

Michael Paterson and Associates and its service trust, 21st Century Legal Services (which provides various services to firm, including employing administrative staff and providing photocopying, faxing and mailing services) (“we”/“us”) respect your privacy and comply with the Privacy Act 1998 (Cth) (the “Act”), which requires us to provide this Privacy Policy to you on request. Our clients are provided with this policy as a matter of course. This document sets out our policies for management of *personal information*.

The Act defines “*Personal information*” as meaning: “information or an opinion (including information or an opinion forming part of a database), 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”. This is a very wide definition.

1. Collection

1.1 We only collect *personal information* that is necessary for one or more of our functions or activities.

1.2 We only collect *personal information* by lawful and fair means and not in an unreasonably intrusive way.

1.3 At or before the time (or, if that is not practicable, as soon as practicable after) we collect *personal information* from you, we take reasonable steps to ensure that you are aware of:

(a) our identity and how to contact us, namely:

Michael Edward Paterson, trading as **Michael Paterson & Associates** and Michael Edward Paterson & Linda April Paterson, as trustees for the 21st Century Law Trust, trading as **21st Century Legal Services***

both c/- **Suite 4, 88 Walters Drive, Osborne Park WA 6017**

Tel: **(08) 9443 5383** Fax: **(08) 9443 5390**

E-Mail: **privacy@patersons.com.au** Web: **www.patersons.com.au**

Privacy Officer: **Ms Chris Martin**

and

(b) the fact that you are able to gain access to the information - anyone about whom we hold information can contact us via the contact details in 1.3(a) above to gain access to their *personal information*; and

(c) the purposes for which the information is collected - we collect *personal information* for the following purposes:

(i) identifying and corresponding with our client and other parties to their transactions and court actions, and generally to enable us to conduct our businesses, provide and market our services and meet our legal obligations;

(ii) matters implicit in our management including service monitoring, planning, evaluation and accreditation activities and compliance with quality assurance audits;

(iii) to check membership details of members of trade organisations that we represent; and

(iv) generally anything necessary and expedient to achieve the above;

and

(d) the organisations (or the types of organisations) to which we usually disclose *personal information* - the usual persons and organisations to whom *personal information* is disclosed are:

(i) our clients and other parties to their transactions or court actions, including third parties that pay your account on your behalf, solicitors, settlement agents and other representatives of those other parties;

(ii) the Courts, Industrial Relations and other Commissions, Tribunals, etc. and their officials, including bailiffs, sheriffs and the police;

(iii) Government Departments and Authorities, Banks and other institutions as necessary to effect transactions;

(iv) Barristers, process servers and other contractors that assist us with carrying out our services;

(v) our clients’ and our own accountants and auditors, including quality auditors and advisers if necessary for them to provide their services or conduct their business; and

(vi) other persons or organisations that need to be given *personal information* in order for us to provide our services and conduct our businesses properly.

and

(e) any law that requires the particular information to be collected - there is currently no legislation that requires us to collect information, but should obligations arise we will make the necessary people aware; and

(f) the main consequences (if any) for you if all or part of the information is not provided - if you do not provide all your details, our data base will not be as comprehensive as it might be and we will not be able to provide our services to you or our clients properly.

1.4 If it is reasonable and practicable to do so, we collect *personal information* about you only from you.

1.5 If we collect *personal information* about you from someone else, we take reasonable steps to ensure that you are, or have been, made aware of the matters listed in subclause 1.3. We collect *personal information* from:

(a) the Australian Securities & Investments Commission (“ASIC”) databases, national business name databases, electoral rolls, telephone books, other public databases and credit agencies;

(b) the trade associations that we represent, such as the Australian Computer Society (ACS), Stirling Business Association (SBA), Boating Industry Association (BIA) and Bed Breakfast Farmstay WA (BBFWA), and

(c) other organisations that are required to comply with the Act.

These organisations should have, or will have, advised the persons of the matters listed in 1.3 above, where applicable, at our request and so there is no need for us to do so again.

2. Use and disclosure

We do not use or disclose *personal information* about you for a secondary purpose other than the primary purposes of collection mentioned in 1.3(c) above unless:

(a) both of the following apply:

(i) the secondary purpose is related to the primary purpose of collection; and

(ii) you would reasonably expect us to use or disclose the information for the secondary purpose; or

(b) you have consented to the use or disclosure; or

(c) the use or disclosure is required or authorised by law.

3. Data quality

We take reasonable steps to make sure that the *personal information* we collect, use and disclose is accurate, complete and up-to-date.

4. Data security

4.1 We take reasonable steps to protect the *personal information* we hold from misuse, loss, unauthorised access, modification or disclosure.

4.2 We take reasonable steps to destroy or permanently de-identify *personal information* if it is no longer needed for any purpose for which the information may be used or disclosed, but we archive the information and retain it for at least 7 years for legal purposes.

5. Openness

5.1 This document sets out our policies on the management of *personal information*. We make this document available to anyone who asks for it. Updated versions will be published at www.patersons.com.au/privacy.htm.

5.2 On request by a person, we take reasonable steps to let the person know, generally:

(a) what sort of *personal information* we hold, usually: name, home address, business address, telephone, fax, e-mail, and information needed in order to provide services to our clients;

(b) for what purposes we use the *personal information*, namely those listed in 1.3(c) above;

(c) how we collect the information, including from the following sources: our clients, other parties to transactions and court actions involving our clients and their representatives, from public databases such as those held by ASIC and Electoral Offices, associations that we represent such as the ACS, SBA, BIA and BBFWA, credit agencies;

(d) how we hold the information, namely in our client files, archived files, and in our computer system and on backup tapes;

(e) how we use the information - for various purposes listed in 1.3(c) above; and

(f) how we disclose that information - on an “as needs” basis to the persons and organisations listed in 1.3(d) above,

by first of all giving them a copy of this document and providing further information if required.

6. Access and correction

6.1 We provide you with access to *personal information* we hold about you on request by you, except to the extent that:

(a) providing access would have an unreasonable impact upon the privacy of others; or

(b) the request for access is frivolous or vexatious; or

(c) the information relates to existing or anticipated legal proceedings between the you and us, and the information would not be accessible by the process of discovery in those proceedings; or

(d) providing access would reveal our intentions in relation to negotiations with you in such a way as to prejudice those negotiations; or

(e) providing access would be unlawful; or

(f) denying access is required or authorised by or under law; or

(g) providing access would be likely to prejudice an investigation of possible unlawful activity; or

(h) providing access would be likely to prejudice:

(i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or

(ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or

(iii) the protection of the public revenue; or

(iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or

(v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders;

by or on behalf of an enforcement body; or

- (i) an enforcement body performing a lawful security function asks us not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

6.2 Where providing access would reveal evaluative information generated by us in connection with a commercially sensitive decision-making process, we may give you an explanation for the commercially sensitive decision rather than direct access to the information.

6.3 If we are not required to provide you with access to the information because of one or more of paragraphs 6.1(a) to (i) (inclusive), we will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

6.4 If we charge for providing access to *personal information*, those charges:

- (a) will not be excessive; and
- (b) will not apply to lodging a request for access.

6.5 If we hold *personal information* about you and you are able to establish that the *personal information* is not accurate, complete and up-to-date, we take reasonable steps to correct the *personal information* accordingly.

6.6 If we disagree with you about whether the *personal information* is accurate, complete and up-to-date, and you ask us to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, we take reasonable steps to do so.

6.7 We provide reasons for denial of access or a refusal to correct *personal information*.

7. Identifiers

7.1 "Identifier" is defined by the Act to include a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations, e.g. tax file number or Medicare number.

7.2 We do not adopt as our own identifier for you, an identifier for you that has been assigned by a Federal Government Agency or agent or contracted service provider thereof. However, it is permissible to use your name or ABN (as defined in the A New Tax System (Australian Business Number) Act 1999) and we use names as identifiers and may use ABNs sometime in the future.

7.3 We will not use or disclose an identifier assigned to you by a Federal Government Agency, or by an agent or contracted service provider thereof, unless:

- (a) the use or disclosure is necessary for us to fulfil our obligations to a Federal Government Agency; or
- (b) the use or disclosure is required or authorised by or under law.

8. Anonymity

8.1 Wherever it is lawful and practicable, you have the option of not identifying yourself when providing *personal information* to us, but this is rarely feasible.

9. Transborder data flows

9.1 As a rule, we do not send information overseas, but in the rare cases that we might do so, we only transfer *personal information* about you to someone (other than us or you) who is in a foreign country if:

- (a) you consent to the transfer; or
- (b) we reasonably believe that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles of the Act; or

- (c) the transfer is necessary for the performance of a contract between you and us, or for the implementation of pre-contractual measures taken in response to your request; or
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in your interest between us and a third party; or
- (e) all of the following apply:
 - (i) the transfer is for your benefit;
 - (ii) it is impracticable to obtain your consent to that transfer;
 - (iii) if it were practicable to obtain such consent, you would be likely to give it;
- or
- (f) we have taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles of the Act.

10. Sensitive information

10.1 The Act defines "Sensitive Information" to mean:

- (a) health information; or
- (b) *personal information* which is also about the individual's:
 - (i) professional or trade association;
 - (ii) racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a trade union, sexual preferences or practices, criminal record.

10.2 We do not collect sensitive information about you unless:

- (a) you consent; or
- (b) the collection is required by law; or
- (c) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim (the only usual reason).

10.3 We collect information regarding membership of professional or trade organisation membership because these organisations and their members are our clients and the information is needed to provide our services to those clients.

See www.privacy.gov.au for more information on Privacy Issues.

Release 10 - 22 June 2009

MICHAEL PATERSON & ASSOCIATES (INCLUDING SETTLEMENTS ONLINE) AND 21ST CENTURY LEGAL SERVICES

PRIVACY POLICY

Herdsmen Law Chambers
Suite 4, 88 Walters Drive, Osborne Park WA 6017
Tel: (08) 9443 5383 Fax: (08) 9443 5390
e-mail: privacy@patersons.com.au
web: www.patersons.com.au