Document 1 - Privacy Collection Notice

How to Use This Document

This is Document 1 of 8 in the privacy compliance suite prepared for your practice.

It is a Privacy Collection Notice prepared in accordance with APP 5 of the Australian Privacy Principles under the Privacy Act 1988 (Cth).

This page is for your reference only. It should not be provided to clients - the client-ready notice begins on the following page.

About this document

The Privacy Collection Notice tells your clients what personal information you collect, why you collect it, who you may share it with, and how they can access or correct it. You should provide it to every client at or before the time you collect their personal information.

Include it in your standard client engagement pack - no signature is required.

Step 1: Complete the template variables

Before using this document, find and replace every field marked [like this] with the correct information for your practice. The fields are:

Fields to complete

[Insert logo] Insert your practice logo (optional)

[Legal Entity Name] The full registered legal name of your practice (for example, "Smith Conveyancing Pty Ltd" or your name as a sole trader)

[Trading Name] The name under which the practice trades, if different from the legal entity name. If the legal name and trading name are the same, delete this field and the words "trading as [Trading Name]" wherever they appear in this document

[ABN] Your practice's Australian Business Number

[Principal/Compliance Contact Name and Title] The name and role of the person responsible for privacy at your practice

[Contact Email Address] The email address clients should use for privacy enquiries

[Contact Phone Number] The phone number clients should use for privacy enquiries

[Website URL] The web address where your Privacy Policy is published

[Date] The review date for this document, recommended annually

Alternatively, you might prefer to place this document on your practice letterhead or a reduced version of your letterhead with logo, name and ABN. Whichever approach you prefer, please note all the information above will need to be included in order to be compliant.

Step 2: Direct marketing (Section 10)

Section 10 of the notice is an optional direct marketing clause. You should make a decision about it before providing the notice to any client.

- **Include Section 10** if your practice contacts clients after their matter closes with newsletters, market updates, anniversary reminders or any other promotional communication.
- **Delete Section 10 entirely** if your practice does not contact clients for marketing purposes after their matter closes.

Do not leave Section 10 in its current form; you need to choose one option before use.

Step 3: Clients located in the UK, EU and EEA

As an Australian conveyancer, your primary privacy obligation is to comply with the Privacy Act 1988 (Cth) and the Australian Privacy Principles (APPs). In most cases, this is all you need to worry about.

However, there is an important nuance you should be aware of.

If your client is located in the United Kingdom (UK) or a country in the European Union or European Economic Area (EU/EEA), additional privacy laws may apply to you, even though you are based in Australia. The privacy laws in these countries are known as the General Data Protection Regulation, or **GDPR**.

Both the **UK GDPR** and the **EU GDPR** are designed to protect individuals wherever **they** are located, not just where the business is located. This means that if you collect personal information from someone who is in the UK or EU/EEA (for example, an overseas client engaging you to assist with a property transaction in Australia) those laws may apply to how you handle their information.

What does this mean in practice?

In most conveyancing practices, the vast majority of clients will be based in Australia, and you will only need to comply with Australian law. However, we recommend that as part of your initial client engagement process, you ask each new client whether they are currently located in, or are a resident of, the UK or an EU/EEA country.

If the answer is yes, you will need to provide them with a separate privacy collection notice that meets the requirements of the applicable UK or EU privacy law, in addition to your standard Australian privacy notice.

This does not need to be complicated - in many cases a straightforward, plain-English notice explaining what information you collect, why you collect it, how it is used, and their rights in relation to that information will suffice. We have prepared a template for you which is the final document in the pack.

The key takeaway is this: ask the question early, and if it applies, take the extra step. For most of your clients, nothing changes. But for those located overseas in these regions, a small additional step at the outset will assist you meeting your obligations.

Section 12 asks clients to indicate whether they are resident in the United Kingdom, European Union (EU) or European Economic Area (EEA). You need to capture their answer in your standard engagement or onboarding form.

Why is this clause included?

In practice, most clients of an Australian conveyancing practice will be Australian residents, and this clause will rarely be triggered. However, the EU General Data Protection Regulation (GDPR) and the UK General Data Protection Regulation (UK GDPR) can apply where the practice handles personal information of an individual located in the UK, EU or EEA, for example an overseas buyer or seller of Australian property.

The GDPR is a strict regime. It gives EU residents strong privacy rights that go further than Australian law in several respects, including the right to require erasure of personal information, the right to data portability and the right to object to certain types of processing. Penalties for non-compliance can be substantial, including fines of up to €20 million or 4% of global annual turnover, whichever is higher.

Including this clause and the separate GDPR Privacy Notice (Document 8) costs the practice nothing and ensures it has a documented, legally defensible process for the rare case where the GDPR does apply. It is a straightforward and prudent precaution.

If a client answers "yes", provide them with Document 8 (GDPR Privacy Notice) as soon as practicable. You do not need to do anything further for clients who answer "no" to this question.

Step 4: Provide the notice and keep a record

Include the completed notice in your standard client engagement pack. There is no legal requirement for the client to sign or acknowledge receiving it, and your record of delivery is the fact that it was included in the engagement pack provided to the client.

Note in the client file that the notice was provided and the date it was given.

A note on APP 8 and offshore software: Before disclosing personal information to an overseas recipient, APP 8 requires you to take reasonable steps to ensure that the recipient does not breach the Australian Privacy Principles in relation to that information. Importantly, under s 16C of the Privacy Act, if the overseas recipient does breach the APPs, your practice will be taken to have breached the APPs itself. Document 6 (Third-Party Disclosure and Data Sharing Register) is provided as a practical tool to help you document those steps and keep your Privacy Policy accurate. The register itself is a recommended compliance aid rather than a separate legal requirement, but the underlying APP 8 obligation and s 16C accountability are mandatory.

A note on the scope of this notice

As a small business reporting entity under s 6E(1A) of the Privacy Act 1988 (Cth), your practice is technically only required to have a collection notice covering personal information handled in connection with your AML/CTF obligations. However, because most personal information collected at client onboarding serves both AML/CTF and conveyancing purposes simultaneously, this notice has been drafted to cover all personal information handled in connection with conveyancing matters. This is the conservative and legally safer approach. Personal information handled for business activities entirely unrelated to AML/CTF obligations and conveyancing matters is not covered by the Privacy Act for small business operators, but may remain subject to applicable legislation and professional obligations.

Renumbering reminder

If you delete the optional Section 10 (direct marketing), renumber all subsequent sections and update every internal cross-reference throughout the document, including any references to section numbers in the instructions above. Cross-references that become wrong after renumbering include: the reference to "Section 12" in Step 3 of these instructions, and the opt-out reference in any retained marketing clause.

When to review this document

Review this document if any of the following occur:

- the Privacy Act 1988 (Cth) or the Australian Privacy Principles are amended
- OAIC guidance affecting collection notices is updated
- your contact details, website address or responsible contact person change

An annual general review of the full document suite is recommended.

Disclaimer

KD PROPERTY CONVEYANCING	**Kylie Tamara Dean (trading as KD Property Conveyancing)** **PRIVACY COLLECTION NOTICE** ABN: 32 962 411 006

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What is this document and why are you receiving it?

When you engage us to assist with your property transaction, we collect personal information about you. Australian privacy law requires us to tell you what we collect, why we collect it, who we may share it with, and how you can access or correct it.

This notice explains our privacy collection practice. Please read it before signing your engagement documents. If you have any questions, contact us using the details at the end of this notice.

1. What information we collect

We collect personal information that is reasonably necessary to carry out your conveyancing matter. This may include:

- your full name, date of birth and residential address
- contact details, including phone number and email address
- identification documents, such as your driver's licence or passport number, collected for the purpose of identifying the parties to land transactions, as required by laws including the Real Property Act 1900 (NSW) and the Australian Registrars' National Electronic Conveyancing Council (ARNECC) Model Participation Rules
- identity verification data, including facial images or biometric data, which may be collected directly from you by a third-party identity verification service we engage for this purpose
- sensitive information collected for the purposes of compliance with our obligations under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) (AML/CTF Act), which may include information about your political opinions or membership of a political association where required to assess whether you are a politically exposed person (PEP) or to manage related compliance risks. Collection of this information is required or authorised by the AML/CTF Act and may occur without your consent in some circumstances. We will generally tell you at the time of collection if we are relying on this basis
- financial account details relevant to your property settlement
- details of the property being bought, sold or transferred
- information about your personal circumstances where relevant to your matter, such as information relating to a deceased estate or a relationship breakdown
- details of any other person involved in your matter, such as a co-purchaser or co-vendor

We handle all personal information in accordance with the Commonwealth Privacy Act 1988 and the Australian Privacy Principles (APPs).

2. How we collect your information

We collect most of your personal information directly from you during the onboarding process, by phone, email or in person.

In some cases, we may collect information about you from third parties. This may include real estate agents, financiers and lenders, the other party's conveyancing or legal representative, title insurers, land registries and government agencies. We collect information from third parties only where it is necessary for your matter.

3. Why we collect your information

We collect and use your personal information to:

- provide conveyancing and property settlement services to you
- verify your identity for conveyancing purposes: we are required by applicable state conveyancing legislation and the Australian Registrars' National Electronic Conveyancing Council (ARNECC) Model Participation Rules to verify your identity before acting for you in a property transaction. We may direct you to a third-party identity verification service for this purpose. That service will collect your identity documents and may collect a facial image or biometric data directly from you. It operates under its own privacy policy, which we encourage you to read
- verify your identity for AML/CTF purposes: we are also required by the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) to conduct customer due diligence, which includes verifying your identity, before providing designated services to you
- comply with our legal and regulatory obligations under the Commonwealth *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, including: assessing and managing potential money laundering, terrorism financing, and proliferation financing risks associated with the provision of our services; making reports required by law to AUSTRAC (the Australian Transaction Reports and Analysis Centre); and meeting record-keeping obligations under that Act
- prepare and lodge documents with land registries and government agencies
- communicate with third parties involved in your matter, including the other party's representative, your financier and real estate agents
- respond to your enquiries and manage our relationship with you

4. Who we may share your information with

We may disclose your personal information to:

- land registries and government agencies
- the other party's conveyancing or legal representative
- your financier, lender or mortgage broker
- real estate agents involved in your matter

- title insurers and settlement agents
- e-conveyancing platforms (eg PEXA)
- AUSTRAC (the Australian Transaction Reports and Analysis Centre) and other regulators, where required by law
- our professional advisers, including accountants and insurers
- cloud-based software providers and AI tools we use to manage our practice (see Section 6)

We do not sell your personal information to any third party.

Please note that we are prohibited by law from notifying you if we have made, or are considering making, a report to AUSTRAC under the AML/CTF Act. We may also be prohibited from disclosing the reasons for declining to answer certain questions or for refusing certain access requests. This is not discretionary: it is a legal obligation under section 123 of the AML/CTF Act.

5. What happens if you do not provide your information

If you do not provide us with the personal information we request, we may not be able to verify your identity as required by the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) and relevant conveyancing legislation, and we may be unable to act for you or to provide the services you have requested. Where particular information is optional, we will tell you at the time of collection.

6. Offshore storage and processing

From time-to-time we may use cloud-based software and AI tools to manage our practice. Some of these tools may store or process information on servers located outside Australia. This means your personal information may be held or processed in another country.

We take reasonable steps to ensure that offshore service providers handle your information in a way that is consistent with Australian privacy law. However, once your information is held offshore, it may be subject to the laws of that country, including laws that allow government agencies in that country to access it.

For information about the software and platforms we use that may involve offshore storage or processing, please refer to our Privacy Policy at **kdpropertyconveyancing.com** or ask us directly.

7. How long we keep your information

We keep your personal information for a minimum of seven years from the end of your matter, or longer if required by law or our professional obligations. This period is driven primarily by our obligations under the Commonwealth Anti-Money Laundering and Counter-Terrorism Financing Act 2006, applicable state conveyancing legislation and e-conveyancing rules such as ARNECC's Model Participation Rules. In some cases, general file records may be retained beyond seven years to manage our legal and professional obligations. After the applicable retention period, we securely destroy or de-identify your information. Full details are set out in our Privacy Policy.

8. How we protect your information

We store your personal information securely and take reasonable steps to protect it from misuse, interference, loss, and unauthorised access, modification or disclosure. Our staff are trained in their privacy obligations. If we become aware of a data breach that is likely to result in serious harm, we will notify you and the Office of the Australian Information Commissioner (OAIC) as required by law.

9. Accessing and correcting your information

You have the right to request access to the personal information we hold about you, and to ask us to correct it if it is inaccurate, out of date, incomplete, irrelevant or misleading.

To make a request, contact us using the details at the end of this notice. We will respond within a reasonable time. We will not usually charge a fee for access, but we may charge a reasonable fee where your request requires significant time or resources.

10. Complaints

If you believe we have not handled your personal information in accordance with the Australian Privacy Principles, you are welcome to raise it with us. Contact us using the details below and we will respond within 30 days. Our full complaints process, including acknowledgement and investigation timeframes, is set out in our Privacy Policy..

If you are not satisfied with our response, you may make a complaint to the Office of the Australian Information Commissioner (OAIC) at **www.oaic.gov.au** or by calling 1300 363 992.

11. Clients located in the UK, European Union and European Economic Area

Are you currently living in the United Kingdom, a country that is a member of the European Union (EU), or a country in the European Economic Area (EEA)?

If yes, please let us know.

Additional privacy protections under European privacy law (the GDPR) may apply to your personal information. If you advise us that you are a UK or an EU or EEA resident, we will provide you with a separate privacy notice setting out your additional rights.

13. Contact us

Kylie Tamara Dean (trading as KD Property Conveyancing)

Privacy contact: **Kylie Tamara Dean / Licensed Conveyancer / Compliance Officer**

Email: **kylie@kdpropertyconveyancing.com**

Phone: **02 6600 1445**

This notice was provided to you as part of your engagement with KD Property Conveyancing. A copy is available at any time on request. For any privacy enquiries, contact Kylie Dean, Licensed Conveyancer and Compliance Officer at kylie@kdpropertyconveyancing.com or (02) 6600 1446.