or bodies external to Us where permitted by the Act and the GDPR, including in the following circumstances:

- where You consent to the disclosure;
- where the overseas lawyers provide Us with services which enable Us to complete a transaction or provide You with legal services You have requested; and
- where required by law such as under a subpoena issued by a court.

Although We seek to deal with reputable third parties, We cannot control, and will not be liable for, any use of Your Personal Information, including Personal Data, by any third party to whom Your information is sent with Your consent.

## **9. Direct Marketing**

We may use or disclose the Personal Information, including Personal Data, for direct marketing purposes to inform You of, among other things, Our services and areas of practice or with information which may be of particular interest to You or Your business. If We have received Personal Information, including Personal Data, about You from third parties, We may use or disclose it for direct marketing if You have consented to receiving direct marketing or it is impracticable to obtain that consent. We will also give You the opportunity to opt out of receiving direct marketing communications. We do not disclose Your Personal Information, including Personal Data, to any third party for the purposes of allowing them to market their products or services to You.

## **10. Security of Personal Information including Personal Data**

We maintain security of digital records through password protection, network security, restricting access to Personal Information, including Personal Data, to authorised personnel and internal policies in relation to use of computers. However, no data transmission over the internet or information stored on servers accessible through the internet can be guaranteed to be fully secure. We also maintain security over physical records through external and internal premises security, storing documents in security cabinets and restricting access to the cabinets through a passcode. We also obtain confidentiality undertakings from all Our employees not to disclose Your Personal Information, including Personal Data.

## **11. Retention of Personal Information including Personal Data**

We retain Personal Information, including Personal Data, for a period of six years from the time Our dealings with You become inactive. Ordinarily, We will destroy the information or data held at the end of six years or any reasonable time thereafter.

## **12. Your Rights**

With regard to the Personal Information, including Personal Data, Processing as described in more detail below, You have the right:

- to confirmation whether data concerning You is being Processed and also information about the data being Processed, further information about the nature of the data Processing, and copies of the data (see also Art. 15 GDPR);
- to correct or complete incorrect or incomplete data (see also Art. 16 GDPR) by providing any necessary documentation. Details may be supplied to Us by using any of the contact details provided in this Policy;

- to the immediate deletion of data concerning You (see also Art. 17 DSGVO) or, alternatively, if further Processing is necessary as stipulated in Art. 17 Para. 3 GDPR, to restrict the Processing in accordance with Art. 18 GDPR;
- to receive copies of the data concerning You and/or provided by You and to have the same transmitted to other providers/controllers (see also Art. 20 GDPR);
- to file complaints with the Supervisory Authority if You believe that data concerning You is being Processed by the Controller in breach of data protection provisions (see also Art. 77 GDPR); and
- to object to Our future Processing of Your Personal Data (see Art. 6 Para. 1 lit.f) GDPR).

In addition, We are obliged to inform all recipients to whom We disclose data of any such corrections, deletions or restrictions placed on Processing the same. However, this obligation does not apply if such notification is impossible or involves a disproportionate effort. Nevertheless, You have a right to information about these recipients.

### **13. Access to Personal Information**

You can request to access the Personal Information that We hold about You if it is stored by Us. The information will be provided without undue delay after receiving Your request. We will also provide a copy of the Personal Information, including Personal Data, undergoing Processing. For any further copies requested by You, We may charge a reasonable fee based on administrative costs. Where You make the request by electronic means, and unless otherwise requested by You, the information will be provided in a commonly used electronic form.

Requests for information may be sent to Us using any of the contact details provided in this Policy.

We may refuse to give access to Personal Information under certain circumstances, where:

- the rights and freedoms of others are adversely affected; or
- the request is manifestly unfounded or excessive.

If We refuse to provide information, We will provide written notice to You within a reasonable time that sets out the reasons for refusal unless it is unreasonable to do so.

### **14. Quality of Personal Information including Personal Data**

We are committed to ensure that the Personal Information, including Personal Data, collected or used or disclosed is reasonably accurate, up-to-date and complete.

### **15. Notification of correction**

If We correct Personal Information, including Personal Data, about You that We previously disclosed to another organisation and if You request Us to notify that other organisation of the correction, We will take reasonable steps to give that notification unless it is impracticable or unlawful for Us to do so.

## 16. Anonymity

The APPs allow You to deal with Us without the need to identify Yourself or by using a pseudonym. However, considering the nature of Our practice, it is impracticable for Us to deal with You if You have not identified Yourself. If We are not able to collect Your Personal Information, including Personal Data, We may not be able to provide appropriate legal services to You or to any organisation with which You are connected.

## 17. Private complaints and enquiries

We welcome feedback about privacy issues and will endeavour to attend to all questions and complaints promptly. You can contact Us about any privacy issues. If You are not satisfied with Our response, a complaint can be lodged with the Australian Information Commissioner on <http://www.oaic.gov.au/privacy/making-a-privacy-complaint> or You can call the OAIC enquiries line on 1300 363 992.

## 18. Definitions

In this Policy:

- “**Act**” means the *Privacy Act 1988* (Cth).
- “**APPs**” means the Australian Privacy Principles as set out in Schedule 2 of the Act.
- “**Company**” means Schweizer Kobras Pty Ltd ABN 80 323 580 453.
- “**Controller**” means the Company.
- “**GDPR**” means the General Data Protection Regulation (EU 2016/679).
- “**Identified or Identifiable Natural Person**” is one who has been or can be identified, directly or indirectly, particularly by reference to an identifier such as a name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the natural person.
- “**OAIC**” means Office of the Australian Information Commissioner.
- “**Personal Data**” means any information relating to an Identified or Identifiable Natural Person.
- “**Personal Information**” means information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Examples include name, address, phone number, email address, credit card number, bank account number, physical traits, hobbies, usage patterns, family members and income.
- “**Policy**” means this privacy policy.
- “**Primary Purposes**” means any or all of:
  - providing legal services to You;
  - responding to Your enquiries;
  - receiving feedback and dealing with complaints;
  - providing a functional and user-friendly website, including its contents;
  - direct marketing services;
  - providing Our publications or other information; and
  - inviting You to Our functions and presentations.
- “**Processing**” means any operation or set of operations which is performed on Personal Data or sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation, alteration, retrieval,

consultation, use, disclosure by transmission, dissemination, or otherwise making available, alignment, or combination, restriction, erasure, or destruction and “**Process**” has a corresponding meaning.

- “**Secondary Purposes**” means any or all of:
  - confidential alternative dispute resolution processes;
  - the establishment, exercise or defence of a legal or equitable claim;
  - our having reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Our functions or activities has been, is being or may be engaged in; and
  - our being authorised by or under an Australian law or a court/tribunal order.
- “**Sensitive Information**” includes information about Your racial or ethnic origin, health, religious beliefs, criminal record, membership of a trade union or membership of a professional or trade association.
- “**Supervisory Authority**” means the Company.
- “**We**” and “**Us**” means the Company, and “**Our**” has a corresponding meaning.
- “**You**” means an individual dealing with Us, and “**Your**” and “**Yourself**” have corresponding meanings.

**19. Information about Us as controllers of your Personal Information including Personal Data**

The party responsible for this website for purposes of data protection law is:

**Schweizer Kobras**

Level 5 / 23-25 O'Connell Street  
Sydney NSW 2000  
Australia

Telephone: +61 2 9223 9399

Fax: +61 2 9223 4729

Email: [mail@schweizer.com.au](mailto:mail@schweizer.com.au)

**20. Date this policy was last amended:**

1 November 2018