



Privacy Policy



Brisbane | Mackay | Gold Coast | Surat Basin
Individual liability limited by a scheme approved under professional standards legislation.

Trading as McKays (or a derivative thereof)
BrisLaw Pty Ltd, McKays NQ Pty Ltd,
Integrated Legal Holdings Pty Ltd and G.F. Clarke Pty Ltd.



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Table of Contents

1.	General	2
2.	Personal Information	2
3.	Sensitive information	2
4.	Collection of your personal information.....	3
5.	Overseas Recipients	5
6.	Access to your personal information.....	5
7.	Complaints	5
8.	How we may change this Policy	6
9.	More information	6
10.	Interpretation	6
	Schedule.....	7



1. General

- 1.1. This Privacy Policy outlines our personal information handling practices of our business and related entities.
- 1.2. We respect the privacy of your personal information. The *Privacy Act 1988 (Cth)* ('Privacy Act'), the Australian Privacy Principles, *Privacy Regulation 2013* ('Regulations') and registered privacy codes govern the way in which we must manage your personal information. This policy sets out how we collect, use, disclose and otherwise manage your personal information.

2. Personal Information

- 2.1. If we deal with you as a current or prospective customer or client, we may collect personal information from you in order to provide any of our services and products to you. We do not collect personal information unless it is reasonably necessary for, or directly related to, one or more of the services or products we provide or functions we carry out.
- 2.2. Personal information means information from which your identity can be reasonably ascertained. The types of personal information we may collect from you include (but is not limited to):
 - (a) Name;
 - (b) Date of birth;
 - (c) Residential address;
 - (d) Postal address;
 - (e) Email address;
 - (f) Signature;
 - (g) Images or videos;
 - (h) Biometric or genetic information;
 - (i) Telephone numbers; and
 - (j) Your occupation and place of work.
- 2.3. Personal information may also include credit information, as that term is defined in the *Privacy Act*. Our Credit Management Policy contains information about how we handle your credit information, how you may seek correction of credit information we hold about you, how you may complain about an alleged breach of our obligations in relation to your credit information (and how we will deal with such a complaint) and whether we will disclose your credit information to any overseas entities.

3. Sensitive information

We will only collect sensitive information from you with your consent (unless a permitted general situation exists). Sensitive information is personal information that includes information relating to your racial or ethnic origin, criminal history, sexual orientation, membership of any trade or professional associations.



4. Collection of your personal information

- 4.1. You may provide us with personal information that we need to use to provide you with our services. The main way we collect personal information about you is when you give it to us, for example when you complete a form, application or survey or contact us to ask for information.
- 4.2. We collect, hold, use and disclose your personal information which is necessary to carry out our business functions or activities. These functions and activities include:
- (a) Providing various products and services relating to our business to you or someone else you know;
 - (b) Providing you with information about other services that we offer that may be of interest to you;
 - (c) Providing you with information relevant to you personally and/or your type of business or other area of expertise or interest;
 - (d) Providing you with the opportunity to meet other people and attend seminars and conferences in your type of business, or other areas of expertise or interest;
 - (e) Assist in the management of the products and services;
 - (f) Facilitating our internal business operations, including the fulfilment of any legal requirements;
 - (g) Analysing our services and customer needs with a view to improving those services; and
 - (h) Contacting you to provide a testimonial or complete a client satisfaction survey.
- 4.3. In order to perform the functions and/or activities described above, we may disclose your personal information to any of the persons or organisations described below (without limitation):
- (a) Our related entities (if any) to facilitate our and their internal business processes;
 - (b) Third party service providers, who assist us in operating our business (including credit reporting bodies and technology service providers), and these service providers may not comply or be required to comply with our privacy policy;
 - (c) Our related entities and other organisations with whom we have affiliations so that those organisations may provide you with information about services and various promotions;
 - (d) Organisations involved in maintaining, reviewing, upgrading and developing our computer and business systems;
 - (e) Our financial advisers, legal advisers or auditors;
 - (f) Organisations involved in a corporate re-organisation or involved in a transfer of all or part of the assets or business of our organisation;
 - (g) Organisations involved in the payments systems including financial institutions, merchants and payment organisations;



- (h) Organisations required to assist us discharge our legal requirements (e.g. the provision of a tax file number under the *Income Tax Assessment Act*, the 'know your client' requirements under the *Anti-Money Laundering and Counter-Terrorism Act* and the responsible lending and identification requirements under the *National Credit Code* and associated Land Title, Personal Property and Property Law legislation);
 - (i) A barrister or expert, where your matter requires an opinion to be obtained from either a barrister and/or expert;
 - (j) If you are a member of a professional or trade association and that association has referred you to us for the provision of legal services, we may disclose to such association the fact that we are advising you in relation to a matter in order to obtain any required documents or information from the association;
 - (k) As required or authorised by law and/or where you have given your consent.
- 4.4. We may also use or disclose your personal information for a secondary purpose where the use or disclosure is required or authorised by or under an Australian law or a court/tribunal order, or if a permitted general situation applies.
- 4.5. We store your personal information in different ways, including in paper and in electronic form. The security of your personal information is important to us. We take reasonable measures to ensure that your personal information is stored safely to protect it from misuse, loss, unauthorised access, modification or disclosure, including electronic and physical security measures. We cannot ensure the security of any information that you transmit to us over the internet and you do so at your own risk. Our website links to external websites and we take no responsibility for the privacy practices or the content of these other sites.
- 4.6. We will not sell your personal information to other companies or organisations without your prior consent.
- 4.7. Where it is lawful and practical to do so, you may wish to deal with us without providing any personal information, such as by providing a pseudonym or dealing with us anonymously, when you make general enquiries. However, in order to provide some of our services to you, we may need to identify you.
- 4.8. If you access a social media page operated by us, the information we collect about you may also include your user ID and/or user name associated with that social media service, any information or content you have permitted the third party social media service to share with us, such as your profile picture, email address, followers or friends lists, and any information you have disclosed in connection with that social media service.
- 4.9. We will collect information from you electronically, for instance through internet browsing, mobile or tablet applications. Each time you visit our website, we may collect information about your use of the website. We may use technology called 'cookies' when you visit our site. Cookies can record information about your visit to our site.
- 4.10. We may invite you to send your details to us via private messaging, for example, to answer a question about your account. You may also be invited to share your personal information through secure channels and non-secure channels to participate in other activities, such as competitions.



5. Overseas Recipients

- 5.1. We may disclose your personal information to overseas recipients. This may include any of the recipients located in the countries listed in Item 4 of the Schedule.
- 5.2. We may use cloud storage to store the personal information we hold about you. The cloud storage and the IT servers may be located outside Australia.
- 5.3. Prior to disclosing your personal information to an overseas recipient, unless a permitted general situation applies, we will take all reasonable steps to ensure that:
 - (a) The overseas recipient does not breach the Australian Privacy Principles; or
 - (b) The overseas recipient is 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 the Australian Privacy Principles protect the information; or
 - (c) You have consented to us making the disclosure. Acceptance of any of our services via an application in writing, orally or electronic means will be deemed as giving consent to the disclosures detailed herein.

6. Access to your personal information

- 6.1. You can request, at any time, for us to inform you of the personal information we hold about you. We usually respond to you within seven days of receiving your request.
- 6.2. We may refuse to give you access to the personal information we hold about you if we reasonably believe that giving access would pose a serious threat to the life, health or safety of an individual, would have an unreasonable impact on the privacy of other individuals, or if we consider the request to be frivolous or vexatious.
- 6.3. If any of the information we hold about you is inaccurate, out of date, incomplete or irrelevant, please contact us.
- 6.4. If you wish to access or correct any of the personal information we hold about you, please email us or contact us by telephone using the details listed in Item 1 of the Schedule.

7. Complaints

- 7.1. Should you wish to make a complaint about the management of your personal information, please email us or contact us by telephone using the details listed in Item 1 of the Schedule.
- 7.2. We will make a record of your complaint and take steps to correct any deviation from Australian Privacy Principles.
- 7.3. We will acknowledge your complaint within seven days. We will provide you with a decision on your complaint within 30 days.
- 7.4. If you are dissatisfied with our response, you may make a complaint to the Privacy Commissioner - contactable either through www.oaic.gov.au or 1300 363 992.



8. How we may change this Policy

We may amend or update this Policy at any time. Any changes to our Privacy Policy will be publicised on our website. This version of our privacy policy came into existence on the date specified in Item 5 of the Schedule.

9. More information

- 9.1. For more information about any issue raised in this Privacy Policy or any other concerns, please use the details listed in Item 1 of the Schedule.
- 9.2. For more information about privacy in general, you can visit the Australian Information Commissioner's website at www.oaic.gov.au.

10. Interpretation

- 10.1. In the construction and interpretation of this Policy (where the circumstances require):-
- (a) One gender includes the other gender;
 - (b) The singular includes the plural and the plural includes the singular;
 - (c) A person includes a body corporate;
 - (d) A party includes the party's related bodies corporate, related partnerships, related trusts, directors, the members of its Board of Management, its officers, employees and agents, liquidators, receivers and managers, trustee in bankruptcy, administrators, executors, successors and permitted assigns;
 - (e) Headings are for convenience only and do not form part of this policy or affect its interpretation; and
 - (f) Where a word or expression is given a particular meaning, parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 10.2. "Business" means any of our businesses including without limitation those detailed in Item 2 of the Schedule.
- 10.3. "Our", "we" or "us" means the parties and any related entities of the parties described in Item 1 of the Schedule.
- 10.4. "Products" and "Services" means any of our products and/or services we provide, including without limitation those detailed in Item 3 of the Schedule.
- 10.5. "Permitted General Situation" has the same meaning as in the Privacy Act.



Schedule

Item 1 – Our details

- 1.0 Entity: BrisLaw Pty Ltd 18 604 548 601
Address: Level 26, 10 Eagle Street, Brisbane Qld 4000
Telephone: 07 3223 5900
Email: brisbane@mckays.com.au
- 2.0 Entity: McKays NQ Pty Ltd 85 604 643 709
Address McKays Law Centre, 34 Wood Street, Mackay Qld 4740
Telephone: 07 4963 0888
Email: mackay@mckayslaw.com
- 3.0 Entity: Integrated Legal Holdings Pty Ltd 48 604 993 053
Address: Level 2, 15 Lake Street Varsity Lakes QLD 4227
Telephone: 07 5553 8401
Email: reception@mckaysgc.com
- 4.0 Entity: GF Clarke Pty Ltd 14 604 908 287
Address: 19 Middle Street, Chinchilla Qld 4413
Telephone: 07 4668 9800
Email: admin@mckayssb.com.au

Item 2 – Businesses

- (a) McKays
- Brisbane
- Mackay
- Gold Coast
- Surat Basin

Item 3 – Products and Services Legal services

Item 4 – Location of overseas recipients United Kingdom and United States of America

Item 5 – Commencement date 05 May, 2015