

## 1. Our Privacy Policies

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At Australian Strata Management (ASM), we are committed to protecting your privacy in accordance with the Privacy Act 1988 (Cth) (Privacy Act) and the Australian Privacy Principles (APPs).

This Privacy Policy applies to personal information collected by ASM as the Franchisor, its Franchisees and its Contractors and Suppliers, and explains how your information is collected, used, disclosed and handled as well as your rights to access and correct your personal information and make a complaint for any breach of the APPs.

It is important to note that any written communication you have with an owners' corporation manager may form part of the official records of that owners' corporation. In accordance with the Owners Corporation Act (ss 146 & 150) and Owners Corporation Regulations 2007, any member of an owners' corporation may inspect the records of that owners' corporation.

## 2. Policy Application

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This policy applies to the Franchisor and all franchisees, directors, officers and employees within the ASM Network.

## 3. Personal and Sensitive Information

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The Privacy Act defines "personal information" as follows:

*"... information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether recorded in a material form or not."*

The Privacy Act advises that "sensitive information" is a subset of "personal information" and is defined as follows:

*"... information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, health information about an individual, genetic information, biometric information or templates."*

## 4. Personal Information We Hold

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The personal information we collect and hold may vary depending on the services we are providing, but generally may include:

- Your full name (first, middle (if applicable) and last names);
- Your contact details including e-mail address, current postal address, delivery address (if different to postal address) and phone numbers;
- Details relating to your employment or your previous employment;
- Your date of birth;
- Property history;
- Insurance history;
- Your written correspondence and any verbal communications by way of file note with our Franchisees and with ASM itself;
- Your written correspondence and any verbal communications by way of file note with previous strata managers;
- Your legal history pertaining to dealing with ASM;
- Your legal history pertaining to dealing with previous strata managers;
- Your criminal record (if applicable);
- Your health information (if applicable); and
- Any other information specific to our products or services such as your opinions, statements and endorsements collected personally or via surveys and questionnaires, including but not limited to your views on the products

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and services offered by ASM and/or its Franchisees.

If you are requesting products or services from us, we will collect any relevant payment or billing information, including but not limited to:

- bank account details;
- direct debit;
- credit card details;
- billing address;
- premium funding; and
- instalment information.

## 5. How we Collect and Hold Information

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We only collect personal information by lawful and fair means and where it is reasonably necessary for, or directly related to, one or more of our services, functions or activities.

Unless it is unreasonable or impracticable for us to do so, or as provided otherwise under this Privacy Policy, we will collect your information directly from you or your agents.

If we collect details about you from someone else, we will, take reasonable steps to make you aware of the collection in accordance with the APPs. We may obtain personal information indirectly and who it is from can depend on the circumstances.

We may obtain it from another insured if they arrange a policy which also covers you, related bodies corporate, referrals, your previous insurers or insurance intermediaries, witnesses in relation to claims, health care workers, publicly available sources, premium funders and persons who we enter into business alliances with.

We attempt to limit the collection and use of sensitive information from you unless we are required to do so in order to carry out the services provided to you. However, we do not collect sensitive information without your consent.

We hold the personal information we collect within our own data storage devices or with a third party provider of data storage.

## 6. Purposes for Collecting, Holding, Using and Disclosing Information

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We collect, hold, use and disclose your personal information where it is reasonably necessary for, or directly related to, one or more of our services, functions or activities. To assist us in providing management services and personal advice, we collect information so that:

- We can offer effective and high level management services to you via your owners' corporation;
- We can improve our service through your feedback;
- We can communicate with you regarding issues pertaining to your property and to do so taking into all factors relevant to you;
- If we arrange insurance, so insurer(s) can decide whether to offer insurance or not;
- a claim is made, so the insurer can make a decision on the claim; and
- If you require premium funding, so the funder can decide whether to provide the funding or not.

We do not use or disclose personal information for any purpose that is unrelated to our services and that you would not reasonably expect (except with your consent). We will only use your personal information for the primary purposes for which it was collected or to which the use was consented.

We usually disclose personal information to third parties who assist us or are involved in the provision of our services and your personal information is disclosed to them only in connection with the services we provide to you or with your consent. We may also disclose it for direct marketing purposes;

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The third parties may include the Franchisor, other related companies, other Franchisees, Suppliers or Contractors, insurers, their agents and others they rely on to provide their services and products, credit agencies, lawyers and accountants, prospective purchasers of our business and other business partners.

These parties are prohibited from using your personal information except for the specific purpose for which we supply it to them and we take such steps as are reasonable to ensure that they are aware of the provisions of this Privacy Policy in relation to your personal information.

We also use personal information to develop, identify and offer products and services that may interest you, conduct market or customer satisfaction research. From time to time we may seek to develop arrangements with other organisations that may be of benefit to you in relation to promotion, administration and use of our respective products and services. We do not use sensitive information to send you direct marketing communications without your express consent.

If we do propose to disclose or use your personal information other than for the purposes listed above, we will first seek your consent prior to such disclosure or use.

If we give third parties (including their agents, employees and contractors) your personal information, we require them to only use it for the purposes we agreed to.

## 7. Refusal to Supply Information

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If you choose not to provide any or all of required personal information, we or any involved third parties, may refuse or be unable to provide appropriate services or products. If you do not provide the required personal information we will explain what the impact will be.

## 8. Your Provision of Third Party Information

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When you provide us with personal information about other individuals, we rely on you to have made them aware that you will or may provide their information to us, how we collect, use, disclose and handle it in accordance with this Privacy Policy. If it is sensitive information we rely on you to have obtained their consent to the above. If you have not done these things, you must tell us before you provide us with the relevant information.

If we give personal information to you, you must only use it for the purposes to which we agreed.

Unless an exemption applies or we agree otherwise, you must meet the requirements of the Privacy Act, when collecting, using, disclosing and handling personal information on our behalf. You must also ensure that your agents, employees, suppliers and contractors meet the above requirements.

## 9. MANAGING SECURITY OF INFORMATION

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We take reasonable steps to ensure that your personal information is safe. We may retain personal information in hard copy records and electronically with us or our appointed data storage provider(s). You will appreciate, however, that we cannot guarantee the security of all transmissions of personal information, especially where information may be transmitted via the internet.

Notwithstanding the above, we endeavour to take all reasonable steps to:

- protect any personal information that we hold from misuse, interference and loss;
- protect it from unauthorised access, modification or disclosure both physically and through computer security measures;
- destroy or permanently de-identify personal information in accordance with the Privacy Act.

We maintain computer and network security; for example, we use firewalls and other online security measures and systems such as user identifiers and passwords to control access to computer systems.

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## 10. Data Quality

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We take reasonable steps to ensure that personal information is current and accurate whenever we collect, use or disclose it. In turn, we ask you if there are any changes required.

The accuracy of personal information depends largely on the information you provide to us, so we rely on you to:

- let us know if there are any errors in your personal information of which you become aware; and
- keep us up-to-date with changes to your personal information (such as your name or address).

## 11. Access to and Correction of Information

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You are entitled to have access to any personal information relating to you which we collect and maintain, except in some exceptional circumstances provided by in law.

For example, we may refuse access where:

- the information may have an unreasonable impact on the privacy of others;
- the request is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings and would not be accessible by the process of discovery in those proceedings; and
- the information would reveal our intentions in relation to negotiations in such a way as to prejudice those negotiations.

Where providing access would reveal evaluative information generated by us in connection with a commercially sensitive decision-making process, we will provide an explanation for the decision rather than direct access to the information.

If we refuse access or to give access in the manner requested by you we will let you know why in writing and provide you with details about how to make a complaint about the refusal.

If we make a correction to your personal information, we may retain a copy of the previous information for our records or as required by law.

If you wish to access your personal information please write to the National Franchise Manager whose contact details are provided below.

In most cases we do not charge for receiving a request for access to personal information or for complying with a correction request, unless such a charge is permissible under the Owners Corporation Act 2006.

## 12. Overseas Transfer of Data

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Any personal information provided to ASM, its Franchisees, Contractors or Suppliers may be transferred to, and stored at, a destination outside Australia, including but not limited to New Zealand, Singapore, United Kingdom and the United States of America.

Details of the countries we disclose to may change from time to time. Personal information may also be processed by staff or by other third parties operating outside Australia who work for us or for one of our suppliers, agents, partners or related companies.

When we send information overseas, in some cases we may not be able to take reasonable steps to ensure that overseas providers do not breach the Privacy Act and they may not be subject to the same level of protection or obligations that are offered by the Act.

By proceeding to acquire our services and products you agree that you cannot seek redress under the Act or against us (to the extent permitted by law) and may not be able to seek redress overseas. If you do not agree to the transfer of your personal information outside Australia, please contact us.

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## 13. Forwarding of communications

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The confidentiality of your communication with us is very important, especially in maintaining strong community relationships, which are critical in ensuring strata communities thrive.

To ensure this confidentiality is maintained, where any communication relates to a complaint about a neighbour, a supplier or contractor, an ASM staff member or an ASM franchisee, or it contains a comment which could be negatively construed by the subject of the comment if they were to become aware of it, our strict policy is NOT to forward your communication in its original form detailing any such complaints to any other party without your explicit permission in writing.

In the event you do not give us permission to forward your communication in its original form, we will start a new communication chain, outlining the nature of your confidential communications without identifying you. If it is not possible for you to be identified due to the nature of the complaint and you do not give permission for us to identify you, you acknowledge that we are not able to take your complaint any further.

It should be noted, as previously advised, that any communication you may have with an owners' corporation manager may become part of the records of the owners' corporation, which must be made available to members of that owners' corporation to inspect.

This does not apply to forwarding of information to the Franchisor by a franchisee.

## 14. Sale or Restructure of Business

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From time to time, we may transfer the management rights of your property from one franchisee to another franchisee or to the franchisor in line with our franchise territories or due to the induction of a new franchisee. In such circumstances it may be necessary for your personal information to be disclosed to permit the parties to assess the acquisition or transfer for example through a due diligence process.

We will only disclose as much of your personal information as is necessary for the assessment of any sale or restructure proposal and subject to appropriate procedures to maintain the confidentiality and security of your personal information. In the event that an acquisition or transfer, we will advise you in accordance with the Owners Corporation Act 2006.

## 15. Direct Marketing

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We may use your personal information, including any email address you give to us, to provide you with information and to tell you about our products, services or events or any other direct marketing activity (including third party products, services and events which we consider may be of interest to you).

Without the limitation just described, if it is within your reasonable expectations that we send you direct marketing communications given the transaction or communication you have had with us, then we may also use your personal information for the purpose of sending you direct marketing communications which we may consider may be of interest to you. We may request our related parties to contact you about services and products that may be of interest to you.

## 16. Our Website

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You are able to visit our website without providing any personal information. We will only collect personal information through our websites with your prior knowledge for example where you submit an enquiry or application online. Email addresses are only collected if you send us a message and you may be added to our mailing list.

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## 17. Cookies

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A cookie is a small string of information that a website transfers to your browser for identification purposes. The cookies we use may identify individual users.

- Cookies can either be “persistent” or “session” based. Persistent cookies are stored on your computer, contain an expiration date, and are mainly for the user’s convenience.
- Session cookies are short-lived and are held on your browser’s memory only for the duration of your session; they are used only during a browsing session, and expire when you quit your browser.
- We may use both session and persistent cookies. This information may be used to personalise your current visit to our websites or assist with analytical information on site visits.
- Most internet browsers can be set to accept or reject cookies. If you do not want to accept cookies, you can adjust your internet browser to reject cookies or to notify you when they are being used. However, rejecting cookies may limit the functionality of our website.

## 18. Complaints

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If you do have a complaint about privacy, please follow the Complaint Handling Process outlined below.

In order to resolve a complaint, we ask that you:

- Document the nature of the complaint in writing; and
- Include your name, email and physical address and a contact phone number.

In handling your complaint, we will:

- Acknowledge your written complaint immediately upon receipt of it;
- Will keep you informed of the likely time within which we will respond to your complaint;
- Will inform you of the reason for our decision in resolving such complaint; and
- Keep a record of the complaint and any action taken in the Register of Complaints.

If you have a complaint please refer to the contact information below.

When we make our decision, we will also inform you of your right to take the matter to the Office of the Australian Information Commissioner (OAIC) if you are not satisfied. In addition if you have not received a response from us of any kind to your complaint within 30 days, then you have the right to take the matter to the OAIC (contact details are provided below).

We recommend that you retain this information for future reference.

## 19. Contact details and Opt Out Rights

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If you would like to gain access to your personal information, have a complaint about a breach of your privacy, would like to withhold your consent (opt out) of providing consent to any of the uses of your information including receiving offers of products or services from us, or have any other query relating to our Privacy Policy, contact our General Manager during business hours on:

Telephone: (03) 9560 0770

Email: rreid@ASM.com.au

Mail: National Franchise Manager

Australian Strata Management

Suite 29, 270 Ferntree Gully Road

Notting Hill VIC 3168

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We welcome your questions and comments about privacy. If you would like to correct or update your personal information, please contact the office of your local Franchisee. In the event that this Privacy Policy or any part thereof is amended or modified in the future, the revised version will be available by contacting our office or on our website.

You can also obtain information on privacy issues in Australia on the Office of the Australian Information Commissioner ("OAIC") website at [www.oaic.gov.au](http://www.oaic.gov.au) or by contacting the OAIC by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or by calling on 1300 363 992.