

# IN MOTION LEGAL PTY LTD

## PRIVACY POLICY

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Effective Date: 12 February 2021

### 1. SUMMARY

This Privacy Policy complies with the Australian Privacy Act 1988 (Cth) including the APPs. We respect your privacy and are committed to safeguarding your Personal Information. When you deal with us, we collect Personal Information from you, including your Identifying Information, conversations that you have with us and other information that you share with us. With your consent, which you provide by contacting us or instructing us, we may share certain Personal Information with Approved Third Parties and we may send electronic communications to you from time to time.

If you are an individual located in the European Economic Area ('EEA') or the United Kingdom, the GDPR might apply when we collect and process your Personal Information. The legal basis we rely upon for collecting and processing your Personal Information is that it is for the purposes of our legitimate interests (where we consider that our rights are not overridden by yours). In addition to the rights set out below, you may also have the right to object to or restrict processing of your Personal Information, a right to data portability and a right of erasure.

Please read this Privacy Policy in order to understand more fully how and why we collect, use, store and handle your Personal Information when you contact us or use our Services, what information we collect and the choices available to you in relation to your Personal Information.

Please let us know if you would like a physical copy of this Privacy Policy and we will provide one to you.

### 2. DEFINITIONS

'Approved Third Parties' means Third Party Service Providers, other third parties who assist us in advising you such as a barrister or an external lawyer (who would only be engaged with your consent) and any party to whom we are required or authorised to disclose your Personal Information by law.

'Australian Privacy Principles' or 'APPs' means The Australian Privacy Principles set out under the *Privacy Act 1988* (Cth).

'Direct Marketing' means the use or disclosure of Personal Information to communicate directly with an individual to promote goods or services.

'GDPR' means the EU General Data Protection Regulation 2016.

'Identifying Information' means information provided by you when you contact us or use our Services including your name, email address, phone number and identity documents.

'Parties' means both you and us collectively.

'Personal Information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not,

and includes Identifying Information.

‘Primary Purposes’ means:

- (a) providing you with the Services;
- (b) providing you with information and responding to your enquiries;
- (c) sending electronic communications to you including Direct Marketing;
- (d) any other purpose specified in the table at paragraph 3.

‘Services’ means legal services provided by us.

‘Third Party Service Providers’ means any party who provides us with services from time to time.

‘us’, ‘we’, ‘our’ refers to In Motion Legal Pty Ltd.

‘Website’ means the website hosted at [www.inmotionlegal.com.au](http://www.inmotionlegal.com.au).

‘you’ or ‘your’ refers to the user of the Services.

### **3. WHAT PERSONAL INFORMATION DO WE COLLECT, HOW DO WE COLLECT IT AND WHY?**

We collect, hold, use and disclose Personal Information for the Primary Purposes.

We will only collect such Personal Information which is reasonably necessary for, or directly related to, the Primary Purposes, another legitimate purpose specified in the table below or to which you have consented.

If a Third Party Service Provider is used to collect or facilitate a payment, we will not receive or have any control over any Personal Information that you provide to the Third Party Service Provider.

If we receive Personal Information other than directly from the person whom it is about or from a third party that has the consent of that person to deal with that Personal Information (including credit reporting bodies), then we will destroy that Personal Information as soon as practicable and if lawful and reasonable to do so.

<b>What Personal Information do we collect?</b>	<b>How do we collect it?</b>	<b>Why do we collect it, hold, use or disclose it?</b>
Your name, address, email address, phone number	We may ask you to provide this information when you contact us with a query or when you instruct us to provide you with Services	We collect this information so that: <ul style="list-style-type: none"><li>• we can respond to your queries and comments</li><li>• we can contact you in relation to the Services</li><li>• we can send other electronic communications to you (including Direct Marketing)</li></ul>
Identity document	When you instruct us to provide you with legal services	In order to verify your identity
Communications	If you contact us by email or in another way	So that we can have a record of communications between you and us, allowing us to resolve queries efficiently, provide you with a high level of service and satisfy applicable document retention obligations

Credit information	We may collect this information from a credit reporting body	To assist in making a decision about whether or not to extend credit to you and whether or not to accept your instructions
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#### 4. COOKIES

Cookies are small pieces of data that a website asks your browser to store on your computer or device. The purpose of cookies is to improve your browsing experience by being aware of and adapting to your browsing and internet use habits on the site/s on which they are stored and to enhance security. It is possible to disable cookies but the Website may not function properly.

The Website is hosted by Wix. For more information about Wix's use of cookies see here:

<https://support.wix.com/en/article/cookies-and-your-wix-site>

The Website uses Wix Cookies as follows:

Essential Cookies		
<u>Cookie Name</u>	<u>Duration</u>	<u>Purpose</u>
Hs	Session	Security
smSession	Session	Identifies logged in site members
XSRF-TOKEN	Session	Security
svSession	2 years	In connection with user login
SSR-caching	1 minute	Indicates the system from which the site was rendered
_wixCIDX	3 months	System monitoring/debugging
_wix_browser_sess	Session	System monitoring/debugging
consent-policy	12 months	Cookie banner parameters
TS*	Session	Security and anti-fraud reasons
bSession	30 minutes	Measures system effectiveness
fedops.logger.sessionId	12 months	Measures stability/effectiveness

Functionality Cookies		
<u>Cookie Name</u>	<u>Duration</u>	<u>Purpose</u>
wixLanguage	12 months	Saves user language preferences on multilingual websites

For more information about cookies see:

<https://www.learn-about-cookies.com/>

For information about how to delete cookies see:

<https://www.learn-about-cookies.com/how-to-delete-cookies>

## **5. DEALING WITH PERSONAL INFORMATION**

We may deal with Personal Information for the Primary Purposes and any other purpose to which you have consented.

We may share your Personal Information with a third party if we are required to do so under any applicable law.

We may disclose your Personal Information to Third Party Service Providers and such Third Party Service Providers may store your data on servers located outside Australia. At the effective date of this Privacy Policy, our Third Party Service Providers are:

<b>Third Party</b>	<b>Services</b>
Verlata Consulting, Australia	Accountancy services
Pro Computers, Australia	IT support services and cloud backup services
Quickbooks, USA	Cloud based accounting software
Hellosign, USA	Cloud based digital document signing software
Microsoft, USA	Cloud storage (One Drive)

## **6. DISCLOSURE OF PERSONAL INFORMATION**

Whenever we provide your Personal Information to a third party, we will request that the third party handles your Personal Information in compliance with: (i) the APPs if the third party is Australian; or (ii) applicable foreign laws comparable to and no less protective than the APPs if the third party is overseas. We will only disclose your Personal Information to overseas recipients where the overseas recipient is a Third Party Service Provider or any similar service provider located or hosted overseas.

## **7. ELECTRONIC COMMUNICATIONS**

By providing us with your Personal Information, you consent to receiving electronic communications including Direct Marketing from us. If you do not wish to receive electronic communications or Direct Marketing from us, you can opt out by clicking the 'unsubscribe' link in the footer of the communication or by contacting us at the email address provided in the Contact section at paragraph 14 below and asking us to remove you from our mailing list. There are certain updates which you cannot opt out of receiving, regarding changes to our Terms & Conditions or this Privacy Policy and other information which we consider to be essential.

## **8. STORAGE OF PERSONAL INFORMATION**

We will store your Personal Information for (a) 6 years from the date of our final communication with you or your employer (in the case of an enquiry) or 7 years from the date of the final invoice that we issue to you or your employer (if you have engaged us to provide Services); and (b) in respect of your name and email address, as long as you remain subscribed to our mailing list.

We reserve the right to retain your Personal Information for a longer period of time if we have a valid reason for doing so such as if there is an ongoing dispute between you and us.

If the GDPR applies to our collection and processing of your Personal Information you may have a right to request erasure of your Personal Information.

## **9. INTEGRITY AND SECURITY OF PERSONAL INFORMATION**

We will make all reasonable efforts to ensure that the Personal Information that we collect and deal with is accurate, up-to-date and complete.

We take reasonable steps to protect the Personal Information that we hold from theft, misuse, interference, loss, and unauthorised access, modification or disclosure. However, we cannot guarantee the security of Personal Information. The steps that we take to protect your Personal Information include limiting disclosure on a need to know basis, password protection and prompt destruction of hard copy documents containing Personal Information, if any (we do not create hard copy files).

If any Personal Information is stolen, misused, interfered with, lost, or has been accessed, modified or disclosed without authorisation, we will comply with our legal obligations to report and manage the breach. This includes taking all reasonable steps to complete an assessment of the suspected breach within 30 days of becoming aware of the suspected breach, taking appropriate remedial action and, where appropriate, notifying the affected individuals and the Privacy Commissioner.

## **10. ACCESSING YOUR PERSONAL INFORMATION**

You may request access to your Personal Information by contacting us at the email address provided in the Contact section at paragraph 14 below.

If any of the Personal Information we hold for you is inaccurate, out of date, incomplete, irrelevant, misleading or otherwise incorrect, you may ask us to correct the Personal Information and we will do so as soon as reasonably practicable and within 30 days.

We will notify Approved Third Parties of any corrections to the Personal Information we hold where it is reasonable to do so.

## **11. CHANGES**

We reserve the right to change this Privacy Policy by publishing the updated Privacy Policy on our Website and those changes will take effect immediately when they are published. If we make any significant changes to this Privacy Policy we will notify you if you are subscribed to our mailing list.

## **12. COMPLAINTS**

If you have a complaint about how we handle privacy, please contact us. We take all complaints seriously and will investigate and respond as soon as reasonably practicable, usually within 30 days.

For further information on the Australian Privacy Principles and Australian privacy law, see [www.oaic.gov.au](http://www.oaic.gov.au). To contact the Office of the Australian Information Commissioner, including to make a complaint about privacy, contact 1300 363 992 or [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).

We request that you please endeavour to resolve any complaint with us directly before contacting the Office of the Australian Information Commissioner.

## **13. MISCELLANEOUS**

**Applicable law:** Your use of the Website and our services is subject to the laws of Queensland and each party submits to the non-exclusive jurisdiction of the courts of Queensland.

**No assignment:** You must not assign, sub-licence or otherwise deal in any way with your rights under this Privacy Policy without our prior written consent.

**Separate agreements:** You may have other legal agreements with us, such as our Terms and Conditions. Those other legal agreements are separate from and in addition to this Privacy Policy. This Privacy Policy does not alter, amend, revise or replace the terms of any other legal agreements you may have with us. In the event of any conflict between our Terms and Conditions and this Privacy Policy, this Privacy Policy prevails.

#### **14. CONTACT US**

You can contact us at:

The Privacy Officer  
In Motion Legal Pty Ltd  
65 631 311 110  
[info@inmotionlegal.com.au](mailto:info@inmotionlegal.com.au)  
PO Box 2490  
Chermside Centre  
QLD 4032