



WILLIAMSON BARWICK

**WilliamsonBarwick**

**Privacy Policy**



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## Privacy policy

### 1 Introduction

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- 1.1 Williamson Barwick Pty Ltd trading as 'WilliamsonBarwick' ('we' or 'us') complies with the *Privacy Act 1988* (Cth) ('The Act') and endeavours to protect the privacy of "personal information".
- 1.2 "Personal information" means 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 the information or opinion is recorded in a material form or not.

### 2 Collection of Personal Information

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- 2.1 We may collect personal information about an individual in order to provide legal advice, industrial advice, other legal services and/or for the purpose of litigation.
- 2.2 This information will only be collected where it is reasonably necessary for one or more of our functions or activities.
- 2.3 Any information collected in relation to a client's matter will be handled and stored in accordance with the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015* (NSW) ('SCR') and in accordance with our General Terms of Business.
- 2.4 We may elect to destroy a client's file and all associated information after a period of seven years has expired since the completion or termination of our involvement in a matter, pursuant to rule 14 of the SCR.
- 2.5 We may encounter and/or collect personal information about individuals or organisations without their direct or express authority. These individuals or organisations may be indirectly or directly associated with a matter. For example, where a client, agency, business or organisation discloses information about a third party or another party involved in a matter in which we act.



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2.6 Examples of situations where personal information may be collected include:

2.6.1 Obtaining information regarding the factual matrix surrounding a client's matter;

2.6.2 Collecting personal information regarding our clients' contact details, personal relationships, financial statements, business affairs, their employees and contractors;

whether or not this information is collected directly from the client or from a third party, with our client's authority.

2.7 Where this information is "sensitive information" relating to another individual or organisation, this information will only be collected with the consent of that individual or organisation, and where the information is reasonably necessary for one or more of our functions or activities.

2.8 Examples of the types of personal information that we may collect and store include:

2.8.1 Name

2.8.2 Email address

2.8.3 Residential / business / shipping / mailing / other address

2.8.4 Information from enquiries

2.8.5 Communication between us and an individual

2.9 Examples of sensitive information that we may collect and store include:

2.9.1 Health information

2.9.2 Membership of a professional or trade association

2.9.3 Membership of a trade union

2.9.4 Criminal record



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- 2.10 Where this information is collected from an entity, we consider it is that entity's responsibility to ensure they are entitled to disclose that information for our perusal in accordance with our Privacy Policy, without us taking any additional steps.
- 2.11 We will only collect personal information by lawful and fair means, and will collect personal information about an individual only from the individual unless it is unreasonable or impracticable to do so.
- 2.12 We will take steps that are reasonable in the circumstances to ensure that the personal information we collect is accurate, up-to-date and complete. This also applies to personal information that we use or disclose, having regard to the purpose of the use or disclosure, and its relevancy.

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

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- 3.1 We will only use or disclose personal information for the primary purpose for which it was collected, or for a reasonably expected secondary purpose that relates to the primary purpose. We will also use or disclose information in accordance with our legal obligations, or for any purpose for which an individual has consented to.
- 3.2 We may need to disclose personal information in order to obtain opinions from experts such as barristers and accountants. If the matter involves a dispute, we may need to serve this information on the other party or their legal representatives, or disclose it to a tribunal or court.
- 3.3 We may also be compelled by a court, tribunal or other judicial or quasi-judicial bodies to disclose personal information. We will, at first instance, consider whether we are entitled to refrain from disclosing this information on the basis of legal professional privilege.
- 3.4 We will not disclose personal information for the purpose of direct marketing.
- 3.5 We are unlikely to disclose personal information to overseas recipients.

### **4 Security of Personal information**

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- 4.1 We protect all personal information from misuse, loss, unauthorised access, and



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disclosure. All personal information is secured in files, computer systems, locked storage rooms, and secure servers. The integrity of our servers is maintained by a firewall. Our offices are securely locked and protected after hours.

- 4.2 We store emails and personal information with third-party data service providers. We ensure that these service providers comply with The Act, or are subject to laws or schemes that provide similar standards and protections.

## **5 Access to Personal Information**

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- 5.1 An individual or organisation may request access to any personal information we hold about them.
- 5.2 We will consider this request, but may refuse to provide access where:
- 5.2.1 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; or
  - 5.2.2 The request for access is frivolous or vexatious; or
  - 5.2.3 The information relates to existing or anticipated legal proceedings between us or the individual, and would not be accessible by the process of discovery in those proceedings; or
  - 5.2.4 Giving access would reveal our intentions in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
  - 5.2.5 Giving access would be unlawful; or
  - 5.2.6 Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
  - 5.2.7 Both of the following apply:
    - 5.2.7.1 We have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is



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being or may be engaged in;

5.2.7.2 Giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or

5.2.8 Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or

5.2.9 Giving access would reveal evaluative information generated by our firm in connection with a commercially sensitive decision-making process.

5.2.10 Giving access would breach our fiduciary duties or any other duty.

5.3 We will provide written reasons in the event that we deny access.

5.4 We endeavour to respond to a request for access to personal information within a reasonable period after the request is made.

5.5 Requests for access to personal information must be made in writing.

5.6 We will require identification and may ask the enquiring individual or organisation to pay our reasonable costs and expenses that we incur in complying with their request.

## **6 Correcting Personal Information**

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6.1 We will take reasonable steps to correct personal information if we are satisfied that it is inaccurate, out-of-date, incomplete, irrelevant or misleading; or if the individual asks us to correct the information.

## **7 Amendments to Our Privacy Policy**

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7.1 We reserve the right to amend our Privacy Policy at any time without prior notice being made.



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## 8 Questions, Concerns or Complaints

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- 8.1 Please contact WilliamsonBarwick at Level 10, 47 York St, Sydney NSW 2000 or at [txr@williamsonbarwick.com](mailto:txr@williamsonbarwick.com) should you have any questions regarding our privacy policy. Similarly, please do not hesitate to contact our office should you have any concerns or complaints and we will endeavour to respond within a reasonable timeframe.

**SOLICITOR DIRECTOR**

Dated: 13 March 2023