

## Miller & James Real Estate Privacy Policy

### 1. Introduction & Purpose of this Policy

1.1 Miller & James Real Estate provides real estate services including buying, selling, auctioneering, appraising and managing real estate.

1.2 We are bound by the *Privacy Act* and the *Australian Privacy Principles (APP)* which regulate the collection, use and disclosure of personal information. This Privacy Policy explains;

- The scope of our Privacy Policy;
- Why we collect personal information;
- What personal information we collect;
- How we collect and use your personal information;
- How we disclose your personal information;
- Your right to access your personal information;
- Your right to correct your personal information;
- How we protect the integrity of your personal information;
- Your right to make a privacy complaint; and
- How you can contact us regarding privacy concerns

We reserve the right to review and if necessary, change this Privacy Policy. We will post changes to this privacy Policy on our website. This Privacy Policy is on our website.

### 2. Scope

2.1 This Privacy Policy governs all personal information collected by and provided to us and must be adhered to by all persons who access, use, process, control or otherwise deal with personal information on our behalf. This policy applies to independent contractors and job applicants, as well as individuals who provide us with personal information.

### 3. What is personal information?

*Personal information* is any information that can be used to identify you. This includes any information or an opinion about you (including information or an opinion forming part of a database), whether true or not, and no matter how the information or opinions are recorded. The information may be collected from you directly or provided to us by another party.

### 4. Why do we collect personal information?

4.1 We collect personal information from you for the following purposes:

- To allow us to lawfully carry out our real estate functions and activities;
- To enable us to deliver the products and services that you requested;
- To provide you with further information about the products and services you requested;
- To personalise and customise your experiences with us;
- To help us review, manage and enhance our services;
- To communicate more effectively with you;
- For administration purposes, including charging, billing and collecting debts;

- To promote and market our products and services which we consider may be of interest to you;
- When considering making offers to job applicants and prospective employees or for employment purposes;
- To receive services from you or the organisation which employs you.

4.2 We may also collect, hold, use and/or disclose personal information if you consent or if required or authorised under law.

## 5. What personal information do we collect?

5.1 We collect personal information that is reasonably necessary for one or more of its functions or activities.

5.2 The type of information that we collect and hold may depend on your relationship with us. For example:

5.3 **Candidate:** if you are a candidate seeking employment with us, we may collect and hold information including your name, address, email address, contact telephone number, gender, age, employment history, references, resume, medical history, emergency contact, taxation details, qualifications and payment details.

5.4 **Customer:** if you are a customer of the Company, the Company may collect and hold information including your name, address, email address, contact telephone number, gender, age and financial details.

5.5 **Supplier:** if you are a supplier of the Company, the Company may collect and hold information including your name, address, email address, contact telephone number, business records, billing information, information about goods and services supplied by you.

5.6 **Sensitive information:** we will only collect sensitive information where you consent to the collection of the information and the information is reasonably necessary for one or more of the Company's functions or activities. Sensitive information includes, but is not limited to, information or an opinion about racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs, membership of a trade union, sexual preferences, criminal record, health information or genetic information.

5.7 If you feel that the personal information that we are requesting at any point is not information that you wish to provide, please feel free to raise this with us.

## 6. Employee records

6.1 This policy does not apply to the collection, holding, use or disclosure of personal information that is an employee record.

6.2 An employee record is a record of personal information relating to the employment of an employee. Examples of personal information relating to the employment of the employee include, but are not limited to, health information and information about the engagement, training, disciplining, resignation, termination, terms and conditions of employment of the employee.

## 7. How do we collect and hold personal information

7.1 We must collect personal information only by lawful and fair means. We will collect personal information directly from you if it is reasonable or practicable to do so.

7.2 We may collect personal information in a number of ways, including without limitation:

- through application forms;
- by email or other written mechanisms;
- over a telephone call;
- in person;
- through transactions;
- business cards;
- contracts;
- through our website;
- through surveillance cameras;
- by technology that is used to support communications between us;
- from third parties, including through publically available information sources (which may include telephone directories, the internet and social media sites).

7.3 When we collect personal information about you through publicly available information sources, such information will be managed in accordance with the APPs.

7.4 **Unsolicited personal information** is personal information that we receive which we did not solicit. Unless we determine that we could have collected the personal information in line with the APPs or the information is contained within a Commonwealth record, we must destroy the information to ensure it is de-identified.

## 8. How do we use your personal information?

8.1 We will only use and disclose your personal information for purposes which are related to those identified under paragraph 4 of this policy or if we get your consent to do so and it is in accordance with this Privacy Policy and the Privacy Act.

8.2 We will not use your personal information for any purpose for which you would not reasonably expect us to use it for. Additionally, we will not disclose your sensitive information without your consent, unless there is a need to disclose such information in accordance with the Privacy Act or to comply with any other regulatory requirement.

## 9. Is personal information used for direct marketing?

9.1 We may use or disclose personal information (other than sensitive information) about you for the purpose of direct marketing (for example, advising you of new goods and/or services being offered by us).

9.2 We may use or disclose sensitive information about you for the purpose of direct marketing if you have consented to the use or disclosure of the information for that purpose.

9.3 You can opt out of receiving direct marketing communications from the Company by contacting the Privacy Officer in writing at [karen@millerandjames.com.au](mailto:karen@millerandjames.com.au) or, where available, accessing the Company's website and unsubscribing appropriately.

## **10. What happens if you do not provide your personal information?**

10.1 You are not obliged to give us your personal information. If you would like to access any of our services on an anonymous basis or using a pseudonym, we will take reasonable steps to comply with your request. However, we will require you to identify yourself if:

- We are required by law to deal with individuals who have identified themselves; or
- It is impracticable for us to deal with you if you not identify yourself or elect to use a pseudonym. This might include ensuring the safety of others for whom we have responsibility.

10.2 Please be aware that your request to be anonymous or to use a pseudonym may affect our ability to provide you with the requested services. For example, your ability to bid for a property at auction.

## **11. When do we disclose your personal information?**

11.1 You acknowledge and agree that we may disclose your personal information for any of the purposes for which it is was collected, as indicated under paragraph 4 of this policy, or where it is under a legal duty to do so.

11.2 Disclosure will usually be internally and to related entities or to third parties such as contracted service suppliers.

11.3 Before we disclose personal information about you to a third party, we will take steps as are reasonable in the circumstances to ensure that the third party does not breach the APPs in relation to the information.

## **12. Do we send information overseas?**

12.1 We are not likely to disclose personal information to overseas recipients.

12.2 Before we disclose personal information about you to an overseas recipient, we will take steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the APPs in relation to the information.

12.3 The countries in which overseas recipients are likely to be located include:

## **13. Access to your personal information**

13.1 If we hold personal information about you, you may request access to that information by putting the request in writing and sending it to the Privacy Officer. We will respond to any request within a reasonable period, and a charge may apply for giving access to the personal information.

13.2 There are certain circumstances in which we may refuse to grant you access to the personal information. In such situations we will give you written notice that sets out:

- the reasons for the refusal; and
- the mechanisms available to you to make a complaint.

## **14. Correction of your personal information**

14.1 If we hold personal information that is inaccurate, out-of-date, incomplete, irrelevant or misleading, we must take steps as are reasonable to correct the information.

14.2 If we hold personal information and you make a request in writing addressed to the Privacy Officer to correct the information, we must take steps as are reasonable to correct the information and we will respond to any request within a reasonable period.

14.3 There are certain circumstances in which we may refuse to correct the personal information. In such situations we will give you written notice that sets out:

- the reasons for the refusal; and
- the mechanisms available to you to make a complaint.

14.4 If we correct personal information that it has previously supplied to a third party and you request us to notify the third party of the correction, we will take such steps as are reasonable to give that notification unless impracticable or unlawful to do so.

## **15. Integrity and security of your personal information**

15.1 We will take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that we:

- collects is accurate, up-to-date and complete; and
- uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date and complete.

15.2 We will take steps as are reasonable in the circumstances to protect the personal information from misuse, interference, loss and from unauthorised access, modification or disclosure.

15.3 If we hold personal information, it no longer needs the information for any purpose for which the information may be used or disclosed, the information is not contained in any Commonwealth record and we are not required by law to retain the information, it will take such steps as are reasonable in the circumstances to destroy the information or to ensure it is de-identified.

## **16. Complaints**

16.1 You have a right to complain about our handling of your personal information if you believe we have breached the APPs.

16.2 If you wish to make such a complaint to us, you should first contact the Privacy Officer in writing. Your complaint will be dealt with in accordance with our complaints procedure and we will provide a response within a reasonable period.

16.3 If you are unhappy with our response to your complaint, you may refer your complaint to the Office of the Australian Information Commissioner.

## **17. Privacy Officer contact details:**

Our Privacy Officer can be contacted in the following ways:

- a) Telephone number: Karen McLaren
- b) Email address: karen@millerandjames.com.au
- c) Postal address: PO Box 5 Temora NSW 2666

## 18. Interpretation

**Personal pronouns:** except where the context otherwise provides or requires:

- The terms **we**, **us** or **our** refers to Miller & James Real Estate; and
- The terms **you** or **your** refers to any person who provides us with personal information in any form or by any means.