

PRIVACY POLICY OF BARGAIN LEGAL PTY LTD

Bargain Legal Pty Ltd (ACN 608 034 395) (“BLPL”) trading as Notary Express, Law Mantra, Bargain Settlements, Wills Express and Probate Express, complies with the Privacy Act 1988 (Cth) (the “Act”) and respects your privacy. The Act requires BLPL to provide you a copy of its privacy policy on request. BLPL feel obliged to provide you a copy of the same as a matter of course. This privacy policy (“**Privacy Policy**”) details how BLPL manages Personal Information.

The term “Personal Information” is defined by the Act as: “*personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion*”

1. Collection

- 1.1 BLPL collects Personal Information only if the information is necessary for one or more of its functions or activities.
- 1.2 BLPL collects Personal Information only by lawful and fair means and not in an unreasonably intrusive way.
- 1.3 At or before the time (or, if that is not practicable, as soon as practicable after) BLPL collects Personal Information about you from you, BLPL will take reasonable steps to ensure that you are aware of:
 - (a) BLPL’s identity and how to contact it i.e. Bargain Legal Pty Ltd
Suite 7, 422 Fitzgerald Street
North Perth 6006 WA
Ph. – +61 8 6262 9701
Fax- +61 8 9328 6019
Email:
reception@lawmantra.com.au
 - (b) The fact that you are able to gain access to your Personal Information, BLPL holds on the contact details above said at 1.3(a).
 - (c) The purpose for which BLPL collects Personal Information, which is for the following purposes:
 - (i) ascertaining & communicating with its client and other parties to their transactions and court actions with their dealings so that BLPL can serve their purpose in the rightful manner;
 - (ii) generally to conduct its business;
 - (iii) meet its legal obligations;
 - (iv) anything which is necessary to, your interest as its client;
 - (v) keeping you updated about the change in law and or the services that BLPL provide or may provide in future.
 - (d) The organisations (or the types of organisations) to which the BLPL usually discloses Personal Information, are:
 - (i) its clients;
 - (ii) opposite parties;
 - (iii) their lawyers;
 - (iv) settlement and real estate agents;
 - (v) any trust(s) you are member of;
 - (vi) any person or organisation that needs Personal Information in the due course of business;
 - (vii) Court officials;
 - (viii) Police officials;
 - (ix) Commissions and Tribunals;
 - (x) Government Departments;
 - (xi) Financial Institutions when necessary to do business and affect transactions;
 - (xii) Auditors and external examiners to abide by Legal Practice Board’s compliances;
 - (xiii) Barristers, Counsels and other law firms and other industry experts, that assist BLPL in carrying out its services; and
 - (xiv) Its accountants and auditors, including quality auditors and advisers, as and if necessary.
 - (e) Any law that requires the particular information to be collected.
 - (f) The main consequences (if any) for you, if all or part of the information as sought is not provided might be that BLPL’s data base is not complete and BLPL might not be able to provide you all the services in a rightful manner as its client.
- 1.4 If it is reasonable and practicable to do so, BLPL will collect Personal Information about you from yourself only.
- 1.5 If BLPL collects Personal Information about you from someone else, BLPL will take reasonable steps to ensure that you are or have been made aware of the matters listed in 1.3 above, except to the extent that making you aware of the matters would pose a serious threat to the life or health of any individual.
- 1.6 BLPL collect Personal Information from various other sources including but not limited to the:

- (a) Database of the Australian Securities & Investments Commission (“ASIC”);
- (b) Business name register websites and their databases;
- (c) Electoral rolls;
- (d) Government websites;
- (e) Publicly available documents and databases;
- (f) Yellow pages and Internet resources;
- (g) Trade associations BLPL represent and/or BLPL may in future represent; and
- (h) Other businesses and organisations that is required to comply with the Privacy Act.

2. Use and disclosure

2.1. BLPL will not use or disclose Personal Information about you for a purpose (the secondary purpose) other than the primary purpose of collection mentioned in 1.3 unless:

- (a) both of the following apply:
 - (i) the secondary purpose is related to the primary purpose of collection and, if the Personal Information is sensitive information, directly related to the primary purpose of collection;
 - (ii) you would reasonably expect BLPL to use or disclose the information for the secondary purpose; or
- (b) you have consented to the use or disclosure; or
- (c) if the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing:
 - (i) it is impracticable for BLPL to seek your consent before that particular use; and
 - (ii) BLPL will not charge you for giving effect to a request by you to BLPL not to receive direct marketing communications; and
 - (iii) you have not made a request to BLPL not to receive direct marketing communications; and
 - (iv) in each direct marketing communication with you, BLPL draws to your attention, or prominently displays a notice, that you may express a wish not to receive any further direct marketing communications; and
 - (v) each written direct marketing communication by BLPL with you (up to and including the communication that involves the use) sets out BLPL’s business address and telephone number and, if the communication with you is made by fax, telex or other electronic means, a number or address at which BLPL can be directly contacted electronically; or
 - (d) the use or disclosure is required or authorized by or under law; or
 - (e) BLPL reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
- 2.2. If BLPL uses or discloses Personal information under the preceding paragraph it must make a written note of the use or disclosure.

3. Data quality

3.1. BLPL takes reasonable steps to make sure that the Personal Information collected, used and disclosed is complete, accurate and current.

4. Data security

- 4.1. BLPL strive to take appropriate steps to protect the Personal Information it holds from misuse and unauthorised access, modification or disclosure.
- 4.2. BLPL takes reasonable steps to destroy or permanently de-identify the Personal Information, if it is no longer needed for the purpose for which the information may be used or disclosed, but BLPL archives and retain Personal Information for at least seven years for legal purposes.

5. Openness

- 5.1. BLPL in this document expresses its policies on its management of Personal Information. BLPL will provide a copy of this document to everybody who requests it.
- 5.2. On request by a person, BLPL will take reasonable steps to let the person know:
- What sort of Personal Information BLPL hold, BLPL generally hold i.e. names, postal, residential and business addresses, telephone numbers, email address, fax numbers, Australian Business Number (ABN) and such other information BLPL requires in due course of offering its services.
 - For what purposes BLPL use that Personal Information, refer 1.3(c).
 - How BLPL collect information, refer 1.6.
 - How BLPL hold the information, BLPL generally hold the information in both active and archived files, in its computer system and on reasonably backup server, disc, tape and other devices.
 - How BLPL disclose that information, refer 1.3 (d).

6. Access and correction

- 6.1. BLPL will provide you with access to your Personal Information, BLPL hold about you, on your request, except to the extent that:
- in the case of Personal Information other than health information, providing access would pose a serious and imminent threat to the life or health of any individual; or
 - in the case of health information, providing access would pose a serious threat to the life or health of any individual; or
 - providing access would have an unreasonable impact upon the privacy of other individuals; or
 - the request for access is frivolous or vexatious; or
 - the information relates to existing or anticipated legal proceedings between you and BLPL, and the information would not be accessible by the process of discovery in those proceedings; or
 - providing access would reveal the intentions of BLPL in relation to negotiations with you in such a way as to prejudice those negotiations; or
 - providing access would be unlawful; or
 - denying access is required or authorised by or under law; or
 - providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - providing access would be likely to prejudice:
 - the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
 - the enforcement of laws relating to the confiscation of the proceeds of crime; or
 - the protection of public revenue; or
 - the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders; or
 - an enforcement body performing a lawful security function asks access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
- 6.2. However, where providing access would reveal evaluative information generated within BLPL in connection with a commercially sensitive decision-making process, BLPL may give you an explanation for the commercially sensitive decision rather than direct access to the information.
- 6.3. If BLPL is not required to provide you with access to the information because of one or more of paragraphs 6.1(a) to (k) (inclusive), BLPL must, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- 6.4. If BLPL charges for providing access to Personal Information, those charges:
- will be reasonable; and
 - will not apply to lodging a request for access.
- 6.5. If BLPL holds Personal Information about you and you are able to establish that the information is not accurate, complete and up-to-date, BLPL must take reasonable steps to correct the information so that it is accurate, complete and up-to-date.
- 6.6. If you and BLPL disagree about whether the information is accurate, complete and up-to-date, and you ask BLPL to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, BLPL must take reasonable steps to do so.

- 6.7. BLPL must provide reasons for denial of access or a refusal to correct Personal Information.

7. Identifiers

- 7.1. BLPL does not adopt as its own identifier of an individual an identifier of the individual that has been assigned by:
- an agency; or
 - an agent of an agency acting in its capacity as agent; or
 - a contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.
- 7.2. BLPL does not use or disclose an identifier assigned to you by an agency or by an agent or contracted service provider as mentioned in 7.1, unless:
- the use or disclosure is necessary for BLPL to fulfil its obligations to the agency; or
 - the use or disclosure is authorized by law; or
 - the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstance.
- 7.3. In this clause identifier includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or ABN (as defined in the A New Tax System (Australian Business Number) Act 1999) is not an identifier.

8. Anonymity

- 8.1. Wherever it is lawful and practicable, you have the option of not identifying yourselves when entering transactions with BLPL, but this in all probability will pose practical difficulties.

9. Trans border data flows

- 9.1. BLPL may transfer Personal Information about an individual to someone who is overseas only if:
- BLPL reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles; or
 - you consent to the transfer; or
 - the transfer is necessary for the performance of a contract between you and BLPL or for the implementation of the pre-contractual measures taken in the response to the individual's request; or
 - the transfer is necessary for the conclusion or performance of a contract concluded in your interest between BLPL and a third party; or
 - all of the following apply:
 - it is more cost effective to you as a client;
 - the transfer is for your benefit;
 - it is impracticable to obtain your consent to that transfer;
 - if it was practicable to obtain such consent, you would be likely to give it; or
 - BLPL has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information, inconsistently with the National Privacy Principles.

10. Sensitive information

- 10.1. The Act defines *Sensitive information* as-
- health information;
 - personal information which is about the individual's:
 - professional or trade associations;
 - racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a trade union, sexual preferences or practices, or criminal record.
- 10.2. BLPL does not collect sensitive information about you unless:
- you have consented; or
 - the collection is required by law or
 - the collection is necessary to prevent or lessen a serious and imminent threat to your life or your health, where you are:
 - physically or legally incapable of giving consent to the collection; or
 - physically cannot communicate consent to the collection; or
 - the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

This information sheet incorporates the text of the ten National Privacy Principles from Schedule 3 of the *Privacy Act 1988 (Cth)* as amended to 14 September 2006. For the latest version visit the website: <http://www.comlaw.gov.au/>