

## Privacy Policy

We are committed to protecting and maintaining privacy, accuracy and security of Your Personal Information in accordance with the Australian Privacy Principles and the *Privacy Act 1988* (Cth) (**Privacy Act**), as well as other applicable laws and codes.

This Privacy Policy sets out Our policy relating to the collection, use and disclosure of Your Personal Information. By using Our Products, You consent to be bound by this Privacy Policy.

### 1. Who we are

We are Landchecker Pty Ltd ABN 31 607 394 696. We are ultimately majority owned by our business partners Royal Automobile Club of Victoria (RACV) Limited (ACN 004 060 833) (**RACV**) and PEXA Insights Pty Ltd (ACN 647 086 584) (**PEXA**) (our **Partners**).

### 2. What is Personal Information?

- 2.1. 'Personal Information' referred to in this Privacy Policy consists of any information or opinion that identifies You or that will enable Your identity to be reasonably ascertained. Personal Information can include Your name and contact details such as Your residential or postal address, email address, date of birth or Your telephone number.
- 2.2. Information which cannot be reasonably linked to Your identity (e.g. Internet protocol address, browser information, favourite websites, the number of users of a website, or Global Positioning System location data) does not constitute Personal Information and is not regulated by the Privacy Act.

### 3. What Personal Information do We collect?

- 3.1. We may collect information about You when You subscribe to or when You use Our Products.
- 3.2. We may collect the following information:
  - (a) Your name, age, email address, mailing address, phone number and mobile phone number;
  - (b) if You interact with us with Your social media accounts, we may also collect information from You from Your social media accounts;
  - (c) Your financial information, such as credit card details (as required);
  - (d) if You are an RACV member and interact with us through RACV, your RACV membership number; and
  - (e) any other Personal Information You provide to Us.

Providing Us with such information is completely voluntary and You are entirely free to decide whether or not to supply this information. However, if complete and accurate information is not provided to us, You may not be able to access or use some or all of Our Products.

- 3.3. When visiting or accessing Our Products, We may also collect and store the following details:
  - (a) Data that you have entered in registering as a User, entering Customer Materials and searching for real property on Our Products;
  - (b) Property Reports that you have accessed;
  - (c) Internet protocol address from which You access Our Products;

- (d) the date and time You access Our Products;
- (e) any third party website from which You accessed Our Products;
- (f) statistics on page views, traffic to-and-from Our Products; and
- (g) other transactional information about Your access to Our Products.

However, please note that the information listed in paragraph 3.3 does not personally identify You. Our servers may use this information for security purposes, systems administration, to enforce compliance with our terms and conditions and to protect our products, services and website. We may also evaluate anonymous or de-identified data sets for statistical purposes.

#### **4. How do We use Personal Information?**

In addition to using Your Personal information to provide Our Products to You or Your organisation, this information may be used:

- (a) to verify Your identity, respond to Your requests, and contact You when necessary;
- (b) to provide You with news, information and marketing or promotional material in relation to Our Products, Our company or Our affiliates;
- (c) to monitor who is accessing Our Products;
- (d) to profile the type of people using Our Products;
- (e) to provide our Partners with insights as to the access and use of Our Products;
- (f) to improve Our Products; and
- (g) as otherwise permitted by law.

#### **5. To whom do We disclose Personal Information?**

5.1. We may provide Your Personal information to:

- (a) parties to whom You authorise us to disclose Your Personal Information, including, for the avoidance of doubt:
  - (1) if You use Claim My Property, other Users of Claim My Property, who elect to be introduced to Agents, agree that by making that election, the user's Personal Information will be provided to Agents; and
  - (2) for the purposes of providing Communication Services;
  - (3) for the purposes of providing promotional communications that may be of interest to you in connection with Our Products, including by email and displaying advertisements on other websites and applications;
- (b) advertisers of services whose details will appear on Property Reports that you have paid for;
- (c) Our affiliates, contractors and Service Providers, assisting Us in the provision of Our Products to You, who may be located outside of Australia, including, but not limited to the United States of America;
- (d) government and regulatory authorities, as required or authorised by law;
- (e) Our Partners for the purposes of:
  - (1) providing Our Products and services you have requested;

- (2) providing You with RACV membership benefits; and
  - (3) supporting Us and our Partners in product and service development; and
  - (f) other third parties as permitted by law.
- 5.2. Our staff, affiliates, contractors and service providers who handle or obtain Personal Information are subject to obligations of confidentiality and privacy under Privacy Legislation and this Privacy Policy.
- 5.3. However, notwithstanding paragraphs 5.1 and 5.2, You acknowledge that by providing us with Your Personal Information and agreeing to the disclosure of Your Personal Information to third parties operating outside of Australia, we will no longer be required to take reasonable steps to ensure the overseas third parties' compliance with Privacy Legislation and any applicable privacy laws in relation to Your Personal Information and we will not be liable to You for any breach of Privacy Legislation by these overseas third parties on the basis that You consent to such disclosure.

## **6. Can I opt-out of providing Personal Information?**

- 6.1. If You do not wish to have Your Personal Information used or disclosed in a manner described in this Privacy Policy, You can contact us. However, please note that if You do so, You may not be able to access, or use, all or part of Our Products.
- 6.2. Notwithstanding paragraph 6.1, We may still use or disclose Your Personal Information if:
  - (a) We subsequently notify You of the intended disclosure and You do not object to that use or disclosure;
  - (b) We believe that the use or disclosure is reasonably necessary to assist a law enforcement agency or an agency responsible for government or public security in the performance of their functions;
  - (c) to enforce Our terms and conditions;
  - (d) to protect Our rights;
  - (e) to protect the safety of members of the public and users of Our Products; or
  - (f) We are required by law to disclose the information.

## **7. Can I opt-out of promotional and marketing content?**

- 7.1. You may, at any time, elect to opt-out of receiving direct marketing and promotional communications by contacting Our Privacy Officer in accordance with paragraph 12.1 or by any other simple means to opt-out We provide You. However, please note that some of Our services may include a direct marketing and promotional communications feature which cannot be removed and as such You may not be able to access or use some of Our Products if You elect to opt-out of all direct promotional and marketing communications.
- 7.2. All emails and newsletters provide You with instructions for opting-out of these future communications.

## **8. Third Party Providers**

- 8.1. For Your convenience, Our Products may contain links and pointers to advertisements, applications and internet sites maintained by external third party providers (**Third Party Providers**). Some Third Party Providers' websites can be accessed and viewed through Our Products whilst others may run independently. Third Party Providers are not under Our control and We are not responsible for their content (including suitability for Your intended use) or any link contained in the Third Party Provider's website. We do not endorse any information on Third Party Providers' websites nor any associated organisation, product or services.
- 8.2. You are responsible for reading the privacy policies and/or practices associated with the Third Party Provider separately.

## **9. Use of Cookies**

- 9.1. In accessing Our Products, We may also utilise "cookies" to enable Us to monitor traffic patterns and to serve You more efficiently.
- 9.2. Cookies are small data files which are placed on Your computer by web servers when You visit certain websites. Our Products use cookies to allow us to identify regular visitors and collect information about Your usage of the website. A cookie does not identify You personally, but it does identify Your computer. You can set Your internet browser to notify You when You receive a cookie and this will provide You with an opportunity to either accept or reject it in each instance.

## **10. Data Security**

- 10.1. We will take all commercially reasonable steps to protect all Personal Information which We hold from misuse, loss and from unauthorised access, modification or disclosure. The security of our systems is regularly reviewed to ensure ongoing protection against damage, loss and/or unauthorised access. Our security precautions are regularly updated and improved in line with technical developments.
- 10.2. However, You should be aware that no data transmission over the internet can be guaranteed as completely secure. We do not warrant the security of any information You transmit to us over the internet, and You do so at Your own risk.
- 10.3. Please note that we may use overseas facilities to process, store, and encrypt or back up information.

## **11. How can You access and correct Your Personal Information?**

- 11.1. We encourage You to update Us regularly with Your Personal Information to ensure that the information that We hold about You is up-to-date, accurate and complete. You may make a request for access to or correction of any personal information we hold about You at any time. We may request You to verify Your identity before processing Your request.
- 11.2. A fee will not apply to making a request for access to or to update Your Personal Information. However, a fee may apply and be charged for providing the information to You. The fee covers the cost to us in collating, copying and providing certain information to You.
- 11.3. In some circumstances where We correct a record, We may still require retention of the original record.
- 11.4. In some circumstances, We may refuse to provide You with access to or correct Your Personal Information including, but not limited to, where:

- (a) giving access would have an unreasonable impact on the privacy of others;
- (b) the information relates to existing or anticipated legal proceedings, and the information would not be discoverable in those proceedings;
- (c) giving access would be unlawful;
- (d) denying access is otherwise required or authorised by law; or (e) the request for access is frivolous or vexatious.

11.5. If We refuse to provide You with access to or correct Your Personal Information, We will provide You with an explanation in writing.

11.6. If You wish to stop receiving any communications from Us or if You wish to have Your Personal information deleted, please let Us know by contacting Our Privacy Officer in accordance with paragraph 12.1 and we will take all reasonable steps to delete it, unless we need to keep it for legal reasons.

11.7. Personal Information that is obsolete and no longer required will automatically be destroyed except where required for data analysis purposes. If it is used for such purposes, the Personal Information will be de-identified.

## **12. Making a complaint**

12.1. In addition, if You have any concerns about how Your Personal information has been collected, used or disclosed, and You wish to make a complaint about a possible breach of privacy laws, You can contact Our Privacy Officer, as set out in paragraph 13.

12.2. The Privacy Officer will investigate Your concerns and take any necessary steps to resolve Your complaint. We may need to contact You if we need further information to investigate Your complaint and will advise You of the outcome of the investigation as soon as it is completed. We will endeavour to investigate and resolve Your complaint within 10 Business Days.

12.3. If You are not satisfied with the outcome of the investigation, You can contact us again to discuss Your concerns, or You may complain to the Office of the Australia Information Commissioner via [www.oaic.gov.au](http://www.oaic.gov.au).

## **13. Contact Us**

If You have any questions about this Privacy Policy, if You wish to access or correct or make an enquiry regarding any Personal Information relating to You which may be in Our possession, if You have a query regarding Our privacy practices, if You have a complaint in relation to a breach of Privacy Legislation or the Australian Privacy Principles, or if You would like a printed copy of this Privacy Policy, please contact Our Privacy Officer at email: [support@landchecker.com.au](mailto:support@landchecker.com.au).

## **14. Changes to this Privacy Policy**

We reserve the right to change, modify or update this Privacy Policy at any time. You are responsible for consulting this Privacy Policy on a regular basis to inform Yourself of any amendments that may have been made. The amended Privacy Policy will apply between us whether or not We have given You specific notice of any change.

## **15. Definitions**

In this Privacy Policy, unless the context otherwise provides, capitalised words have the same meanings as set out in our terms of use available at this [link](#).



**Effective: 25 July 2023**