



## PRIVACY POLICY

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## Table of Contents

1. Definitions.....	3
2. Intent, Application and Scope .....	3
3. Types of Personal Information Collected .....	3
4. Collection of Personal Information.....	4
5. Access and use of Personal Information .....	4
6. Storage and security of Personal Information.....	4
7. Disclosure of Personal Information .....	5
8. Data breach.....	5
9. Roles and Responsibilities .....	5
10. Recording and Reporting .....	6
11. Relevant Legislation.....	6
12. Related Policies and Procedures.....	6
13. Review .....	6

## 1. Definitions

“*APPs*” means the Australian Privacy Principles as set out in Schedule 1 of the Privacy Act.

“*Employee*” means an employee of Pacific Maritime Lawyers including Employees that are full time, part time, permanent, casual, volunteers or work experience students.

“*Individual*” means a person whose Personal Information has been or may in the future be collected or used by Pacific Maritime Lawyers.

“*Pacific Maritime Lawyers*” means Pacific Maritime Lawyers Pty Ltd.

“*Personal Information*” is defined in the *Privacy Act 1988* (Cth) as information or an opinion about an identified Individual, or an Individual who is reasonable identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not.

“*Privacy Act*” means the *Privacy Act 1988* (Cth).

## 2. Intent, Application and Scope

In the course of Pacific Maritime Lawyers’ business in Australia, there may be circumstances where Personal Information is collected. Accordingly, this Privacy Policy (**Policy**) has been developed to ensure that such information is collected, accessed, used, stored, disclosed, and handled appropriately and in accordance with the *Privacy Act 1988* (Cth) (the **Privacy Act**).

Pacific Maritime Lawyers is committed to complying with the Privacy Act and the Australian Privacy Principles (**APPs**) in relation to all Personal Information that it collects, uses, stores and handles.

This Policy applies to any person for whom Pacific Maritime Lawyers currently holds or in the future may collect, Personal Information from, including, clients, potential clients, suppliers, consultants, applicants for employment and employees.

## 3. Types of Personal Information Collected

The main types of Personal Information that Pacific Maritime Lawyers collect may include:

- names and contact details including residential address, email addresses and phone numbers;
- information that can identify an Individual, including their date of birth, residence status, marital status and family circumstances, occupation and employment information, insurance information photographs, passport or driving licence details;
- any facts or opinions that are connected to an enquiry that we are conducting on behalf of a client or potential client to effectively provide legal services; and
- any other Personal Information that is provided by an Individual through Pacific Maritime Lawyers’ website or other online or social media platform.

On occasions, Pacific Maritime Lawyers may also need to collect sensitive information (which is incorporated into the definition of Personal Information). Sensitive information is a type of Personal Information that is given a higher level of protection under the APPs, including but not limited to information about a person’s health, criminal history or financial information (i.e. banking, credit and credit card details).

## 4. Collection of Personal Information

Pacific Maritime Lawyers may collect an Individual's Personal Information in various ways including, via telephone calls, its website, email or in hard copy format. In most circumstances, Pacific Maritime Lawyers collects Personal Information directly from the Individual.

Personal Information may however, also be collected from third parties including but not limited to:

- an Individual's insurer;
- a company in which the Individual is a shareholder or officeholder;
- an Individual's employer;
- an Individual's family members or anyone authorised to deal with the Individual's affairs on behalf of the Individual;
- anyone seeking Pacific Maritime Lawyers services in relation to their dealings with an Individual; and
- other legal firms.

On occasions, Pacific Maritime Lawyers may collect Personal Information about an Individual that is publicly available including, information held on social media or public registers like the Australian Securities and Investments Commission and the Australian Business Register.

## 5. Access and use of Personal Information

Pacific Maritime Lawyers will only use an Individual's Personal Information for the purpose for which it was provided, as permitted by this Policy and in accordance with the Privacy Act and the APPs.

Pacific Maritime Lawyers will collect, use and store Personal Information that is reasonably necessary for the purposes of or related to:

- contacting and communication with Individuals;
- assessing whether or not it is able to act for an Individual or group of Individuals;
- the provision of legal services, advice and consultancy services;
- recruitment and onboarding new Employees;
- the employment of Employees and providing internal services to those Employees; and
- any other purposes related to Pacific Maritime Lawyers' business operations.

Any Personal Information held by Pacific Maritime Lawyers may be accessed by Employees within Pacific Maritime Lawyers. All Employees within Pacific Maritime Lawyers are bound to keep any information confidential in accordance with the standards that govern the legal profession in Australia, the Privacy Act and the APPs.

An Individual may make a request to access the Personal Information held by Pacific Maritime Lawyers or alternatively make a request to amend its Personal Information. Any requests may be made to Pacific Maritime Lawyers Paralegal at [info@pacificmaritimelawyers.com.au](mailto:info@pacificmaritimelawyers.com.au).

## 6. Storage and security of Personal Information

Personal Information is stored both physically and electronically. Pacific Maritime Lawyers physically holds Personal Information of Individuals at its premises. Pacific Maritime Lawyers electronically holds Personal Information of Individuals:

- Through its internal servers;
- On electronic storage devices like USBs or DVDs; or

- On its document management systems.

Pacific Maritime Lawyers endeavours to keep all Personal Information it holds safe by taking all reasonable precautions to protect Personal Information from misuse, loss, unauthorised access, modification or disclosure. However, Pacific Maritime Lawyers cannot guarantee that Personal Information cannot be accessed by an unauthorised person, such as a hacker, or that an unauthorised disclosure will not occur.

All Personal Information that is held by Pacific Maritime Lawyers is kept confidential.

## 7. Disclosure of Personal Information

Pacific Maritime Lawyers will not disclose any Personal Information to third parties, other than as set out in the Policy or without your consent to do so unless disclosure of an Individual's Personal Information is necessary to lessen or prevent a serious and imminent threat to life, health or safety or unless Pacific Maritime Lawyers is compelled to do so by law.

In the circumstance where an Individual's Personal Information is disclosed to a third party for a permitted reason, Pacific Maritime Lawyers will request that the third party handles the Individual's Personal Information in accordance with this Policy, the Privacy Act and the APPs.

## 8. Data breach

A data breach occurs when Personal Information is lost or subjected to unauthorised access, use, modification or disclosure or other misuse or interference.

In the event of a data breach, Pacific Maritime Lawyers will, in accordance with the Pacific Maritime Lawyers Cybersecurity Policy:

- identify, contain, evaluate and respond to the data breach to minimise any potential harm to the Individual(s) affected by the data breach;
- direct its Employees to the steps that need to be taken to resolve the data breach as per the Pacific Maritime Lawyers Cybersecurity Policy; and
- in the event that the data breach is likely to cause serious harm to the Individual, notify the Individual(s) affected by the data breach, the Queensland Law Society, LEXON Insurance, or the Australian Information Commissioner and any other relevant parties.

If an Individual wishes to make a complaint about an alleged data breach, they must first contact Pacific Maritime Lawyers Paralegal on [info@pacificmaritimelawyers.com.au](mailto:info@pacificmaritimelawyers.com.au) advising of the alleged breach. In the unlikely event that Pacific Maritime Lawyers is unable to resolve the Individuals complaint the Individual may make a complaint to the Office of the Australian Information Commissioner.

## 9. Roles and Responsibilities

### **Pacific Maritime Lawyers Directors**

Pacific Maritime Lawyers Directors are responsible for:

- approving this Policy and any updates to this Policy;
- promoting and supporting the implementation of this Policy across Pacific Maritime Lawyers;

- ensuring that all Pacific Maritime Lawyers Employees are aware of the obligations under the Privacy Act and the APPs and that any necessary training is provided;
- managing and co-ordinating a response to any data breaches;
- ensuring that Pacific Maritime Lawyers has policies and procedures in place to manage its privacy obligations;
- ensuring that where necessary data breaches are reported to the affected Individual(s), the Australian Information Commissioner and any other parties; and
- ensuring that following a data breach the data breach circumstances are reviewed and where necessary any improvements to Pacific Maritime Lawyers policies, processes and procedures are implemented.

### **Pacific Maritime Lawyers Employees**

Each Pacific Maritime Lawyers Employee is responsible for:

- adhering to and complying with all principles, obligations and responsibilities set out in this Policy, the Privacy Act and APPs;
- ensuring that they participate in any privacy training provided by Pacific Maritime Lawyers;
- complying with any procedures in place to protect the Personal Information held by Pacific Maritime Lawyers;
- incorporating data security practices in their work; and
- reporting immediately any potential or actual data breaches, whether suspected or actual, to the Pacific Maritime Lawyers Directors and Paralegal.

## 10. Recording and Reporting

Pacific Maritime Lawyers will maintain a record of all potential and actual data breaches.

Under the *Privacy Act 1988* (Cth), Pacific Maritime Lawyers must report to the Australian Information Commissioner breaches of certain data, including Personal Information that is likely to cause serious harm.

## 11. Relevant Legislation

The legislation that is relevant and related to this Policy is:

- The *Privacy Act 1988* (Cth).

## 12. Related Policies and Procedures

The other policies and procedures related to this Policy are:

- Pacific Maritime Lawyers Cyber Security Policy and Procedure
- Pacific Maritime Lawyers Policy and Procedures Handbook

## 13. Review

The Paralegal will review this Policy at least every two (2) years to ensure that it aligns with Pacific Maritime Lawyers Quality Management System and the relevant legislation and regulations in Australia.