



## Privacy Policy

### Law Society of South Australia Privacy Policy

The Law Society of South Australia (Law Society or *we, us or our*) deals with information privacy in accordance with the *Privacy Act 1988* (Cth) (Privacy Act) and the *Australian Privacy Principles* (APPs) set out in the Privacy Act. We also deal with Personal Information in accordance with the *Spam Act 2003* (Cth) which imposes restrictions on sending emails and other types of commercial electronic messages.

This Privacy Policy sets out the Law Society's policies in relation to the management of Personal Information.

“Personal Information” includes any data, information or opinion about an identified individual whose identity is, or may be, apparent, or an individual who is reasonably identifiable:

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

### What kinds of Personal Information do we collect and hold?

We collect and maintain records which may contain Personal Information about:

- our members;
- legal practitioners and former legal practitioners;
- students; and
- others.

Depending upon how you interact with us, we may collect, use and hold various types of Personal Information about you. This may include

- your contact details, for example your office address, home address, telephone numbers and email address;
- your personal details, such as date and place of birth, gender, qualifications, titles, and the languages you speak;
- your practice details, such as your admission details, practising history, information relating to complaints received and any disciplinary investigations or other action;
- your membership information, such as your membership history and activities including details of service on committees and/or Council;

- criminal records or medical records to the extent that it is relevant to our functions and responsibilities; and
- records of your communications and other interactions with us.

The information cited above is examples only. We may collect other Personal Information from you from time to time.

### **How do we collect your Personal Information?**

We generally collect your Personal Information directly from you (when we contact you, when you contact us, when we communicate with you, when you visit our office, when you post about us on social media, attend an event we have organised or sponsored, attend a CPD session, apply for, or enquire about, membership of the Society or one of its committees, or when you complete a survey).

In some cases, we may receive your Personal Information from a third party (for instance if we receive a complaint or inquiry relating to a legal practitioner) and when it is relevant to our statutory responsibilities (for instance other regulators or government entities who have dealt with you).

### **What happens if we do not collect your Personal Information?**

Without your Personal Information we may not be able to process your application for membership or other request, perform our statutory functions or provide you with some or all of our services.

### **Why do we collect and hold your Personal Information?**

The services that we provide to members are wide ranging and include educational development, information, maximisation of work and networking opportunities, specific financial and other benefits and through representation of member and professional interests in a variety of community activities

Your Personal Information is collected in order to allow us to:

- (a) perform the functions assigned to us under the *Legal Practitioners Act 1981 (SA)* (the Act) together with associated administrative functions under the *Legal Practitioners Regulations 2014 (SA)*;
- (b) provide services to our members;
- (c) provide services and information to non-members related to our functions and activities;
- (d) provide and coordinate educational and training services;
- (e) communicate with the legal profession; and
- (f) perform other functions and duties related.

In particular, we may collect, use, disclose and hold your Personal Information to:

- fulfil our functions and responsibilities under, and facilitate compliance with, the Act and the *Legal Practitioners Regulations 2014* (which require and authorise us to collect certain information);
- fulfil our role as a professional association including:
  - maintaining membership records;
  - providing contact and general practising information to the public regarding legal practitioners including those with specialist accreditation;
  - providing legal practitioners with information relevant to the legal profession;
  - providing information on programs, services and benefits available to members, legal practitioners and the public;
  - communicating regarding an enquiry, request for information or use of our services;
  - conducting research and providing public representation and advocacy relevant to members, legal practitioners or the interests of justice generally;
  - providing information to our professional advisors and contractors, Law and other professional indemnity insurers and practising certificate funders; and
  - providing information to organisations that represent the legal profession such as the Law Council of Australia and other Law Societies;
- fulfil our role as the joint provider for the Graduate Diploma in Legal Practice with the University of Adelaide including:
  - maintaining GDLP student records;
  - making payments to sessional staff; and
- provide information to third parties as authorised or required by law.

### **Collection of your Personal Information from others**

From time to time we may collect Personal Information about you from a third party.

If the information is provided to us by a third party who has not informed you that they will be passing your Personal Information to us, we will notify you of our collection of that information when we receive it.

### **Use and Disclosure of your Personal Information**

We do not use or disclose your Personal Information unless:

- it is reasonably necessary for one of the purposes described above in relation to our regulatory functions and functions with respect to membership services and education;
- having regard to the nature of the information or the circumstances of collection we believe you would expect us to use the information or make the disclosure;

- the use or disclosure is required or authorised by law or court or tribunal;
- it is necessary to protect the rights, property, health or personal safety of a legal practitioner or member, the public or our interests, and it is unreasonable or impracticable to obtain your consent;
- the use and disclosure is necessary to assist any entity, body or person to locate a person who has been reported missing;
- we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in, and we believe that the use or disclosure is necessary in order for us to take appropriate action;
- the assets and operations of our business are transferred to another party as a going concern; or
- you have provided your consent.

Where practicable we implement measures to require organisations to whom disclosure is made to comply with the Privacy Act. If a third party is given access to Personal Information we will take reasonable steps to ensure that the information is held securely and used only for the purpose of providing the relevant service or activity.

We will take reasonable steps to ensure that the individual is or has been made aware of the collection of your Personal Information unless:

- making you aware of the matters would be contrary to law;
- it is allowable under the Privacy Act not to inform you; or
- informing you would pose a serious threat to the life or health of any individual.

In addition, we may make certain Personal Information publicly available. For example, we publish on our website a list of legal practitioners to whom we have issued current Practising Certificates including limited Personal Information such as name, designation and date of admission.

We will only disclose Personal Information obtained and collected by, or pursuant to a function of, the Society to a third party either with the express consent of the relevant individual, or as part of or in connection with the obtaining of services from a contractor or service provider in relation to the carrying out of our regulatory and other functions and duties, or unless required to do so by operation of law.

Personal Information that is collected by us pursuant to the operation of the Litigation Assistance Fund in accordance with the *Legal Practitioners Act* will not be disclosed to a third party except as provided by the *Legal Practitioners Act* and the Litigation Assistance Fund Deed of Trust.

### **Disclosure overseas**

If you practise in a foreign country (or apply to do so) we may send your Personal Information overseas in response to an inquiry from the relevant authority in that place. On occasion, the Society also receives requests from overseas educational institutions, employment agencies or potential employers to confirm that a GDLP has been awarded to a

past student. Subject to the consent of the past student, Personal Information about the student may be disclosed to the overseas organisation.

We will take reasonable steps to ensure that any Personal Information that we provide to an overseas third party is treated appropriately and that the overseas recipient does not breach those of the Australian Privacy Principles that are reasonably applicable in relation to that information.

### **If you do not want your Personal Information to be disclosed**

If you do not want your Personal Information to be disclosed (for instance, you want to have your name excluded from mailing lists) you should advise us in writing. If we consider your request to be reasonable, and it is practical to do so, we will accommodate your request provided that the disclosure is not required by law.

### **Direct Marketing**

We may use your Personal Information to communicate directly to promote a product or service (**Direct Marketing**). We use Direct Marketing to provide you with information about products or services that we believe you may be interested in (such as CPD sessions and Law Society events)

If you receive Direct Marketing material from us, and do not wish to continue receiving it, please contact us by the method set out below, asking to be removed from all future Direct Marketing programs. Once we have received your opt-out request, we will remove you from our Direct Marketing programs as soon as reasonably practicable.

### **Dealing with Sensitive Information**

We may collect (and hold) Sensitive Information only with your consent and only if the information is reasonably necessary for one or more of our functions or activities. Sensitive information includes information about your membership of a professional association and medical information.

By providing or enabling us to collect Sensitive Information, you consent to our collection, use and storage of that information for the purpose of discharging our statutory and other functions.

If we wish to use your Sensitive Information for any secondary purpose, we will only do so with your consent. We will not disclose your Sensitive Information for the purpose of Direct Marketing without your consent.

### **Storage and security of Personal Information**

Your Personal Information is stored in electronic and/or hard copy at the Law Society's premises at 178 North Terrace, Adelaide, South Australia 5000. Personal Information may also be stored off-site elsewhere in South Australia although the information will remain in the custody and control of the Society.

We take reasonable precautions to protect the Personal Information we hold from misuse, loss, unauthorised access, modification or disclosure.

## **Privacy Policy application to the Law Society website**

### *Internet transmission of information*

Where appropriate we use secure transmission facilities. However, no transmission of information over the Internet can be guaranteed to be completely secure and we do not warrant the security of any information transmitted by or to us over the Internet. Users enter our website at their own risk.

### *Cookies*

This site, like many other sites, uses small files called cookies to help customize your experience. 'Cookies' are small text files that are stored by the browser (e.g. Internet Explorer, Firefox, Chrome or Safari) or by a mobile phone (e.g. Android or iPhone) on your computer or mobile device. They allow websites to store such things as user preferences. You can think of cookies as providing a “memory” for the website, enabling it to recognize a user and respond appropriately.

### *Linked websites*

This Privacy Policy does not apply to any linked websites on the Law Society’s web page. Users enter those websites at their own risk.

## **Anonymity**

We will allow people the opportunity to deal with us without identifying themselves where it is lawful and appropriate to do so. If, however, you chose to deal with us anonymously or by using a pseudonym, we may not be able to provide you with accurate or useful information, and you may not be able to access a full range of our products and services.

## **Use of government identifiers**

Except insofar as we are required to do so under functions delegated to us by the Supreme Court of South Australia, we will not adopt an identifier of an individual that has been assigned by a government agency, and will not disclose any such identifier.

## **Quality of your Personal Information**

We have established procedures to ensure that information held by us is accurate, up to date and complete.

If you think your personal records are inaccurate, not up to date or incomplete, you may apply to us for the correction of your Personal Information. All applications should be

addressed to the Chief Executive in writing (see below). We will respond to you within a reasonable time, usually 30 days.

If your information is found to be inaccurate, incomplete or not up to date, we will take reasonable steps to correct that information.

If we disagree with you about whether your Personal Information is accurate, up to date or complete, you may ask us to attach a statement to your record giving reasons why you think our record is not accurate, complete or up to date.

We will give reasons for a refusal to correct your Personal Information. If you are not satisfied with our decision, you may complain to the Office of the Australian Information Commissioner.

### **Right to access your Personal Information**

You have the right to access your Personal Information unless we are permitted or required by law to withhold that information. Any requests for access to your Personal Information should be made to the Chief Executive (see below) in writing.

In some circumstances it may be appropriate and lawful for us to deny access, including if:

- we reasonably believe that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
- providing access would have an unreasonable impact on the privacy of another individual;
- the request is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings between you and us and the information would not be accessible by the process of legal discovery in those proceedings;
- giving access would reveal our intentions in relation to negotiations with you and prejudice those negotiations;
- we have reason to suspect that unlawful activity, or misconduct of a serious nature, relating to our functions or activities has been, is being or may be engaged in; and giving access would be likely to prejudice the taking of appropriate action in relation to the matter;
- providing access would be unlawful or if denying access is required or authorised under Australian law or a court/tribunal order;
- giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- giving access would reveal evaluative information generated within the Society in connection with a commercially sensitive decision-making process.

We will give you reasons for denial of access to your Personal Information. If you are not satisfied with our decision, you may complain to the Office of the Australian Information Commissioner.

If we charge a fee for providing you with access to your Personal Information, those charges will not be excessive and will not apply to the lodging of a request to provide information. At the discretion of the Executive Director, the charges may be waived.

### **Inquiries and Complaints**

If you require any further information about the management of your Personal Information or have a complaint about our handling of your Personal Information, you should initially write to the Chief Executive, who will respond to you within a reasonable time, usually 30 days.

Chief Executive  
Mr Stephen Hodder  
Law Society of South Australia  
GPO Box 2066  
Adelaide SA 5001  
Email: [stephen.hodder@lawsocietysa.asn.au](mailto:stephen.hodder@lawsocietysa.asn.au)

If you are not satisfied with the outcome of your complaint you may contact us further to advise of your concerns and, if we are unable to reach a satisfactory resolution you may write to the Office of the Australian Information Commissioner using the form available at this link <http://www.oaic.gov.au/privacy/making-a-privacy-complaint> for further review of your complaint.

### **Destruction of records**

We will take reasonable steps to destroy or permanently de-identify Personal Information if it is no longer needed for any purpose for which the information may be used or disclosed. Methods of destruction include deletion of computer files or data and shredding or secure disposal of written records.

### **Updates to our Privacy Policy**

This Privacy Policy was last updated on 4 May 2015. We review our policies on privacy and records management on a periodic basis.