

## STANDARD REIWA MEMBERS' PRIVACY POLICY

### JMW Real Estate Privacy Policy

1. JMW Real Estate is committed to complying with its obligations under the *Privacy Act, 1988* and the associated Australian Privacy Principles (**APPs**).

#### Application of the APPs to this Real Estate Agency

2. We are bound by the APPs either as a consequence of being an organisation with an annual turnover of more than \$3 million or due to the fact that we derive a benefit, service or advantage by the collection or disclosure of information and opinions about individuals whose identity is apparent or can be ascertained.
3. We will not collect personal information unless it is reasonably necessary for, or directly related to, one or more of our functions or activities.
4. Our designated Privacy Officer is:

**Name:** Joe White

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**Email:** [info@jmwrealestate.com.au](mailto:info@jmwrealestate.com.au)

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**Telephone:** (08) 9756 8800

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5. We, through our Privacy Officer, are happy to provide further details as to the extent to which we are required to comply with the APPs should any person wish. Alternatively, further details of the obligations imposed upon organisations under Australia's privacy laws can be obtained directly from the Office of the Australian Information Commissioner (**Commissioner**) or by reference to the APPs and the Commissioner's associated guidelines at [www.oaic.gov.au](http://www.oaic.gov.au).

## **The types of information held by this Real Estate Agency**

6. The type of personal information held by us includes the following:
- names, email addresses, other contact details, residential and mail addresses, gender information, occupation details, details of properties and other personal information provided by individuals to the real estate agency or our service providers in acquiring, using or subscribing to our services;
  - financial information such as assets and liabilities, income and expenses, credit reference information, rent references, commercial leases and credit card/banking details;
  - property valuations and details of properties obtained to make, analyse and/or assess those valuations;
  - databases of comparable sales of properties and/or businesses in order to appraise the value of other properties and businesses and in order to assist in the marketing of those properties and businesses;
  - information used with respect to the marketing, sale and/or leasing of real estate properties and/or businesses;
  - information from sellers, buyers, lessors and/or tenants and potential sellers, buyers, lessors and/or tenants of properties and/or businesses;
  - details of properties, owners and tenants used for the purpose of managing the leasing of both commercial and residential properties; references associated with tenancy applications;
  - photographic identification;
  - data obtained from third parties regarding lease applicants' rental histories;

- data obtained from third parties for use when marketing, selling and leasing real estate properties and businesses;
- third party contracts on leases for emergency contacts.

### **Ways in which this real estate agency collects personal information**

7. This real estate agency collects personal information:

- wherever reasonably practicable, directly from the individual with respect to whom the information relates;
- from individuals, agents and representatives (eg lawyers, settlement agents, accountants, financial advisers, banks);
- by buyers, sellers, lessors, tenants or other users of our services or, alternatively, by potential users of those services;
- through our website;
- through publicly available information services (eg social media, local councils, Landgate, telephone white pages, internet records);
- when we are required to collect the information by virtue of legal or regulatory requirements (eg the provisions of the *Real Estate and Business Agents Act, 1978*);
- when individuals participate in competitions or surveys conducted by the real estate agency (or third parties, on our behalf) including, but not limited to, surveys relating to the quality of our services provided and surveys relating to real estate matters;
- from data bases kept by third parties regarding individual's rental histories;
- from other real estate agents (eg when the agency is involved in a conjunctional sale of land or when we act for a buyer in a transaction).

## **The primary purpose for which this real estate agency holds information**

8. We hold the information referred to above for the purpose of enabling us to conduct the services that we provide to our customers, sellers, buyers, lessors and tenants, to enable us to market the provision of those services and to conduct our business. In particular:

- we collect information to enable us to provide services in connection with the sale and/or leasing of properties and/or businesses;
- we collect information to provide advice to customers and prospective customers with respect to real estate and/or business agency matters;
- we obtain information from Landgate, to assist us in the valuing, selling and/or leasing of properties and/or businesses;
- we collect information to assess applications for residential and commercial tenancies;
- we obtain information to assist us with marketing the services of the agency;
- we collect information to enable us to advise our clients of additional information or services supplied by us (or by third parties) that may be of interest to them;
- we provide personal information to our contractors, who provide us with services to assist us with conducting our business (phone numbers etc);
- we collect information to enable us to efficiently manage our business;
- we collect information to assist with our delivery of services via the internet;

- we provide information to the Real Estate Institute of Western Australia (Inc) and other providers of real estate internet services to enable us to market properties, promote our services and conduct our business through the internet;
- we provide information to third parties such as the Real Estate Institute of Western Australia (Inc) which may provide personal information (such as information relating to the sale, purchase and/or leasing of properties) to third party providers of services to the real estate industry, with such third parties including, but not being limited to, entities that provide web site development and management services to real estate agents, data collection agencies such as RP Data Pty Ltd, and providers of internet listing portal services to the real estate industry; and
- we provide information to debt collection agencies for the purpose of managing tenancies and conducting our business (when we handover to a debt collector); and
- we collect information for research and statistical purposes.

### **Disclosure of personal information to overseas recipients**

9. It is likely that we will disclose personal information to overseas recipients (eg data storage services), when that disclosure is consistent with the purpose set out above.
10. The countries associated with the overseas recipients are, potentially, as follows: UK, Commonwealth Countries, Central Europe, Singapore and Hong Kong.

### **Right to gain access to personal information held by this real estate agency and our complaints handling processes**

11. Information that is stored by us about an individual is stored in a reasonable state of security.

12. Pursuant to the APPs, persons have certain rights to obtain access to personal information held by us with respect to that individual. Subject to the relevant exemptions contained in the APPs and subject to an individual providing sufficient proof of his or her identity this real estate agency will provide access to information that it holds relating to an individual. This real estate agency reserves the right to charge a fee for the provision of this information based on the administrative cost of supplying the information requested. Further details as to these costs and the ability to access information held by us can be obtained by contacting our Privacy Officer.
13. This real estate agency requests, for the purposes of clarity, that any requests for access to personal information be made in writing addressed to the agency's Privacy Officer.
14. We will generally provide access to information by providing to the individual concerned copies of relevant documents. Where, for reasons of volume or otherwise, providing copies of documents is not practical, we will make arrangements for the individual concerned to attend at our offices to carry out a physical inspection.
15. Wherever possible, we will provide copies of documents or access to the information that we hold with respect to an individual within 14 days of the receipt of the relevant request. In the case of more complex requests we will endeavour to provide access to the information within a period of 30 days.
16. If individuals believe that information held relating to them is incorrect they are entitled to request, by contacting our Privacy Officer, that we correct that information.
17. Should we believe that we are entitled to refuse a request to access information or to make corrections we will provide written reasons for our decision.

18. If you are dissatisfied with the manner in which we deal with your personal information or should you wish to make a complaint regarding our compliance with privacy laws, please contact our Privacy Officer in writing.

### **Further information**

19. Should any person wish to obtain further information with respect to the type of personal information we hold, the purposes for which we use that information and/or the way in which we manage that information, please contact our Privacy Officer at the contact details set out above.

### **Changes to our Privacy Policy**

20. This document sets our current privacy policy. This policy will be reviewed from time to time and will be maintained in an up-to-date form. Any changes to this policy will be posted on the relevant section of our website.