

### **About our Terms of Use**

PACIFIC PALMS REAL ESTATE appreciates and values the relationship we have with you. However, to provide you with professional real estate advice, service and products we do need to ask you for information about yourself and your needs. We will ensure that this information is protected from misuse. This Policy Statement outlines how we will undertake to do this.

#### **1. Website:** [www.pacificpalmsrealestate.com.au](http://www.pacificpalmsrealestate.com.au)

In general you can visit the PACIFIC PALMS REAL ESTATE Internet site without telling us who you are. The amount of information that you provide to PACIFIC PALMS REAL ESTATE will depend on the range and number of services that you choose to use. Particular sections of this Internet site may require you to send PACIFIC PALMS REAL ESTATE personal information, including your name and e-mail address. By visiting our Internet site, you are accepting the practices described in this Privacy Policy. PACIFIC PALMS REAL ESTATE adopts and is bound by the National Privacy Principles set out in Schedule 3 of the Privacy Amendment (Private Sector) Act 2000 (“the Act”). By communicating with us or by requesting our services, you consent to the practices described in this Statement. By visiting this website and by participating in an on-line enquiry you also consent to the practices described in this Statement.

2.2 Cookies – PACIFIC PALMS REAL ESTATE may use cookies on its Website from time to time. This may involve the collection of personal information about you, including your habits when accessing parts of the PACIFIC PALMS REAL ESTATE Internet site and any personal information you provide. You can prevent this collection of information by disabling your web browser from accepting cookies. This will not prevent you from accessing the PACIFIC PALMS REAL ESTATE Internet site; however it may prevent you from utilising all features in the PACIFIC PALMS REAL ESTATE Internet site.

2.3 Requested Personal Information – At various stages you may be requested to provide PACIFIC PALMS REAL ESTATE with personal information including but not limited to your contact details. Personal information will only be requested if it is necessary to provide a service to you or if it is necessary by law to collect the information. Such a request may arise if you ask PACIFIC PALMS REAL ESTATE to provide you with information or provide you with a service. In addition to our Internet site, PACIFIC PALMS REAL ESTATE may collect information from/about you which generally includes your name, gender, address, telephone numbers, facsimile number & email address. Personal information may be collected but is not limited to:

- (a) When you make any enquiry by telephone, mail, face to face, via our website or through an application/ registration form;
- (b) When you engage us or discuss engaging us to provide services or advice to you;
- (c) When you enquire, apply or negotiate with us with respect to purchasing, selling or renting a property;
- (d) When you provide your details at an “Open for Inspection” or at an Auction or other PACIFIC PALMS REAL ESTATE activities;
- (e) When you visit our website or send us an email or complete an on-line enquiry;
- (f) Any other collection of or incidental or directly or indirectly related to a service or product we may be able to provide to you.

3. Use and Disclosure – PACIFIC PALMS REAL ESTATE will not use or disclose, and will use reasonable endeavours to prevent the use or disclosure of, information provided by a user to PACIFIC PALMS REAL ESTATE for a purpose other than the primary purpose of collection (a ‘secondary purpose’), except to the extent that:

(a) the secondary purpose is related to the primary purpose for collection and that you would reasonably expect PACIFIC PALMS REAL ESTATE to use or disclose the information for the secondary purpose (for example, the provision of your information to a third party where you have requested, through PACIFIC PALMS REAL ESTATE a product or service to be supplied by that third party, for example tradespeople, property inspection consultants, lawyers, etc.);

(b) you have consented to the use of the information for the secondary purpose;

(c) information provided by you, including information relating to transactions, may appear in aggregate form for the purpose of providing statistical information within PACIFIC PALMS REAL ESTATE or to third parties;

(d) may be necessary in order to enforce any of the terms of an agreement between you and PACIFIC PALMS REAL ESTATE;

(e) may be necessary where PACIFIC PALMS REAL ESTATE has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities;

(f) may be required or specifically authorised by law;

(g) information may be provided in co-operation with any government authority;

(h) information that may be used for market research product development by PACIFIC PALMS REAL ESTATE or our third-party consultant.

Any personal information collected will be used and disclosed by us so that we can carry out our duties and responsibilities as a professional real estate agency, including at any time the selling or restructuring of our real estate business. This may include the disclosure and transfer of personal information and files, to a third party/new owner of part or all of the PACIFIC PALMS REAL ESTATE business, such as is necessary for the ongoing conduct of your business by a third party/new owner. In addition, you specifically authorise that the following disclosures of your Personal Information may be made by us:

– disclosures of or incidental to promotion and marketing to you of our services and products or PACIFIC PALMS REAL ESTATE seeking potential clients.

– disclosures to media organizations, on the internet, to potential buyers or to existing or potential clients, to property inspection consultants, to tradespeople, to bodies corporate, financial institutions including our financial services company, government and statutory bodies, legal representatives, accountants, business consultants and other third parties as required by law.

– disclosures to our third-party consultants such as those consultants who from time to time may manage our database and/or computer system and/or who undertake the advertising and marketing on behalf of the entity known as PACIFIC PALMS REAL ESTATE and its related companies, or specifically your property.

- disclosures to potential tenants, to tradespeople and to other sources related to acting as property managers for a landlord.
- disclosures to the landlord, referees or other agents and operators of third party tenancy databases or such other sources as deemed necessary, where a tenant/s has failed to comply with the obligations and responsibilities specified in a tenancy agreement or for the purposes of evaluating the suitability and identity of a tenant/s for a property.
- disclosures as permitted under the Act or required by law.
- any other disclosures incidental to our carrying out our functions as a professional real estate agency including the selling or restructuring of part or all of our business.
- disclosures necessary to investigate or resolve complaints concerning the provision of services by us or others associated with us.
- disclosures to our professional advisers and third-party consultants, including but not limited to our accountants, auditors, legal advisers, market research and product development consultants, information technology consultants and our related companies.

You also agree that we may add your Personal Information including, name, address, mobile and telephone numbers, facsimile number and email address and such other information provided to us by you in relation to your property enquiry on our database. The PACIFIC PALMS REAL ESTATE database is used for ongoing marketing, marketing research and sales related purposes or to advise you of what services we can provide to you. Our marketing and sales activities will include but not necessarily be limited to sending you promotional material, forwarding you printed material so that you can be kept up to date with property related information or other initiatives undertaken by us, including financial services. If at any time you wish to cease receiving such information please contact the Privacy Officer, by post: 209 BOOMERANG DRIVE, BLUEYS BEACH, NSW, 2428 or email: sales@pacificpalmsrealestate.com.au and request your details to be deleted from our mailing list.

#### 4. Access and Correction

4.1 Where PACIFIC PALMS REAL ESTATE collects information from you we will provide you with access to your information (subject to any reasonable charge as determined by PACIFIC PALMS REAL ESTATE and notified to you before such access is given) at your request except that:

- (a) the request for access is frivolous or vexatious;
- (b) providing access would have an unreasonable impact on the privacy of others;
- (c) the information relates to existing legal dispute resolution proceedings between you and PACIFIC PALMS REAL ESTATE and the information would not be accessible by the process of discovery in those proceeding; or
- (d) providing access would reveal the intentions of PACIFIC PALMS REAL ESTATE in relation to negotiations with you in such a way as to prejudice those negotiations.

4.2 Where information about you is found to be incorrect, incomplete or out of date, PACIFIC PALMS REAL ESTATE will correct, update, erase or amend the information as appropriate. To amend or update your details, please email

sales@pacificpalmsrealestate.com.au, write to Privacy Officer – PACIFIC PALMS REAL ESTATE, 209 BOOMERANG DRIVE, BLUEYS BEACH, NSW, 2428.

4.3 PACIFIC PALMS REAL ESTATE does not rent, sell or otherwise disclose your Personal Information to any other organisation without your consent except where so permitted by law and as outlined in our Privacy Policy.

#### 5. Links from this Site

PACIFIC PALMS REAL ESTATE may link to other Internet sites within the PACIFIC PALMS REAL ESTATE group. These Internet sites have their own Privacy Policies and are not subject to this Privacy Policy. We recommend that you carefully read any policy documents or terms and conditions that appear on linked Internet sites before disclosing any personal information. PACIFIC PALMS REAL ESTATE is not responsible for any practices on linked Internet sites that might breach your privacy.

6. Security: PACIFIC PALMS REAL ESTATE stores your personal information using industry standards for security of information in order to safeguard it from misuse, disclosure, alteration or destruction. By using PACIFIC PALMS REAL ESTATE Internet site you agree that the Internet is inherently insecure and that accordingly PACIFIC PALMS REAL ESTATE can only use its best endeavours to secure your personal information and cannot provide any definitive assurance regarding security of personal information, these activities are undertaken at your own risk. PACIFIC PALMS REAL ESTATE will not be liable in any way in relation to any breach of security or any unintended loss or disclosure of that information. Please be aware when emailing PACIFIC PALMS REAL ESTATE or completing an online form there are risks in transmitting such information across the Internet.

7. Changes to Privacy Policy: PACIFIC PALMS REAL ESTATE may without notice, amend or modify this Privacy Policy by posting the amended Privacy Policy to the PACIFIC PALMS REAL ESTATE Internet site [www.pacificpalmsrealestate.com.au](http://www.pacificpalmsrealestate.com.au) You should check this Privacy Policy on each visit to ensure that you are familiar with the most current version.

#### 8. Feedback, Questions or Problems

PACIFIC PALMS REAL ESTATE welcomes any feedback you may have regarding our Privacy Policy. If you have any questions or queries relating to the policy, please email sales@pacificpalmsrealestate.com.au, write to Privacy Officer – PACIFIC PALMS REAL ESTATE, 209 BOOMERANG DRIVE, BLUEYS BEACH NSW 2428.

If your personal information is not provided to us, and you do not consent to the uses to which we may put your personal information, we may not be able to carry out our duties and responsibilities to you as a professional real estate agency.

#### DISCLAIMER

Materials presented in connection with the Website are for information purposes only. The information is provided solely on the basis that readers will be responsible for making their own assessments of the matters discussed and are advised to verify all relevant representations, statements and information contained in or in connection with this site. Information on this Website should not be regarded as a substitute for professional legal, financial, real estate or other expert advice.

Although every care is taken to provide links to suitable material from this site, the nature of the Internet prevents us from guaranteeing the suitability, completeness or accuracy of any of the material that this site may be linked to. Consequently, PACIFIC PALMS REAL ESTATE accepts no responsibility for unsuitable, incomplete or inaccurate material that may be encountered.

PACIFIC PALMS REAL ESTATE, its subsidiary companies, its Directors, officers, employees, agents and related entities responsible for maintaining this Website, make no claim as to the accuracy of the information on its site, or the accuracy of the information provided by third parties connected to the site or, in respect of links provided to other Internet sites, the accuracy of the information on those sites.

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