

Privacy Policy

This is the Privacy Policy of Elliot Tuthill Solicitors (ABN 540 371 447 02) located at 119 Cronulla Street, Cronulla NSW 2230 (“we”, “us” and when relating to us, “our”).

1. About Elliot Tuthill Solicitor’s Privacy Policy

1.1 We are committed to protecting the personal information and confidentiality of our clients, contacts, suppliers and employees (“**you and when relating to you, “your”**”) and complying with the Australian Privacy Principles (“**APPs**”) set out in the *Privacy Act 1988* (Cth) (“**the Privacy Act**”).

1.2 We understand how important personal information is to you. As a long-standing and trusted legal practice for over 70 years, we take privacy and confidentiality of your personal information seriously.

1.3 This Privacy Policy describes how we collect, hold, use and disclose your personal information.

1.4 This Privacy Policy applies to all employees of Elliot Tuthill Solicitors.

2. What personal information do we collect?

2.1 The kinds of personal information we collect from you may include (but is not limited to):

- a) General details such as name, title, address, landline and mobile number, occupation/employment, date of birth and citizenship details;
- b) Photographic and documentary evidence, such as taking a photocopy of identification documents so we may comply with Verification of Identity legislation;
- c) Information relating to your circumstances and affairs relevant to the matter/s in which we are instructed;
- d) Information relating to your legal interests and requirements and the legal services you wish to engage;
- e) If you are an employee or prospective employee, information about your qualifications, skills and work experience;



- f) Information which is fairly and lawfully required from you.

3. How do we collect personal information?

3.1 We collect your personal information by various means, including but not limited to:

- a. You contact us with a question or enquiry;
- b. You instruct us to act for you in a matter/s;
- c. Client details form, hardcopy or electronic;
- d. Related parties to your matter/s, such as an Accountant or Agent;
- e. A legal representative you have authorised to deal with us on your behalf;
- f. Questionnaires;
- g. Telephone, facsimile and email correspondence;
- h. Face to face meetings;
- i. You visit our website;
- j. You attend a seminar or event which we are hosting or presenting;
- k. We undertake a search or investigation;
- l. Through recruitment agencies or websites;
- m. Any other fair and lawful means.

3.2 Where practicable, we collect personal information about you directly from you.

However, we may have collected information about you from a third party such as a client, the courts, or a person responding to our questions or enquiries, for example.

3.3 If you do not provide us with accurate personal information we may not be able to carry out our instructions or achieve the purpose for which the information has been sought.

3.4 You are also provided the option of contacting us anonymously through our website.

4. Why do we collect, hold, use and disclose personal information?

4.1 Certain information is required to act competently on your behalf and in accordance with relevant legislation, depending on your matter/s.

4.2 We are required by law to collect the full name and address of our clients by the Solicitors Rules made under the *Legal Profession Act 2004* (NSW). The accuracy of this

information is critical to further comply with trust account record keeping requirements in the *Legal Profession Regulation 2005* (NSW) and to comply with our duty to the courts.

4.3 If you do not provide us with name and address information we cannot act for you.

4.4 We collect, hold and use personal information in order to:

- a. Respond to your enquiries;
- b. Provide legal services;
- c. Comply with rules, legislation, regulations, local or Government authorities;
- d. Comply with fiduciary obligations under the Solicitors' Rules;
- e. Employ competent and diligent personnel;
- f. Comply with business management requirements;
- g. Monitor or improve the use and satisfaction with our legal services;
- h. Assess whether you are a satisfactory employee of Elliot Tuthill Solicitors;
and
- i. Inform you about legal developments, our expertise and legal services that may be of interest to you.

4.5 We disclose personal information:

- a. To carry out your instructions competently; and
- b. Subject to our confidentiality obligations, when using services in support of our legal practice.

4.6 We are restricted by the APPs to collect personal information only by fair and lawful means.

5. Disclosure of personal information to other parties within the jurisdiction of collection

5.1 Subject to our confidentiality obligations, we may share some relevant personal information with:

- a. Parties related to a matter you have with us, government authorities and service providers as reasonably required to carry out your instructions;
- b. Our e-mail marketing provider for the purposes of providing you our newsletter, invitations and legal updates;

- c. Third party service providers who assist us with archival, auditing, accounting, legal and business consulting, website or technology services; and
- d. Lawcover.

5.2 We will disclose your information if required to do so by law or in circumstances permitted by the Privacy Act.

5.3 In the course of your matter/s, indirect persons may come into contact with your personal information which is beyond our control. For example, mail persons.

6. Disclosure of personal information outside the jurisdiction of collection

6.1 Some of the third parties described above including our service providers and related bodies corporate may be outside of the jurisdiction of Australia.

6.2 We may disclose personal information to overseas recipients in Estate matters, where for example, beneficiaries reside outside the Australian jurisdiction.

7. Security and management of personal information

7.1 We take reasonable steps to ensure the security of your personal information.

7.2 Our computer systems and legal software are password protected, with our legal software encrypted.

7.3 We regularly deal with our IT specialist who conducts regular checks for computer viruses.

7.4 All employees of Elliot Tuthill Solicitors are required to treat all information obtained through their employment as confidential, as a condition of their employment Contract.

7.5 We are legally required to securely store documents for 7 years following completion of your matter. These documents are stored in a secure facility that only Elliot Tuthill Solicitor's staff have access to when required.

7.6 We have sufficient storage in our safe facilities where safe custody packets, containing original documentation and important information, are locked away each night.

7.7 We warn our clients in our Costs Disclosure and Costs Agreement regarding instances of fraud and that our bank details will never change during the course of a transaction. We take reasonable steps to ensure bank details provided over email by our clients are the correct bank details before processing payments or proceeding with your matter.

8. Accessing personal information

8.1 You have a right to access your personal information we hold about you in accordance with the Privacy Act.

8.2 Following a written request from you, we will endeavour to make your information available to you within 30 days.

8.3 We reserve the right to refuse access to personal information in certain circumstances, including but not limited to:

- a. Giving access would be unlawful;
- b. We reasonably believe that giving you access would pose a threat to the life, health or safety of any individual or to public health or public safety;
- c. Giving access would have an unreasonable impact on the privacy of others;
- d. The information could reveal the intentions of a party in negotiations;
- e. Giving access could prejudice the taking of appropriate action in relation to unlawful activity; or
- f. Giving access could reveal evaluative information in a commercially sensitive decision-making process.

8.4 We will not charge you to make a request to access your record but we may charge you to actually provide access depending on the costs associated with obtaining and providing the material.

8.5 These actions can be taken by contacting us via telephone (02 9523 6666) or email (legal@etsolicitors.com.au).

9. Updating your personal information

9.1 Your personal information should remain accurate and up to date, especially throughout the course of your matter/s. We rely upon you to notify us of any changes in personal information previously provided to us.

9.2 These actions can be taken by contacting us via telephone (02 9523 6666) or email (legal@etsolicitors.com.au).

10. Updating Elliot Tuthill's Privacy Policy

10.1 If we decide to change our Privacy Policy, we will post a copy on our website.

11. Complaints / Contact Us

If you consider there has been a breach of this Privacy Policy or the APPs, a complaint may be made to us by sending it to:

Mr Robert Kilgannon

Address: 119 Cronulla Street, Cronulla NSW 2230

Phone: 02 9523 6666

Email: rkilgannon@etsolicitors.com.au

Please also include your contact details.

We will endeavour to respond to any complaint within 30 days.

If you are not satisfied with our response to your complaint, you may seek a review by contacting the Office of the Australian Information Commissioner using the information available at <http://www.oaic.gov.au/privacy/privacy-complaints>.

12. Date of Policy

Last updated: 4 August 2022.