

I Our Commitment to Privacy

Gun & Davey Lawyers acknowledge that we are bound by the National Privacy Principles (NPP) and other requirements under The Privacy Amendment (Private Sector) Act 2000 (The Private Sector Act).

Protecting confidential information is fundamental to our relationship with our clients. We respect the privacy of individuals and are committed to protecting and maintaining against the privacy, accuracy, misuse, loss, modification, disclosure and security of your "personal information".

"Personal Information" is defined in the Act and covers any information that may be used to identify an individual.

Any references in this statement such as "we", "us" or "our" applies to **Gun & Davey**.

II Collection of Personal Information

Gun & Davey must collect personal information when instructed to provide you with legal advice or services, a newsletter subscription, seminars or workshops or have business dealings with us whether as a supplier or a client.

We collect personal information directly from individuals that typically comprise name, address, contact details, occupation, and employer. On occasions we may collect information about clients or potential clients by referral from other firms or third parties.

III What is Personal Information?

Information may be classified as of a "Personal" nature or as a subset classified as "Sensitive".

"Personal Information" is information from which the identity of an individual is apparent or can be reasonably ascertained and gathered in a way that is not in the "sensitive" category.

"Sensitive Information" includes information or an opinion about an individual's racial or ethnic origin, sexual preferences or practices, political opinions or association, religious beliefs, memberships (trade association, professional or union), philosophical beliefs, criminal record or health information.

When acting on your behalf, **Gun & Davey** may/will collect personal information that is necessary to provide the services required to an individual on specific matters, keep clients and/or contacts informed of legal developments and/or events, to market our services and to both lawfully and ethically carry on our business. Release of individual's personal information to/from third parties will require the client's consent.

Personal Information may also be collected for the purpose of credit services we provide to clients or an account that exceeds our payment terms and placed with a Credit Reporting Agency for recovery of debt.

In specific matters we may require to obtain information from our clients, agents, employers or publicly available records.

IV Use and Disclosure

Information given to us by clients is subject to legal professional privilege which we cannot be compelled to disclose without our clients consent. Our professional duty is to maintain the confidentiality of our client's information and we will not disclose information unless we have our client's instructions or are under legal obligation to do so.

V Disclosure of Personal Information to Third Parties

In some instances it will be necessary for **Gun & Davey** to disclose personal information to third parties such as barristers, claim loss assessors/adjusters, medical practitioners, experts engaged by us, government agencies, interstate agents, Court, Regulatory Authorities or other parties and/or their advisors. In all instances we undertake to ensure that such third parties comply with the NPP to protect the personal information disclosed to external service providers.

The Law Society of South Australia Trust Account Inspectors may request access to client records or files for the purpose of auditing trust accounting requirements. Auditors are bound by obligations of confidentiality.

VI Personal Information Used for Other Purposes

Gun & Davey may on occasions use personal information collected from clients, employees of clients, or contacts for the distribution of newsletters, articles of interest or legal changes that may affect you or your industry (obligation free) and invitations to our events. If requested you will be removed from our mailing lists.

Gun & Davey do not sell or trade your personal information.

VII Compliance

This Privacy Policy Statement states the firm's policy in relation to the use of private information and ongoing compliance obligations under the National Privacy Principles (NPP) and other requirements under The Privacy Amendment (Private Sector) Act 2000 (The Private Sector Act).

Gun & Davey's firm Policy Manual incorporates this statement.

VIII Staff Training

All employees are provided training in accordance with the firm's obligations and requirements set under the NPP and Private Sector Act. All staff is subject to strict obligations of confidentiality.

IX Policy Officer

Gun & Davey have appointed a Policy Officer who oversees the firm's continued compliance.

X Information Management Systems

Our Information Management System forms an integral part of the firm's compliance policy and is utilised to ensure that all data collected is current, easily retrievable and complete.

XI Data Security

Gun & Davey have implemented procedural safeguards to protect the personal information collected from unauthorised access, modification or disclosure. A monitored security system secures our premises and access to all computers systems is limited to user identifiers, security levels and passwords.

All files are stored in controlled areas and staff having access to documents is bound by confidentiality obligations. Documents considered sensitive are stored on our premises in a secured bank vault with limited access. Archived files are stored with Recall Records Management, a secured and monitored complex.

As stated in our Terms of Engagement client's files are retained for seven years after completion of matter.

Recall Records Management securely destroys files after this period and issues a certificate confirming destruction. Internal documents containing personal information are secured in locked bins on our premises and pulped before shredding.

XII Use of Identifiers

Gun & Davey do not attribute any identifiers other than a bar code to boxed files that may publicly identify an individual (eg, tax file number, name or description of matter) when storing personal information with Recall Records Management

Gun & Davey take reasonable steps to destroy or permanently de-identify personal information that is no longer needed or required to be held pursuant to any Court Order or Act of Parliament.

XIII Accuracy

We will take all reasonable precautions to ensure the personal information we collect, use and disclose is accurate, complete and up to date.

We recommend that if any personal information relating to you is or becomes out of date or incorrect, you should contact this office and discuss the matter with our Policy Officer.

XIV Access to Information

The Private Sector Act and the NPP allows individuals to request access to any records they believe we hold relating to their personal information. If not requested, we will take reasonable steps to advise any individual what information we hold, the purpose for which the information is collected, uses or disclosures of such.

Requests for access must be in writing and addressed to our Policy Officer. There is no charge for providing access, however if costs are incurred for retrieval of information we will ask the individual seeking access to meet these costs. We will advise the costs prior to retrieval of information.

In some circumstances under the provisions of the National Privacy Principles and/or Private Sector Act, there may be limitations upon the right to access; the Privacy Officer will explain the reason for the non-disclosure with direct reference to the relevant legislation.

A true copy of this Privacy Policy Statement is available to anyone on request. The most recent version of our Privacy Policy Statement is accessible via the **Gun & Davey** website: www.gundavey.com.au.

All requests should be made in writing to:

Policy Officer
Gun & Davey Lawyers
GPO Box 93
ADELAIDE SA 5000

XV Complaints Procedure

All individuals have the right to make a complaint about any interference with your privacy or if not satisfied how any member of this firm have dealt with your personal information. You may request in writing that our Managing Partner consider the matter. He / she will review the complaint and provide a written response.

Should you remain dissatisfied with that review it is recommended that both parties refer the matter to the Law Society of South Australia for resolution. We agree to accept the determination of the Law Society of South Australia as final.



XVI Web-site Privacy

Gun & Davey does not send any unsolicited advertising or promotional information (also know as ‘Spam’) via email.

Any information that an individual chooses to submit to us when sending emails, requesting newsletters or responding to an invitation to an event will be treated in accordance with the Privacy Policy Statement.

Users of our website will remain anonymous. For the purpose of website development and improvement of the firm’s communications our Internet Service Provider may record details of visits. This may include domain name, browser type, date and time of visit, information downloaded and links followed to reach our site.

Emails sent via our website are solely to allow individuals to communicate with appropriate persons within the firm and that person to respond, at their discretion, to questions, comments or provide information requested.

Visitors sending email via our website should note their messages will contain their user’s screen name and email address, as well as any additional information included in the message (Contact Information).

In the event that the firm is requested to contact a visitor concerning an interest in law related services or an application for employment, contact information may also be used for purposes of making that communication.

XVII Changes to Privacy Policy Statement

Gun & Davey will take reasonable steps to ensure that any changes to the Privacy Policy Statement are communicated effectively including the publication of alterations on our website.
