

About this Privacy Policy

GORMAN & KELLY COMMERCIAL PROPERTY MANAGEMENT PTY LTD trading as Gorman Kelly is committed to respecting your right to privacy and protecting your personal information.

We are bound by the *Privacy Act 1988 (Cth) (Act)* .

We will ensure that all officers, employees and subcontractors are aware of and understand GormanKelly's obligations as well as their own obligations under the Act. We will achieve this through the provision of training and through maintaining and implementing internal policies and procedures to prevent personal information from being collected, used, disclosed, retained, accessed or disposed of improperly.

This Policy applies to all your dealings with us, whether in person, or via telephone, email, correspondence or our website.

The purpose of this Policy is to:

- Give you a better and more complete understanding of the kinds of personal information we collect and hold;
- Clearly and concisely communicate how and when we collect, disclose, use, store and otherwise handle personal information;
- Inform you about the purposes for which we collect, hold, use and disclose personal information;
- Provide you with information about how you may access your personal information, and seek correction of your personal information;
- Provide you with information about how you may make a complaint, and how we will deal with any such complaint;
- Advise you of the circumstances in which we are likely to disclose personal information to overseas recipients; and
- Enhance the transparency of our operations.

For the purpose of this Policy, the following terms will have the following meanings, as attributed to them by section 6 of the Act:

Health information means:

- (a) *Information or an opinion about:*
 - (i) *The health or disability (at any time) of an individual; or*
 - (ii) *An individual's expressed wishes about the future provision of health services to him or her; or*
 - (iii) *A health service provided, or to be provided, to an individual; that is also personal information; or*
- (b) *Other personal information collected to provide, or in providing, a health service; or*

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- (c) *Other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or*
- (d) *Genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.*

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.

Sensitive information means:

- (a) *Information or an opinion about an individual's:*
 - (i) *Racial or ethnic origin; or*
 - (ii) *Political opinions; or*
 - (iii) *Membership of a political association; or*
 - (iv) *Religious beliefs or affiliations; or*
 - (v) *Philosophical beliefs; or*
 - (vi) *Membership of a professional or trade association; or*
 - (vii) *Membership of a trade union; or*
 - (viii) *Sexual orientation or practices; or*
 - (ix) *Criminal record**that is also personal information; or*
- (b) *Health information about an individual; or*
- (c) *Genetic information about an individual that is not otherwise health information; or*
- (d) *Biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or*
- (e) *Biometric templates.*

Collection of Personal Information

Whenever you deal with GormanKelly, whether as a current or prospective seller, buyer, lessor or lessee, we will collect personal information in order to provide services to you. We do not collect personal information unless it is reasonably necessary for, or directly related to, one or more of the services we provide or functions we carry out.

The types of personal information we generally collect include but is not limited to:

- Name.
- Date of birth.
- Residential address.
- Postal address.

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- Email address.
- Home telephone number.
- Work telephone number.
- Mobile telephone number.
- Your occupation and business address.
- Financial information including details of your employer, income, name of bank or financial institution.
- Details of your spouse, de facto, dependent children, and roommates.
- Details of properties owned by you.
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We will not ordinarily ask you to provide sensitive information. However, there may be circumstances where the information provided by you reveals sensitive information. For example:

- You may require a property with particular features, such as wheelchair ramps. This may reveal health information.
- In providing details of your spouse or de facto partner, this may reveal sensitive information regarding your sexual orientation.

We will only collect sensitive information in circumstances where:

- It is reasonably necessary for one or more of the services we provide or functions we carry out; and
- You consent to the collection of the information; or
- We are required or authorised by law to collect the sensitive information.

We will, if it is reasonable or practicable to do so, collect your personal information directly from you. This may happen when you fill out a form or when you give us personal information in person, or via telephone, email, correspondence or our website.

Sometimes we will collect personal information from a third party or a publicly available source. For example, we may need to collect personal information from a credit reporting agency, your legal adviser, your past or current employers, your previous lessors or property managers, and tenancy information services or databases.

If we receive personal information that we did not solicit, we will determine as soon as reasonably practicable whether we could have lawfully collected that information as part of our functions or activities. If we are not satisfied that we could have lawfully collected the information, then we will (if it is lawful and reasonable) destroy the information or ensure that it is de-identified.

You may choose to deal with us anonymously or under a pseudonym where lawful and practical. Where anonymity or use of a pseudonym will render us unable to provide the relevant service or do business, we may request that you identify yourself.

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For example, whenever documents are to be submitted to government agencies or financial institutions, it is essential that we record your name accurately.

Use and Disclosure of Personal Information

Personal information collected by GormanKelly will ordinarily be used for the following purposes:

- Assisting you to sell your property.
- Assisting you to purchase a property.
- Assisting you to lease a property (either as lessor or lessee).
- Assisting you to obtain a loan.
- Assisting you with payment or refund of a bond.
- Assisting you with tenancy disputes.
- Coordinating repairs or maintenance to a property owned or leased by you.
- Recording or accessing information at the Titles Registry Office or other governmental agency.
- Recording or accessing information at the Residential Tenancies Authority.
- Recording or accessing information on tenancy information services or databases.
- Client and business relationship management.
- Marketing of products and services to you.

In order to achieve the purposes described above, we may disclose your personal information to the persons/organisations described below:

- In the event that you are a seller or a lessee, we may disclose your personal information to prospective buyers of the property owned or leased by you.
- In the event that you are a buyer or a lessee, we may disclose your personal information to the sellers of the property you are purchasing or leasing.
- Your legal advisor(s) and the legal advisor(s) representing the other party(s) involved in your transaction.
- Your financial institution and/or financial advisor.
- Insurance providers and brokers;
- Utility providers and utility connection service providers;
- Persons or organisations involved in providing, managing or administering your product or service, including independent contractors engaged by us as real estate agents;
- Tradespeople engaged by us to repair or maintain a property owned or leased by you;
- Organisations involved in maintaining, reviewing and developing our business systems, procedures and infrastructure including maintaining or upgrading our computer systems.
- Persons or organisations involved in purchasing part or all of our business.

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- Organisations involved in the payments systems including financial institutions, merchants and payment organisations.
- The Titles Registry Office or other government agency.
- The Residential Tenancies Authority.
- Tenancy information services or databases.
- Real estate peak bodies.
- Real estate websites.
- Police.
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We will only use and disclose personal information for the primary purpose for which it was initially collected, or for purposes which are directly related to one of our functions or activities.

We will not disclose your personal information to government agencies, private sector organisations or any third parties unless one of the following applies:

- You have consented.
- You would reasonably expect, or you have been told, that information of that kind is usually passed to those individuals, bodies or agencies.
- It is otherwise required or authorised by law.
- It is reasonably necessary for enforcement related activities conducted by, or on behalf of, an enforcement body (e.g. police, ASIC, Immigration Department).

Personal information provided to GormanKelly may be shared with its related companies. We will take all reasonable and practical measures to keep such information strictly confidential.

In the course of providing services to you, it may be necessary for us to enter your personal information into forms generation software and real estate websites. Depending on the terms of use of such software and websites, a third party may acquire rights to use or disclose information entered into the relevant forms or websites.

The collection and use of personal information by third parties may be subject to separate privacy policies or the laws of other jurisdictions.

GormanKelly may transfer your personal information to overseas countries in order to perform one or more of our functions or activities. In these circumstances, we will take reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information.

Like many other businesses in Australia, GormanKelly may rely on third party suppliers or contractors to provide specialised services such as web hosting, cloud computing technology and data storage services and virtual assistants. If personal information is provided to these suppliers and contractors in order to enable them to perform the agreed tasks, we will make every effort to ensure that the supplier or contractor handles the personal information in accordance with the Act and the Australian Privacy Principles. We will also require all suppliers and contractors to provide privacy undertakings and enter into confidentiality agreements.

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There may be limited circumstances in which it is necessary for us to collect a government related identifier such as your tax file number or Centrelink reference number. We will not use or disclose your government related identifiers unless we are required or authorized to do so by law or by a court or tribunal order, or in order to fulfill our obligations to a State or Territory authority.

Marketing our products and services

GormanKelly may use or disclose your personal information to let you know about products and services in which you may be interested. You can contact us at any time if you no longer wish us to market our products and services to you (see the **Contacting Us** section for more information).

“We may disclose your personal information to Victorian Industrial Commercial Owners Corporation Pty Ltd (ViCOC) in order to facilitate direct marketing by ViCOC. You may contact us at any time to request that we refrain from providing your personal information to ViCOC (see the **Contacting Us** section for more information)

Accuracy of Personal Information

GormanKelly will take reasonable steps to ensure that all personal information it collects, uses or discloses is accurate, complete and up-to-date.

If you believe your personal information is not accurate, complete or up-to-date, please contact us (see the **Contacting Us** section for more information).

Security

Your personal information may be stored in hard copy documents or electronically. GormanKelly is committed to keeping your personal information secure and safe. Some of the ways we do this are:

- Requiring employees and contractors to enter into confidentiality agreements.
- Secure hard copy document storage (i.e. storing hard copy documents in locked filing cabinets).
- Security measures for access to our computer systems.
- Providing a discreet environment for confidential discussions.
- Access control for our buildings.
- Security measures for our websites (see the **Your Privacy on the Internet** section for more information).
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We will review and update our security measures from time to time.

In addition, we will review the personal information and sensitive information held by us from time to time, ensuring that information which is no longer needed for a purpose for which it was initially collected is destroyed or de-identified.

Your Privacy on the Internet

GormanKelly takes care to ensure that the information you provide to us via our website is protected. For example, our website has electronic security systems in place, including the use of firewalls and data encryption

You may be able to access external websites by clicking on links we have provided. Those other websites are not subject to our privacy standards, policies and procedures. You will need to contact or review those websites directly to ascertain their privacy standards, policies and procedures.

Access to Personal Information

You may request access to personal information that GormanKelly holds about you (see the **Contacting Us** section for more information).

We will acknowledge your request within 5 business days of the request being made. Access will usually be granted within 14 business days of our acknowledgment or, if the request involves complex considerations or voluminous photocopying or scanning, within 30 business days. We will let you know which timeframe applies to your request and if any delays are anticipated.

You will need to verify your identity before access to your personal information is granted.

While we cannot and do not charge an "application fee" for you applying to access your personal information, we may charge a fee for actually giving you access to your personal information in your preferred format (where reasonable and possible), which will cover our costs involved in locating and collating information as well as reproduction costs.

Once your request has been processed by GormanKelly, you may be forwarded the information by mail or email or you may personally inspect it at the location where the information is held or another appropriate place. Whenever possible, we will endeavor to make the information available to you in the manner requested by you unless it is unreasonable for us to do so (e.g. if you have asked for the information to be emailed to you, we will endeavor to email the information to you. If the file size would be too large, we may send you the information by hard copy instead of email).

If you are aware that we hold personal information about you that is no longer accurate, complete or up-to-date, please contact us (see the **Contacting Us** section for more information).

If you request access to your personal information, or if you request that we correct your personal information, we will allow access or make the correction unless we consider that there is a sound reason to withhold the information, or not make the correction.

Under the Act, we may refuse to grant access to personal information if:

- We believe that granting access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety.

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- Granting access would have an unreasonable impact upon the privacy of other individuals.
- Denial of access is required or authorised by law or by a Court or Tribunal order.
- Giving access would be unlawful.
- The request for access is frivolous or vexatious.
- Legal proceedings are underway or anticipated and the information would not be accessible by way of the discovery process in those proceedings.
- Giving access would reveal our intentions in relation to negotiations between us and you in such a way as to prejudice those negotiations.
- Giving access is likely to prejudice enforcement related activities conducted by, or on behalf of, an enforcement body.
- Giving access is likely to prejudice action being taken or to be taken with respect to suspected unlawful activity or serious misconduct relating to our functions or activities.
- Giving access would reveal information in connection with a commercially sensitive decision-making process.

If we do not agree to make a correction to your personal information, you may provide a statement about the requested corrections, and we will ensure that the statement is apparent to any users of the relevant personal information.

If we do not agree to provide access to your personal information or to correct your personal information, we will provide written reasons for the refusal and the mechanisms available to complain about the refusal (see the **Complaints** section for more information).

Contacting us

You may contact us by mail, email or telephone as follows:



PO Box 5082 Glenferrie South Vic 3122



reception@gormankelly.com.au



03 9810 7200

Complaints

If you consider that there has been a breach of the Australian Privacy Principles, you are entitled to complain to GormanKelly (see the **Contacting Us** section for more information).

We will acknowledge receipt of a complaint within 2 business days.

We will investigate the complaint and attempt to resolve it within 20 business days after the complaint was received. Where it is anticipated that this timeframe is not achievable, we will contact you to provide an estimate of how long it will take to investigate and respond to the complaint.

If you consider that we have not adequately dealt with a complaint, you may complain to the Office of the Australian Information Commissioner on the below details:



Officer of the Australian Information Commissioner (OAIC)
GPO Box 5218
SYDNEY NSW 2001



enquiries@oaic.gov.au



1300 363 992

Review

This policy is to be reviewed as follows:

- Annually as a minimum.
- Following an information security incident.
- Following significant changes to our systems.
- Following changes to the relevant State and Commonwealth legislation

Reviews are to examine the appropriateness of the policy taking into consideration corporate, system and compliance requirement changes since the last review was undertaken.

The most up-to-date version of GormanKelly's Privacy Policy will be available on our website: www.gormankelly.com.au