

# LEGAL CONTRIBUTION TRUST

## PRIVACY POLICY

### 1. Introduction

The Legal Contribution Trust (**Trust, we, our, us**) is established by the *Legal Profession Uniform Law Act 2022 (WA)* and the *Legal Profession Uniform Law Application Act 2022 (WA)* (**Uniform Law**). The Trust is managed by trustees (appointed by the Governor) and administered by the Law Society of WA. Principally, the trustees are appointed to:

- (a) administer and control the Solicitors' Guarantee Fund (**Fund**); and
- (b) investigate, assess and determine claims made against the Fund by persons seeking to recover some pecuniary loss due to defaults by a law practice arising from dishonest acts or omissions of associates of the practice relating to trust money or trust property (**Claims**) and, where applicable, utilising the Fund to compensate such pecuniary loss.

In performing these statutory functions, the trustees may need to collect, use, disclose and hold Personal Information. We understand that your Personal Information, and how we use it, is very important to you.

This Privacy Policy (**Policy**) explains how we manage the Personal Information in compliance with the *Legal Profession Uniform Law Act 2022 (WA)* and the *Legal Profession Uniform Law Application Act 2022 (WA)* (**Uniform Law**), which provide a system to regulate the legal profession and establish the Trust and the Fund. The Policy is publicly available on our website or on request by contacting us directly.

From time to time, we may change or amend this Policy to ensure it is up-to-date and reflective of our practices and compliance with law. We recommend you visit this website regularly to keep up to date with any changes.

Capitalised terms are defined in Section 10 (below).

### 2. Scope and purpose

This Policy applies to users of our services, claimants on the Fund, visitors to our website and any contractors/service providers engaged with us.

This Policy endeavours to openly and transparently set out:

- (a) the types of Personal Information that we collect and hold;
- (b) how we handle Personal Information; and
- (c) the purposes for which we handle Personal Information.

### 3. Contact information

If you have any questions, comments or concerns about how we handle Personal Information, or this Policy, please contact us:

By post: C/- Law Society of WA, PO Box Z5345, Perth WA 6831

By email: [lct@lawsocietywa.asn.au](mailto:lct@lawsocietywa.asn.au)

By telephone: 08 9324 8600

In person: Level 4, 160 St Georges Terrace, Perth WA 6000

### 4. Consent

You consent to us collecting, using, disclosing and holding your Personal Information in accordance with this Policy.

You agree that this Policy, and your engagement with us in accordance with this Policy, is governed by the laws of Western Australia and you submit to the exclusive jurisdiction of the courts of Western Australia.

## **5. Collection**

### **5.1 What types of Personal Information do we collect?**

We will only collect Personal Information (including Sensitive Information) that is necessary to fulfill our functions and responsibilities under the Uniform Law.

The types of Personal Information we collect will depend on the nature and purpose of our interaction with you.

Examples of the types of Personal Information we collect include (without limitation):

- ⇒ your name and contact details (e.g. address, phone number, email address)
- ⇒ current and previous Claim-related details (e.g. background/explanatory information, legal services requested and obtained, relevant correspondence, and financial/bank information);
- ⇒ law practice details (e.g. practising history, information relating to any Claims or complaints received, any disciplinary investigations or other action, Law Society membership information, personnel information);
- ⇒ records of your communications and other interactions with us and with organisations that provide us with services (e.g. Law Society of WA, Legal Practice Board of WA and professional service providers).

### **5.2 How and why do we collect Personal Information?**

Generally, we will collect Personal Information directly from you (e.g. when you email us). This ensures that you know the information is being collected about you and you have some control over what information is collected.

However, we may also collect Personal Information from third parties and other sources in certain circumstances, for example, where:

- (a) the collection is required or authorised by or under law;
- (b) you consent to the collection of your Personal Information from a third party; or
- (c) it is unreasonable or impractical to collect the Personal Information directly from you.

At or before the time (or, if that is not practicable, as soon as practicable after) of collection, we will take reasonable steps to ensure that you are given, or made aware of, our Privacy Collection Notice (**Notice**). However, where we indirectly collect Personal Information in connection with a complaint, we are not required to provide you with the Notice (unless we contact you about the complaint). The Notice is available on our website.

Please note, if you do not provide us with your Personal Information, we may not be able to process your application or request, perform our statutory functions or provide you with some or all of our services.

### **5.3 Do we collect Personal Information that identifies children?**

We may collect Personal Information (including Sensitive Information) that identifies a child if such information is necessary for our statutory functions and responsibilities. However, we will only do so where we have considered whether our collection of the information is in the best interests of the child.

Where the Personal Information relates to child protection purposes, we may collect that information indirectly and without consent or notifying the child.

## 6. Use and disclosure

Generally, we will only use and/or disclose Personal Information for the particular purpose (i.e. the primary purpose) for which it was collected. However, we may also use and/or disclose Personal Information for another purpose (i.e. a secondary purpose) in limited circumstances, such as:

- (a) if we have your consent;
- (b) if the use or disclosure is required or authorised by or under law;
- (c) if you would reasonably expect us to use and/or disclose the information for the secondary purpose and the secondary purpose is *related* to the primary purpose (or, in the case of Sensitive Information, where the secondary purpose is *directly related* to the primary purpose).

We will make a written record of our use or disclosure of Personal Information where it has been used and/or disclosed for a secondary purpose.

Examples of the purposes for which we use and/or disclose Personal Information including (without limitation):

- ⇒ to assess, investigate and respond to Claims and complaints (e.g. with respondents to a Claim, the Law Society of WA, the Legal Practice Board of WA, practice managers of law practice, an equivalent trust fund for another jurisdiction, liquidators of a legal practice, bank managers of relevant bank accounts);
- ⇒ to obtain services from third party contractors/service providers so that they may perform services for us or on our behalf (e.g. legal representatives of the trustees).

## 7. Information security

### 7.1 How do we keep Personal Information secure?

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

We store most of the Personal Information we collect in computer systems and databases operated by either us or our external service providers (e.g. the Law Society of WA or our legal representatives). However, some Personal Information is recorded in paper files that we store securely at the trustees' premises.

Our current security processes and measures include (without limitation):

- ⇒ using anti-virus protections for our computer systems;
- ⇒ requiring databases have access limitations and are password protected;
- ⇒ requiring third party service providers to enter into written confidentiality agreements with us.

### 7.2 Do we disclose Personal Information overseas?

We do not disclose Personal Information to recipients located outside Australian territories, unless:

- (a) you have provided your consent to such disclosure; or
- (b) we are required or authorised to make such disclosure by law.

### **7.3 When will we delete / de-identify Personal Information?**

We take reasonable steps to destroy or permanently de-identify Personal Information if it is no longer needed for the purpose it was collected, unless we are expressly required or authorised to retain the information.

### **7.4 What happens if there is a data breach involving Personal Information?**

Where there is loss of, unauthorised access to, or unauthorised disclosure of, Personal Information held by us, we will follow the procedures established to quickly assess a breach, take any appropriate remedial action and notify all relevant parties.

## **8. Access to and/or correction**

You may request access to, or amendment of, your Personal Information which is held by us by contacting us via the details in Section 3 (above).

A request for access to, or correction, of your Personal Information must be in writing, provide sufficient information for us to ascertain the relevant Personal Information and include an address in Australia for reply notices. We will respond to a request as soon as practicable, but no later than 45 days after the date of your request. Where permitted under law, we may charge you a fee to access the information. We will not charge you a fee for correcting your Personal Information. We may suspend our provision of access to your Personal Information until an access fee is paid and/or you have provided sufficient proof of your identity.

We will grant a request for access to, or correction of, Personal Information unless we are required or authorised by law to deny the request.

The circumstances in which it may be appropriate and lawful for us to deny access, include (without limitation) where:

- (a) your request would have an unreasonable impact on the privacy of others;
- (b) providing access would reveal our intentions in relation to negotiations with you;
- (c) providing access would be likely to prejudice an investigation of possible unlawful activity;
- (d) providing access would reveal our commercially sensitive decision-making process.

If we deny access to, or correction of, your Personal Information, we will provide our reasoning.

We may require that you provide us with evidence to establish that the Personal Information we hold about you is inaccurate, incomplete and not up-to-date, before we take reasonable steps to correct it. If we disagree with your request, you may request that we associate your Personal Information with a statement which records your claim that the information is not accurate, complete or up-to-date.

## **9. Complaints**

If you have a complaint about the way in which we have handled any privacy issue, please contact us via the details in Section 3 (above).

We will consider your complaint and determine whether it requires further investigation. We will notify you of the outcome of this investigation and any subsequent internal investigation.

## **10. Definitions**

**Claim** means an application for compensation from the Fund by a person who suffers pecuniary loss as a result of a default by a law practice whose act or omission (whether alone or with one or more other associates of the legal practice) gives rise to, or constitutes, the default

**Law Society of WA** means the peak professional association for lawyers in Western Australia, and is a constituent body of the Law Council of Australia.

**Legal Practice Board of WA** means the independent statutory authority established the *Legal Profession Uniform Law Application Act 2022* which enables Western Australian legal practitioners' professional practice and advances the administration of justice and protection for the community by ensuring legal practitioner and practice compliance and resolving disputes and complaints.

**Personal Information** means information or an opinion, whether true or not, and whether recorded in a material form or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from the information or opinion, and includes a name, date of birth or address; a Unique Identifier, online identifier or pseudonym; contact information; information that relates to an individual's location; technical or behavioural information in relation to an individual's activities, preferences or identity; inferred information that relates to an individual (including predictions in relation to an individual's behaviour or preferences and profiles generated from aggregated information); information that relates to one or more features specific to the physical, physiological, genetic, mental, behavioural, economic, cultural or social identity of an individual.

**Sensitive Information** means Personal Information that relates to an individual's racial or ethnic origin; gender identity, in a case where the individual's gender identity does not correspond with their designated sex at birth; sexual orientation or practices; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; criminal record; health information; genetic or genomic information (other than health information); biometric information; or from which information of a kind referred to above can reasonably be inferred.

**Solicitors' Guarantee Fund or Fund** means the pool of funds used to compensate consumers who lose money when a legal practice fraudulently fails to deliver trust money or property.

## 11. Approval

Version	Effective	Renewal date	Owner	Approved by
1.0	1 January 2025	1 January 2028	Leanne Round	LCT Trustees