



# PRIVACY POLICY

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## Privacy Is Important To Us

MCP Group Pty Ltd ("MCP") respects people's privacy. All our staff are required to read this policy and understand their responsibilities when dealing with personal information.

In this policy:

- **personal information** refers to any information or any opinion, whether true or not, from which an individual's identity is apparent, or can reasonably be ascertained; and
- **sensitive information** refers to information about a person's racial or ethnic origin, political opinions or associations, religious beliefs or affiliations, philosophical beliefs, trade and professional memberships, sexual preferences or practices, criminal record or health information.

Data which is depersonalised or aggregated, or in some way masks the identity of an individual is not 'personal information'.

## Our Privacy Principles

MCP adopts and is bound by the National Privacy Principles (*NPPs*) in the *Privacy Act 1988 (the Act)*. We have put in place internal policies and procedures to ensure that personal information that we collect, store, use and disclose is dealt with in accordance with the NPPs. You can see the full text of the NPPs online at [www.privacy.gov.au](http://www.privacy.gov.au).

## Collecting Personal Information

We may need to collect personal information about you and others including names, addresses, phone numbers and other contact details. We may also collect details of the age, sex, hobbies and other personal information about you or others.

We may need to collect personal information so we can:

- identify our clients, potential clients and their representatives;
- identify parties with whom our clients have dealings or who are in some way involved in proceedings involving our clients;
- inform you or others of any initiatives we think may be of interest to you or them;
- inform you or others of developments in the law an relevant business markets;
- provide or offer you or others services or other benefits;
- conduct our business and provide our services in a professional and efficient manner;
- develop and implement initiatives to improve our services.

Where possible we will collect personal information directly from the individual concerned. However, an individual's representatives may hold personal information (eg financial or bank account details or a credit reference) that we may need to

access for particular dealings, legal proceedings or other purposes. Where we are at liberty to do so, we will use our best endeavours to seek an individual's consent before obtaining their personal information from third parties.

We will take reasonable steps to ensure personal information we collect, use or disclose is accurate, complete and up-to-date. This may require us to correct the information from time to time.

Personal information may be collected by us when:

- we are contacted about our services, in person or over the telephone or Internet;
- we are instructed provide legal services to you or others;
- during the course of a dealing or proceedings involving a client;
- we negotiate and enter into dealings; or
- we respond to an inquiry, where we consider personal details are required or appropriate to fulfil the query.

The personal information of our clients or their representatives will usually be recorded or up-dated on our computer database. Otherwise personal information will be kept on the file involving the matter in which the individual concerned is involved or for which the personal information was collected.

Any additional purpose for the collection (not included in this policy) will be identified when we collect the personal information, or as soon as practicable afterwards.

### **Collecting Sensitive Information**

We may need to collect sensitive information about you or others for dealings or in relation to proceedings.

Under the NPPs we are entitled to collect sensitive information about you or others for a number of reasons, including where the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Where we are required to and it is practicable to do so, we will seek your consent before collecting your sensitive information and inform you of the purpose at the same time.

We will take reasonable steps to ensure users know who is collecting their personal information, how it is to be used, and where it is to be stored. We will ensure an individual is aware of the information even if we have collected it from someone else.

### **Use of Personal Information**

We will use personal information:

- to identify individuals and protect them from unauthorised access to their personal information, accounts or services;
- to improve our services to you or others;

- where reasonably required to provide legal services that we are obliged to provide;
- to inform you or others of MCP marketing initiatives;
- to inform you or others of developments in the law and relevant business markets;
- to derive or aggregate anonymous information from which individuals cannot be identified;
- to prevent or lessen a threat to a person's life or health;
- where disclosure is reasonably necessary for the establishment exercise or defence of a legal or equitable claim;
- for the purpose for which it was collected, or for a related purpose (or a directly related purpose in the case of sensitive information that the individual concerned would reasonably expect from us);
- for other purposes permitted, required or authorised by or under law; and
- for any other purpose, where an individual has consented to its use for that purpose.

### **Disclosure Of Information**

Except where indicated above, we will not disclose personal information to a third party unless:

- the disclosure is for a primary purpose for which the information was collected;
- the individual concerned has consented to the disclosure;
- the third party is our agent or contractor, in which case we will require them to disclose and to use the personal information only for the purpose for which it was disclosed;
- the third party is a person involved in a dealing or proposed dealing (including a sale) of all or part of our assets and business;
- there are reasonable grounds to believe that disclosure is necessary to prevent or lessen a threat to your life or health or that of another person;
- the disclosure is to a related body corporate;
- the disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim; or
- the disclosure is permitted, required or authorised by or under law.

### **Information Collected Via Our Website**

To ensure we are meeting the needs and wants of our website users, and to develop our online services, we may collect aggregated information by using cookies.

Cookies are unique identification numbers like tags that are placed on the browser of our website users. The cookies do not in themselves identify users personally, but are linked back to a database record about them.

We may use cookies to track use of our web site, and to compile statistics on visits on the site in an aggregated form and log anonymous information such as:

- the address of a user's server;
- a user's top level domain (such as .com or .au);

- the date and time of a user's visit;
- the pages a user accessed and downloaded;
- the search engine a user used;
- what type of browser was used.

When a user visits our site a cookie may be placed on their machine. Where a user has visited us before the cookie may be read each time they re-visit the site.

We do not use this technology to access any other personal information of a user in our records and a user cannot be personally identified from a Cookie.

If a user chooses not to have their browser accept cookies from our site, they will still be able to view the text on their screens.

### **Marketing**

We may use personal information to advise the individual concerned of new services and marketing initiatives that we think may be of interest to them. This may include newsletters, invitations to seminars or business functions, and general information about MCP.

Those who prefer not to receive information about our services or seminars, can contact our Privacy Officer to be removed from the relevant circulation list. contact details for our Privacy Officer appear at the end of this policy.

We never disclose personal information to a third party for the purpose of allowing them to direct market their products or service on an individual, unless individuals have expressly consented to that disclosure.

We may require written confirmation of a request to be removed from our circulation list, for example where legislation requires us to provide particular communications to the individual concerned.

### **Updating Your Information**

Please tell us of any changes to the personal information we hold about you. We will then take reasonable steps to correct the information in the manner requested.

### **Security**

The protection of personal information is a priority for MCP.

We are committed to maintaining:

- safeguards to protect personal information against unauthorised use, disclosure, access, alteration, destruction and accidental loss. All personal information we hold is dealt with in accordance with the NPPs;
- the industry standards for the security and protection of information. Personal information is stored securely and access is restricted to authorised personnel

only. Our computer systems require access passwords, and these are kept secure by our personnel; and

- internal policies on management of personal information, and staff training to ensure compliance with these policies. All our staff are required to read this policy and understand their responsibilities in relation to personal information.

### **Access To Personal Information**

We will generally allow an individual access to any personal information that we hold about them on request - subject to any Restrictions on access. We will try to give the individual concerned access in a form and manner that suits their needs.

To request access please contact our Privacy Officer. Contact details for our Privacy Officer appear at the end of this policy.

### **Restrictions On Access**

We are entitled to restrict access to personal information in accordance with the NPPs.

You may not be allowed access to personal information we hold where access would reveal evaluative information generated by MCP in connection with a commercially sensitive decision-making process. Instead, MCP may give you an explanation for the decision, rather than direct access to the information.

If we have given you such an explanation and you believe that direct access to the evaluative information is necessary to provide a reasonable explanation of the reasons for the decision, we will, at your request, review the decision.

Wherever direct access by you is impractical or inappropriate, we should consider together whether the use of a mutually agreed intermediary would allow sufficient access to meet both our needs and concerns.

Other instances where it may not be appropriate to provide you with access to the personal information we hold, include where:

- providing access would pose a serious and imminent threat to the life or health of any individual;
- providing access would have an unreasonable impact upon the privacy of others;
- providing access would be likely to prejudice an investigation of possible unlawful activity.;
- the request for access is frivolous or vexatious;
- the information relates to an anticipated or existing legal dispute and disclosure would compromise our position or the position of others;
- or if it would prejudice commercial negotiations.

### **Charges For Access**

An individual will incur no charges for lodging a request to access personal information. However, we may levy a reasonable charge for providing the access.

We will provide an estimate of any charge on request, or if it appears to us that the work will be onerous or otherwise warrants a charge.

### **Transferring Information Overseas**

We may transfer personal information overseas if necessary for the conduct of a legal matter or for a business transaction or other dealing.

Otherwise, we will not transfer personal information outside Australia unless:

- we reasonably believe that the recipient of the information is subject to legal obligations that uphold principles for the protection and fair handling of personal information that are substantially similar to those contained in this policy; or
- we are given consent by the individual concerned to do so, expressly or by implication; or
- we are contractually required to do so; or
- the transfer is for the benefit of the individual concerned and it is not practicable for MCP to obtain their consent and if they were able to grant consent, they would be likely to give it. In this instance we will advise the individual concerned to whom their information has been disclosed as soon as practicable.

### **Changes To Our Policy**

We may update or change this policy. When we do so, we will publish it on our web site.

If you have any suggestions or concerns that are not addressed in this privacy policy, please contact Mike Poynter, whose contact details are listed below.

### **Complaint Resolution**

If you feel we have failed to deal with your personal information in accordance with the NPPs or this policy, please contact us so we have an opportunity to resolve the issue to your satisfaction.

We will:

- listen to your concerns and grievances regarding our handling of personal information;
- discuss with you the ways in which we can remedy the situation; and
- put in place an action plan to resolve your complaint and improve our information handling procedures if appropriate.

If this process does not result in an outcome that is satisfactory to you, you may contact the Privacy Commissioner's Office. We will work together with the Privacy Commission's Office to resolve the issues between us.

The contact details for the Privacy Commissioner's Office are as follows:

Address: Level 8, Piccadilly Tower, 133 Castlereagh Street, Sydney 2000  
Telephone: 1300 363 992 (for the cost of a local call anywhere in Australia)  
TTY: 1800 620 241  
Post: GPO Box 5218, Sydney NSW 1042  
Facsimile: +61 2 9284 9666  
Email: [privacy@privacy.gov.au](mailto:privacy@privacy.gov.au)

Further information about privacy and your rights can be obtained at the Federal Privacy Commissioner's website at [www.privacy.gov.au](http://www.privacy.gov.au).

Please note, a complaint will not be investigated by the Privacy Commissioner unless it has been directed to us in the first instance.

### **Contact Information**

If you wish to access any personal information that we hold about you, or have a query about this policy, please contact:-

Mike Poynter  
Level 7, 520 Collins Street, MELBOURNE VIC 3000  
Phone: +61 3 9620 2001 Facsimile: +61 3 9620 2811  
Email: [m.poynter@mcpgroup.com.au](mailto:m.poynter@mcpgroup.com.au)