

TOTTLE PARTNERS PRIVACY POLICY

1. INTRODUCTION

Tottle Partners and its related entities are committed to ensuring that when we collect and use information provided to us we do so in accordance with the Australian Privacy Principles set out in the Privacy Act 1988 (Cth) (**Privacy Act**).

In the course of our business there are circumstances where it is necessary for us to obtain information, which is of a personal, sensitive or confidential nature, from our clients and others (**personal information**). This policy is intended to ensure personal information is handled and stored in an appropriate manner.

2. WHO DOES THIS POLICY APPLY TO?

This policy applies to any person for whom we currently hold, or from whom we may in the future collect, personal information (**you**).

The policy does not apply to the records of current or past employees.

3. COLLECTION AND STORAGE OF INFORMATION

We may collect and store your personal information electronically or in hard copy (**your personal information**). We will only disclose your personal information to others where that is:

- necessary and appropriate;
- in your legal interests for us to do so;
- required by law; or
- to the extent necessary for our agents or contractors to carry out work on our or your behalf.

We will only disclose your personal information to recipients located overseas where that is necessary for us to provide legal services to you.

Further information regarding our use and management of your personal information may be obtained by contacting our Privacy Officer. You may apply in writing to us for access to your personal information.

You may make a complaint regarding a breach of your privacy by us by making that in writing to our Privacy Officer, who will then contact you with a view to resolving the complaint.

4. USE AND MANAGEMENT OF PERSONAL INFORMATION

We collect information from our clients, third parties, public records and other sources to enable us to provide legal services and to provide our clients with information about those services.

We manage the personal information we collect by:

- providing our staff with training regarding privacy issues;
- implementing procedures regarding the collection and handling of private information;
- reviewing our compliance with our legal obligations regarding privacy;

- implementing measures to keep the personal information we collect safe and secure, including using unique usernames and passwords on systems on which personal information is stored electronically, and using security cards to sites at which personal information is stored in hardcopy; and
- appointing a Privacy Officer to administer and monitor our obligations and any complaints or applications regarding privacy matters.

In limited circumstances, it may be possible for you to use a pseudonym or remain anonymous when dealing with us. If you wish to use a pseudonym or remain anonymous you should notify us when first making enquiries or providing us with instructions. We will use our best endeavours to comply with that request, subject to our professional obligations and our ability to provide services without using your real name. In most cases, our professional obligations will require us to deal with you using your real name.

We will comply with our professional and legal obligations (including as to confidentiality) at all times when dealing with your personal information.

If you apply for employment or work experience with us you may need to provide us with personal information, including information regarding your education, employment and state of health. By submitting the application, you consent to our use of the information to assess your application and to allow us to carry out any monitoring activities which may be required under applicable law as an employer. We may also carry out screening checks (including verification of identity, reference, background, directorship, financial probity, eligibility to work, vocational suitability and criminal record checks) and consider you for other positions. We may provide your personal information to academic institutions, recruiters, screening check providers, health service providers, professional and trade associations, law enforcement agencies, referees and your current and previous employers. Without your personal information we may not be able to progress your application.

5. RELEASING YOUR PERSONAL INFORMATION TO OTHERS

In providing services to you it may be necessary for us to release your personal information to organisations or individuals with whom we conduct business and, where necessary, overseas recipients.

Such organisations and individuals include related entities, barristers, solicitors, accountants, auditors, printers, insurers, investigation service providers, Law Mutual, the Legal Practice Board and agencies which regulate the provision of legal services. If necessary and appropriate we may provide your personal information to courts, tribunals and dispute resolution providers including experts, mediators and arbitrators.

The personal information we collect may be subject to review by a partner, supervising professional personnel, trust account auditor or a Quality Practice Standard auditor.

Your personal information is only provided to others to the degree necessary to enable us to provide services to you and to the extent required by our professional obligations or by law.

Before providing your Personal Information to an overseas recipient we will endeavour to take reasonable steps to ensure that the overseas recipient does not breach relevant Australian Privacy Principles or the Privacy Act in relation to the information, or otherwise:

- be reasonably satisfied that they are subject to a law or binding scheme that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the APPs protect the information and there are mechanisms you can access to take action to enforce that protection of the law or binding scheme,
- obtain your consent to the disclosure (after informing you that the overseas recipient will or may not be required to comply with the APPs);or
- be satisfied that the disclosure would not otherwise breach the APPs.

6. MARKETING INFORMATION

Unless you advise us in writing that you do not want us to do so, we may provide you with information from time to time about new services available from us and we may also send you legal information which we consider may be of interest to you.

7. WHAT IF YOU DO NOT WISH TO PROVIDE US WITH INFORMATION?

In providing services to you we require personal information about you. If you do not provide us with the information we require, we may be unable to provide services to you.

8. DATA NOT COLLECTED

Unless required by law we do not collect data relating to:

- race or ethnic origin;
- political opinion;
- religious or philosophical beliefs;
- trade union membership;
- genetic or biometric data;
- mortality; or
- sexual orientation.

9. GENERAL DATA PROTECTION REGULATION 2016/679 (GDPR)

If you are a resident of the European Union for the purposes of the GDPR then in addition to the above the following also applies to you.

If requested by you we will provide you free of charge, and within 30 days of the request the following information:

- what Personal Information pertaining to you is being processed;
- why the Personal Information is being processed;
- who has access to your Personal Information;

- how the Personal Information is being used in automated decisions (if relevant); and
- what processes are using the Personal Information.

You may request that we update, correct, delete or remove any obsolete data that we hold. If you make such a request we will, to the extent required by law, comply with your request within 30 days of the request being made.

You may also withdraw your consent to us using your Personal Information.

10. YOUR RIGHTS

Under the Privacy Act you have the right to access your personal information. If the information is incorrect, you have the right to require us to amend the information.

11. FURTHER INFORMATION

If you require further information about our Privacy Policy, require access to your personal information or wish to correct your personal information, please contact our Privacy Officer:

- by telephone on (08) 9217 6700;
- by email at mail@tottle.com;
- by post addressed to 'The Privacy Officer', Tottle Partners, Level 40, 108 St Georges Terrace, Perth WA 6000.

We will give you access to your personal information as soon as is reasonably practicable, subject to the circumstances in which the request has been made. We will not discuss your personal information without proof of identity.

We may deny access to your personal information if:

- the request is impractical or unreasonable;
- providing access would have an unreasonable impact on the privacy of another person;
- providing access would pose a serious and imminent threat to the life or health of any person;
- providing access would contravene our professional obligations; or
- there are other legal grounds to deny the request.

We may charge a fee for the reasonable costs we incur in responding to a request for access to personal information. The fee (if applicable) will be disclosed prior to it being claimed.

12. COMPLAINTS

If you wish to make a complaint about a breach of your privacy, you must follow the following process:

- the complaint must first be made, in writing, to our Privacy Officer. We will have a reasonable time to respond to the complaint;

- if we fail to respond to the complaint within a reasonable time, or the complaint cannot be resolved, you may refer your complaint to the Office of the Australian Information Commissioner.

13. CHANGES TO THIS POLICY

We may amend or remove this policy at any time without prior notice. Any amended privacy policy will be published on our website.