

PRIVACY POLICY

For the

Community & Strata Title Industry

Produced by

National Community Titles Institute

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Our Privacy Policy

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INTRODUCTION

About Us

We are a member of the National Community Titles Institute (NCTI) which is a national representative association for parties involved in the professional, full-time administration of community and strata schemes. We deliver management services and products to a great number of strata, community and body corporate schemes. In doing so we hold a lot of information about the property owners in the schemes. We also produce and send out direct marketing materials relating to the services we are able to offer.

We are committed to protecting the privacy of your personal information and acting in accordance with the Privacy Act 1988 (Cth).

More information about us is available on our website.

The address/es and phone number/s of our office/s is/are:

Organisation
Offices
Telephone
Facsimile
E-mail
Website
Privacy Officer

PERSONAL INFORMATION

What is “personal information”?

Personal information is any information about you that identifies you or information by which your identity can be reasonably discovered.

Examples are your name, address, lot number, unit entitlement, marital status, taxation information, income, email address, credit card information etc.

Why we collect personal information

The agreement between your scheme and us means we have to collect and hold personal information about you as a lot owner.

Collecting your personal information is essential for us to be able to perform our job under the agreement.

Our obligations to the scheme are to keep and maintain the books and records of the scheme that we represent.

By collecting personal information we are able to:

- o maintain the strata roll and minute book
- o maintain a correspondence file
- o issue notices of meetings
- o distribute minutes of meetings
- o issue levy notices
- o arrange for recovery of levy arrears
- o attend to routine repairs, maintenance and replacement of scheme property
- o recover arrears of maintenance contributions
- o make insurance claims
- o arrange for legal advice
- o allow for installation of satellite or broadband services
- o arrange for development applications on behalf of the scheme

We are also able to:

- o give you the option of receiving our publications
- o include you in our functions

We are unable to perform functions under our agreement for your scheme if we do not collect and make use of your personal information.

How do we collect your personal information?

Where possible we collect your personal information directly from you but personal information is generally collected during the course of our relationship with the scheme.

For example, we may have a responsibility to maintain an owners register which includes your name and address. Or if you have an interest giving you a right to vote, you have to notify us in writing of that interest and this notification will include your name, your address, your lot and how your interest in the lot was acquired.

Sometimes personal information may be collected about you from other sources. Examples where we may receive personal information about you from another source and why this would happen are:

- o an insurance company – where we are making an insurance claim
- o a real estate agent – where you are buying or selling your lot
- o a solicitor or conveyancer – where you are buying or selling your lot
- o a rental agent – if you let your property
- o a previous manager – where the scheme changes agents

In most cases we will need you to specifically consent to any collection, use or disclosure of your personal information by us. We will usually need your consent in writing but we may accept your verbal consent in some circumstances. Sometimes we will assume you have given your consent by your conduct with us. However, no matter how your personal information is collected it is dealt with by us in accordance with this Privacy Policy.

NOT HAVING YOUR PERSONAL INFORMATION

Consequences to you of us not having that information

The nature of the service we provide means that, in most cases, if we do not collect your personal information, we will not be able to provide your scheme with the services agreed under our agency agreement. For instance, we would not be able to issue agenda or levy notices to you if we did not hold your personal information. We would not be able to attend to repairs and maintenance of scheme property which benefit you if we did not hold your personal information. Nor would we be able to make insurance claims on the scheme's behalf.

USE OF YOUR PERSONAL INFORMATION

How we use your personal information

We use the personal information that we collect to provide the management services to you and your scheme that were agreed upon under our agreement.

As an example, we, as manager for your scheme, may have to allow the inspection of the records we hold on the scheme's behalf. These records will contain personal information about you. We may also have to provide certificates in relation to the financial position of your lot. This may include whether any debts or contributions are owed by you.

Our direct marketing database and client databases may also include your personal information.

To enable us to do this we may share your personal information within our organisation nationally and/or across your state.

How else do we disclose your personal information?

On occasion the law allows or forces us to disclose your personal information.

For example, we may disclose your personal information to a prospective purchaser of your property who requires a certificate from us about the financial position of your lot.

We may also disclose your personal information where you have consented to us doing so. Your consent may be given explicitly such as in writing or verbally or from your conduct we may assume you have given it.

Where we have to disclose your personal information to third parties in order that we can provide management services to you (eg. a contractor to the scheme providing maintenance services to common property adjoining your lot), we will assume your consent has been given when we are engaged to contract with the third party unless you tell us otherwise.

Generally however we do not disclose your personal information to a party outside our organisation, unless that party is contracted to us to provide management services on our behalf and that party is bound by the same privacy rules that bind us.

Some examples of parties outside our organisation to whom we may disclose your personal information and the reasons for disclosure are:

- o specialist trades and services providers such as builders, engineers, architects, plumbers
- o insurance companies for whom we act as agents
- o mail service providers for the mailing of direct marketing material

Direct marketing

Now and then we may use your personal information to provide you with information about our products and services.

Just contact us by phone or email if you do not want to receive any of this information.

We will not send you any further material once you have told us you no longer wish to receive information about our products and services.

You can, however, change your mind about receiving information about our products and services at any time – you just need to let us know.

We do not disclose your personal information to a party outside our organisation for the purposes of allowing them to market their products or services to you.

ACCURACY AND SECURITY OF YOUR PERSONAL INFORMATION

Ensuring your personal information is up-to-date

We rely on the personal information we hold about you so that that we can efficiently do our job under our agreement with your scheme.

For this reason, it is very important that the personal information we collect from you is accurate, complete and up-to-date.

During the course of our relationship with your scheme we will ask you to tell us of any changes to your personal information. However, you can contact us at any time to update your personal information or to tell us that the information we hold about you is inaccurate or incomplete.

Is my personal information secure?

We take all reasonable precautions to safeguard your personal information from loss, misuse or unauthorised access, modification and disclosure.

We employ a number of means to protect your personal information including:

- o external and internal premises security
- o restricting access to personal information
- o maintaining technology products to prevent unauthorised computer access
- o regular reviewing and testing of our technology in order to improve the level of security
- o internal policies in relation to our computer use.

It is our practice to securely destroy your personal information or delete it from our systems when we no longer require it or you ask us to destroy it. A record holding your personal information must be kept for at least 3 years after it is made (subject to any different legal requirements). Generally we would destroy your personal information after that time.

Access to our services via the Internet

When you access our website you can view the privacy statement relating to internet use.

Security of your personal information online

Generally, e-mail is not a secure way to communicate and you should be aware of this when sending personal information to us via e-mail.

ACCESS TO YOUR PERSONAL INFORMATION

Can I access my personal information?

You may request access to any of the personal information we hold about you.

In most cases, a summary of personal information such as your name and address details, contact telephone numbers and the matters your scheme has engaged us on are freely available to you by contacting our Privacy Officer.

For more detailed requests for access to personal information (for example, access to information held in archives), a fee may be charged to cover the cost of retrieval and the supply of this information to you.

All requests for access to personal information will be handled as quickly as possible and we will endeavour to process any request for access within 30 days after receiving it. Some requests for access may take longer than 30 days to process depending upon the nature of the personal information being sought.

Can your request to access your personal information be denied?

We do not always have to provide you with access to your personal information on request.

We may refuse you access to personal information in a number of circumstances. For example, we may refuse your request where the information you seek is mixed with other information that would disclose personal information or sensitive information about any other owner or individual in the scheme. Another example where we may refuse access is where denying access is required or authorised by law or where the request for access is frivolous or vexatious.

If we deny your request for access to your personal information or refuse your request to correct your personal information, we will explain why.

PERSONAL INFORMATION IDENTIFIERS

What is a Commonwealth identifier?

A Commonwealth identifier is a Commonwealth Government or Commonwealth Government agency designated identification number such as your Tax File Number (TFN) or Medicare number.

We do not use Commonwealth identifiers as a way of identifying the personal information that we may have collected about you.

Do I have to be identified at all?

Wherever it is lawful and practicable to do so, we may offer you the opportunity to deal with us anonymously. For example, when making an inquiry about the type of services we offer.

Otherwise, the nature of the job we perform under our agency agreement with your scheme is such that anonymity cannot be maintained.

Does my personal information leave Australia?

We do not send personal information outside Australia unless it is allowed to do so under the law or you have consented to it as part of the service we are providing to your scheme.

Sensitive information

If personal information concerns particular matters it is regarded as sensitive information.

Sensitive information can be information about your:

- o racial or ethnic origin
- o political opinions
- o membership of a political association
- o religious beliefs or affiliations
- o philosophical beliefs
- o membership of a professional or trade association
- o membership of a trade union
- o sexual preferences or practices
- o criminal record
- o health

We only collect, use or disclose sensitive information about you as allowed by law, where we have received your consent to do so, or the collection is necessary for us to do our job under our agreement with your scheme.

OUR PRIVACY POLICY AND COMPLAINTS

Our Privacy Policy may change from time to time

We regularly review all our policies and procedures.

As a result we may change this Privacy Policy from time to time.

This Privacy Policy was last amended in December 2002.

Concerns or requests for access?

If you have a question about this Privacy Policy or wish to lodge a request to access your personal information you can contact us in any of the following ways:

By visiting - any of the offices listed in this policy

By telephoning us

By writing to our Privacy Officer

By emailing us

Can I complain about a breach of my privacy?

If you believe that we have not protected your personal information as set out in this Privacy Policy you may lodge a complaint with us in any of the following ways:

By telephoning us

By writing to our Privacy Officer

By emailing us

What if I am not satisfied with the response?

If you are not satisfied with the result of your complaint to us you can refer your complaint to the Federal Privacy Commissioner.

You can contact the Federal Privacy Commissioner:

By telephoning - 1300 363 992

By writing to - Director of Complaints, Office of the Federal Privacy Commissioner (check address in your state)

By visiting the website - <http://www.privacy.gov.au>

National
Community Titles Institute
The Institute of Australian body corporate managers

