



POLICY

PRIVACY AND SECURITY OF INFORMATION

1. Our commitment to protect your privacy

- 1.1 In your relationship with the Victorian Bar Inc (we/us/our), you may share personal information with us. Depending on the nature of your relationship with us, this information may include your name, date of birth, address, telephone numbers, email addresses, bank accounts, credit card details and other personal details in connection with transactions entered into with us or other dealings you have with us.
- 1.2 We recognise the importance of your privacy and how important it is for us to protect your personal information. We are committed to protecting personal information which we hold and to complying with all relevant privacy laws in the jurisdictions in which we operate including the Australian Privacy Principles (APPs) contained in the *Privacy Act 1988* (Cth), the *Health Records Act 2001* (Vic), the *Legal Profession Uniform Law Application Act 2014* (Vic) (**Application Act**) and the *Legal Profession Uniform Law* (**Uniform Law**). The APPs regulate the manner in which personal information is handled, whilst the Application Act and the Uniform Law guide the way in which we collect, use and disclose information as part of exercising our delegated functions from the Victorian Legal Services Board.
- 1.3 This policy describes how we manage your personal information and safeguard your privacy.
- 1.4 By providing us with information about you, you consent to the collection, use, disclosure and transfer of the information as set out in this document.

2. What personal information do we collect and hold about you?

- 2.1 We may collect personal information from members of the Bar, non-members holding a Victorian barristers' practising certificate, staff, clients or persons seeking legal assistance. We will only collect personal information that is necessary for us to:
 - a) lawfully and ethically carry on our business;
 - b) exercise our functions as delegate of the Victorian Legal Services Board under the Uniform Law;
 - c) provide employment;
 - d) provide the goods and services our customers and consumers require;

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- e) identify suppliers, contractors and consultants with whom we may wish to deal;
- f) let our customers and consumers know about other products and/or services which might interest them; and
- g) assist us generally in managing transactions with our consumers, customers, suppliers and other contacts.

2.2 The kinds of personal information we collect and hold will depend upon the type of dealings you have with us in respect of products and services we provide to you, or obtain from you. It may be contained in:

- a) information you give us when you request a product, service or information (direct or referred) from us, subscribe to our newsletters, or like us or otherwise connect with us on social media platforms;
- b) information you give us in exercising our functions as delegate of the Victorian Legal Services Board under the Uniform Law;
- c) postings you make on any blog or forums on any site we may operate;
- d) records of communications between us and you, including in relation to any complaints or enquiries;
- e) credit account application forms and supply or purchase agreements;
- f) credit or banking related information necessary to process payment of your purchases from us or our payments to you; and
- g) information about the use of one of our products or services (direct or referred), or your opinions about that product, recorded when you respond to a survey.

2.3 Provision of the personal information we may request from you is optional, but if you choose not to provide personal information to us, we may not be able to fulfil your request or provide you with the product or service you require. Sometimes, however, there are situations where we are required by law to collect certain personal information from you and, if this is the case, we will inform you of the law that imposes this requirement.

2.4 Where practical, you may interact with us anonymously. For example, providing feedback to us that does not require a response from us. However, in many cases it will not be possible to interact with us anonymously because we need your personal information to be able to provide the products, services or information you are requesting. For example, if you wish to subscribe to an email newsletter then we need an email address for you.

2.5 Where appropriate and practical, at the point of collection of your information we may provide you either an “opt in” or “opt-out” mechanism. An “opt-in” mechanism will provide you the opportunity to positively indicate that you would like or do not object to our sending you further communications. An “opt-out” mechanism will provide you the opportunity to indicate that you do not want us to send you further communications, and if you “opt-out” we will not send you any. At any time, you may opt out of such future contact by contacting us.

2.6 When we collect personal information from you, we will generally tell you why the information is being collected, unless the reason for its collection is self-evident.

2.7 We will collect personal information directly from you whenever it is reasonable practicable to do so. We may, at times, also collect personal information from other

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parties such as third party social media services where they are integrated with our services or websites, credit reporting and collection agencies, unrelated third parties as well as from your agents or representatives (such as your legal or financial adviser) and from publicly available sources of information.

2.8 Sensitive information is personal information such as health information and information about racial or ethnic origin that is generally afforded a higher level of privacy protection. Sensitive information collected by us may also include criminal records as part of the Reader or membership application process or in exercising our function as delegate of the Victorian Legal Services Board. In order to comply with privacy legislation obligations, we will collect sensitive information where it is reasonably necessary to do so and you have consented, or we are required to do so by the law.

3. Your privacy on our websites

3.1 A cookie is information that a website transfers to your browser for identification purposes. We generally do not use cookies on our websites. However, our websites may record information if individual visits the site. The information recorded may include the date and time of the individual's visit to the site, the pages accessed, any information downloaded and any information and details entered by the individual for any reason.

3.2 We may use information collected via our websites for statistical, reporting and website administration and maintenance purposes.

4. What do we do with the personal information we collect?

4.1 We respect your privacy. Any personal information we collect about you will only be used for the purposes for which it is collected, or for related purposes (such as to improve our products and websites). We will not disclose it without your consent, except as described in this privacy policy.

4.2 We may keep and file personal information you provide when dealing with us to assist us in providing you with our services and/or information of interest in respect of your business or your interest as a consumer. For example, we may send publications or other information on our products and services to you or follow up on your interest in particular products and services, unless you tell us not to. We may also, in certain circumstances, share your personal information with our advisers/partners who need to know that information to assist us in providing you with our range of products and services.

4.3 At times we may retain third parties to process and analyse data we collect on our websites, including your personal information, primarily to help us improve our products and services and our websites. We may also disclose information to affiliates and other third parties necessary to process your transactions or service your account (including print service providers, call centres and mail houses, our accountants, auditors and lawyers and credit reporting and collection agencies). We may also disclose your personal information in corporate transactions involving the

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transfer of all or part of our business or its assets or in a corporate restructure. If we do this, we generally require these parties to protect your information in the same way we do.

- 4.4 We may also be required or authorised by law to disclose your personal information in certain circumstances. For example, we may disclose your personal information to a court in response to a subpoena or to the tax office. We may also disclose information to other persons where you have provided your consent to do so and to credit reporting agencies.
- 4.5 The Bar in its capacity as delegate of the Victorian Legal Services Board, is prohibited from disclosing to any person, directly or indirectly, any information obtained in the execution or administration of the Uniform Law or Uniform Rules *unless* disclosure is permitted under section 462(2) of the Uniform Law as follows:
- (a) disclosure is reasonably required to exercise functions under the Uniform Law, the Uniform Rules or any other legislation;
 - (b) we are expressly authorised, permitted or required to disclose the information under the Uniform Law, Uniform Rules or any other legislation;
 - (c) with the prior consent in writing of the person to whom the information relates;
 - (d) to a court or tribunal in the course of legal proceedings;
 - (e) pursuant to an order of a court or tribunal under any law;
 - (f) to the extent the disclosure is reasonably required to enable the enforcement or investigation of the criminal law or a disciplinary matter; or
 - (g) to the Attorney-General of any jurisdiction.
- 4.6 From time to time, we may also disclose information obtained in the administration of the Uniform Law or Uniform Rules to “relevant persons” pursuant to s 439 of the Uniform Law.
- 4.7 If we suspect on reasonable grounds that you or another person has committed a serious offence, we may be required to report the suspected offence and disclose information under s 465 of the Uniform Law.
- 4.8 Information you provide as part of a request for special consideration in relation to subscriptions, fees or the Readers Course will not be disclosed to third parties except as reasonably necessary to facilitate the request, or as required by law.
- 4.9 Once we no longer require your personal information for any of the purposes for which it was collected we will, subject to any legal obligations and responsibilities, take reasonable steps to destroy or de-identify your personal information.

5. Your privacy when using BCL IT services and Vicbar emails

- 5.1 The Bar is the sole shareholder of Barristers Chambers Ltd (**BCL**). BCL provides various services including information technology and email services, including email services hosted on the “vicbar.com.au” domain. The circumstances in which personal information collected through use of those services is set out in BCL’s terms and conditions and its privacy policy.
- 5.2 The Bar and its officeholders (including the President, Executive, Bar Councillors and Bar Office staff) must not and will not request or authorise any search, use or

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disclosure of personal information, email accounts or records held by BCL which is inconsistent with BCL's terms and conditions or privacy policy, unless it is required by law to do so.

6. Your Privacy and the Barristers Benevolent Fund

- 6.1 The Barristers Benevolent Fund (**BBF**) is held by the Barristers' Benevolent Foundation of Victoria Ltd as trustee for the Barristers' Benevolent Foundation of Victoria (**BBFV**). Employees of the Bar assist in the administration of BBF and BBFV. Personal information which is collected in the course of an application for assistance from the BBF will not be disclosed to third parties except as reasonably required to facilitate the application, or as required by law.

7. How do we protect your personal information?

- 7.1 When transmitting personal information from a computer to us, you should keep in mind that the transmission of information by email or over the Internet is not completely secure or error-free and you should take special care in deciding what information to send to us via email.
- 7.2 We take all reasonable steps to protect your personal information from loss, misuse, modification, or unauthorised access and disclosure. These steps include access control for our buildings, confidentiality obligations imposed on our employees and use of security measures for computer system access. We do not, however, accept any responsibility for the unauthorised access or use of personal information held by us. To the fullest extent permitted by law, we disclaim all liability and responsibility for any damages you may suffer due to any loss, unauthorised access, misuse or alteration of your personal information, either during transmission of that information to us or after we receive it.
- 7.3 You may be able to access external websites, operated by companies unrelated to us, by clicking on links we have provided. Those other websites are not subject to our privacy standards and we are not responsible for their privacy practices or the content of such other websites. You should contact those websites directly to ascertain their privacy standards, policies and procedures.

8. What rights do you have in relation to your personal information which we hold?

- 8.1 We take all reasonable steps to ensure that the personal information we collect, use and disclose is accurate, complete and up-to-date. If you become aware of any errors in your personal information or you change your personal details such as your name, address or bank account details, we ask you to contact us as soon as possible.
- 8.2 In most cases, you can gain access to personal information that we hold about you, subject to certain exceptions allowed by law. You can contact us if you would like details of your personal information which we may hold, or if you would like us to correct it. We will handle any request in accordance with the relevant privacy

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legislation. We may require you to complete a request form and we also reserve the right to charge a reasonable fee for providing access to personal information we hold about you. We will deal with requests as quickly as possible, but requests for a large amount of information, or information which is not currently in use, may require time to process.

8.3 Generally, if you request us to do so we will amend any personal information about you held by us which is inaccurate, incomplete or out of date. If we disagree with you about the accuracy, completeness or currency of personal information held by us, if you ask we will take reasonable steps to associate with that information a statement to the effect that you claim this to be the case.

8.4 You may also contact us to request us to stop using your personal information to contact you about our products and services. If you no longer conduct business with us, you can ask us to remove your personal information. You can contact our Privacy Officer if you wish to obtain more information about the way we manage personal information about you which we hold, or if you are concerned that we may have breached your privacy and wish to make a complaint.

Our Privacy Officer can be contacted at:

Executive Director of the Victorian Bar

Phone: +61 3 9225 7111

Email: ED@vicbar.com.au

Changes to this privacy statement

We may change our privacy policies from time to time to comply with new laws or industry codes of practice which are developed. It is your responsibility to refer to our privacy policies from time to time to familiarise yourself with any changes. We encourage you to visit our website regularly for any updates to our privacy policies.

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