Privacy Collection Notice

Customer Due Diligence

Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)

OFFICE

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LOCATIONS

Rockhampton · Yeppoon · Brisbane

This Privacy Collection Notice from South Geldard Lawyers (we, us or our) outlines why we collect your personal information, what we collect, how we collect it, and who we share it with, when carrying out customer due diligence under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act).

WHY WE NEED TO COLLECT YOUR INFORMATION

We are required to carry out customer due diligence under the AML/CTF Act because we provide the following designated services:

- conveyancing and real property transactions; and
- trust account and fund transfer services,

on behalf of clients. We collect your personal information to:

- establish and verify your identity (or the identity of the person you are acting on behalf of) before we provide these services to you;
- assess and manage potential money laundering, terrorism financing, proliferation financing, and related compliance risks associated with providing these services;
- make reports required by law under the AML/CTF Act, including to the Australian Transaction Reports and Analysis Centre (AUSTRAC); and
- meet our record-keeping obligations under the AML/CTF Act and AML/CTF Rules.

All lawyers in Australia who provide services regulated under AML/CTF laws are subject to these obligations.

WHAT PERSONAL INFORMATION WE COLLECT

Depending on the service you are engaging us for, we collect the following types of personal information:

- your full name, date of birth, and residential address;
- photographic identification and a unique identifier, such as your passport number or driver licence number;
- for trust account and fund transfer matters: bank account details, source of funds information, and details of the transaction;
- for conveyancing and real property matters: details of the property, the transaction, and parties involved; and
- where relevant, details of any company, trust, or other entity you represent, including beneficial ownership information.

We also collect the following sensitive information, where relevant:

- information about whether you hold a prominent public position, or are a member of a political, professional, or trade association, which may be used to determine whether you are a *politically exposed person* for the purposes of the AML/CTF Act.
- Biometric information.

HOW WE COLLECT YOUR INFORMATION

We will collect, use and store this information collected for or in connection with AML/CTF enquiries in accordance with applicable AML/CTF laws and the *Privacy Act 1988* (Cth). Where information is collected for another purpose, it may not be Privacy Act regulated but will be dealt with in accordance with our professional obligations and other applicable laws.

We generally collect your personal information directly from you, including when you provide identification documents or complete our client engagement and verification processes.

We also use *Infotrack*, a third-party electronic identity verification service, to verify your identity on our behalf. This provider collects and discloses personal information to us as part of that verification process.

In some circumstances, we may also collect personal information from:

- public registers, including company, trust, land title, and other regulatory or court records;
- financial institutions and professional intermediaries (such as real estate agents) involved in your transaction; and
- internet searches

WHO WE MAY SHARE YOUR INFORMATION WITH

We usually disclose your personal information to:

- Infotrack, for the purpose of verifying your identity;
- financial institutions, government agencies, and other third parties as reasonably necessary to complete your conveyancing or trust account transaction;

We may also share your personal information with AUSTRAC, or with an entity in our AML/CTF reporting group, to meet our legal and regulatory obligations under the AML/CTF Act or the AML/CTF Rules.

WHAT HAPPENS IF WE CANNOT COLLECT YOUR INFORMATION

If you do not provide us with the personal information we request, we may be unable to verify your identity and may not be able to act for you, or to complete your transaction, in accordance with our obligations under the AML/CTF Act.

RECORD RETENTION

We (or third parties contracted to us) may be required to keep records obtained for AML/CTF compliance purposes for a number of years, as required by law.

DO I NEED TO PAY?

You may be charged for identification checks, searches and other verification steps required for AML/CTF compliance. For example:

- identity verification carried out by a third party provider
- company or other registry searches
- professional work done interpreting results

YOUR PRIVACY RIGHTS AND OUR PRIVACY POLICY

Please contact our office if you any questions about the information we need from you or why we need it. Please refer to our firm's Privacy Policy available here.

You can find out more information on the AUSTRAC website here.