

## PRIVACY POLICY

This is the Privacy Policy of Varess Pty Ltd trading as Varess ABN 46 628 590 849 of Level 36, Governor Phillip Tower, 1 Farrer Place, Sydney NSW 2000 (**Varess**).

Varess is committed to protecting the privacy of: our contacts, clients, employees and family members of clients, suppliers, employees and any affected data subject (**you**). Varess is also committed to complying with the Australian Privacy Principles set out in the *Privacy Act 1988* (Cth) (**Privacy Act**) and any other applicable regulations.

Varess' Privacy Policy describes how it manages your personal information.

### 1. Personal information collected

#### 1.1 The kinds of personal information that Varess may collect includes:

- a. contact details such as name, role or position, address, email address, mobile number, landline number and fax number;
- b. information relating to your circumstances and affairs relevant to the matter(s) in which Varess is instructed or your employment or proposed employment with Varess such as: date of birth, marital status and marriage certificates, passport number and copies, employment history, educational background and documents, tax status, employee number, job title and function, visa copies and immigration status/history, CVs, birth certificates, interview audio recordings, language abilities, race and ethnicity, nationalities, political opinion, religion, sex life, sexual orientation, health and character (including any criminal records), trade union membership, social security/tax/financial records, biometrics;

- c. information about your legal interests and requirements and the legal services that you may wish to purchase;
- d. information regarding our communications with you and your attendance at seminars and promotional events held by us;
- e. if you are an employee or prospective employee: information about your qualifications, skills and work experience, beneficiaries' details in relation to life insurance or other benefits including tax file numbers, emergency contacts, tax records, bank account details, training records, expense records, phone/written/electronic communications where permissible, performance records, and career plans;
- f. if you are a supplier or prospective supplier: information about your business skills, services, products and prices, your bank account details;
- g. statistical information regarding views and access to Varess' website and social media accounts.

### 2. Manner of collection

#### 2.1 Varess collects personal information by various means including when:

- a. you contact Varess with a question or enquiry, including during conversations and in email correspondence;
- b. you complete an information questionnaire or similar document;
- c. you subscribe to Varess' newsletter, legal updates or similar publications;
- d. you attend a seminar or event where Varess host or present;
- e. you instruct Varess to act for you and Varess open a file and conduct a conflict check;

- f. Varess' clients provide information about related and adverse parties relevant to the advice or services provided by Varess;
  - g. Varess undertake a search or investigation;
  - h. you visit Varess' website or a Varess social media account;
  - i. Varess have contact with third-party sources such as former/current/prospective employers, educational institutions, relocation companies, prior lawyers or representatives;
  - j. in the case of a Varess' employees or prospective employees, information is received by Varess / generated during the course of employment or an application for employment with Varess.
- 2.2 Where practicable Varess collects personal information about you directly from you. However, Varess may collect information about you from third parties such as: clients; a third-party information provider; skills assessments bodies; government bodies and departments; consulates and embassies; people and organisations involved in the completion or processing of health and character checks; couriers, another party to litigation or a matter you have with Varess; barristers; experts; tribunals or other merits review bodies; the courts; law enforcement bodies; translators and interpreters; your former lawyers or representatives; transcription service providers; costs lawyers; independent contractors; its associated entities; third party service providers who assist Varess with archival, auditing, accounting, legal, business consulting, clerical, administrative, management, website or technology services; your former/prospective/current employer(s) and their relocation service providers; email marketing provider(s) who assist with distributing Varess' newsletter, invitations, legal updates and other similar communications; or a person responding to our questions or enquiries (**Third-Parties**).

**3. Purposes for which Varess collect, hold, use and disclose personal information**

- 3.1 Varess is required to collect the full name and address of its clients by rule 93 of the *Legal Profession Uniform General Rules 2015 (NSW) (Uniform General Rules)*. Accurate name and address information must also be collected to comply with the trust account record keeping requirements of rule 47 of the Uniform General Rules and to comply with our duty to the courts.
- 3.2 If you are a client and do not provide Varess with name and address information Varess cannot act for you.
- 3.3 If you do not provide Varess with accurate personal information, Varess may not be able to carry out our instructions or achieve the purpose for which the information has been sought.
- 3.4 Varess collects, holds and uses personal information to:
  - a. respond to your enquiries;
  - b. provide legal services;
  - c. employ competent and diligent personnel;
  - d. monitor or improve the use of and satisfaction with our legal services;
  - e. analyse trends, processing times and approval rates;
  - f. let you know about legal developments, Varess' expertise and legal services that may be of interest to you;
  - g. in the case of Varess' employees: as required to commence, manage, terminate your employment relationship with Varess. This includes administration payroll and benefits, training and development, delivery of newsletters and other communication, protection of Varess' assets, inclusion on Varess' directories, inclusion on Varess' proposals for work such as response to request for tenders, where permissible to conduct background checks, comply with laws, and protect Varess' legitimate interest.

- 3.5 Varess discloses personal information:
- a. to carry out the instructions of its clients; and
  - b. subject to its confidentiality obligations, when using services in support of Varess' legal practice.

**4. Parties to whom your personal information is disclosed**

- 4.1 Subject to our confidentiality obligations, Varess may share some relevant personal information with Third-Parties.
- 4.2 Varess will also disclose your information if required by law to do so or in circumstances permitted by the Privacy Act – for example, where Varess has reasonable grounds to suspect that unlawful activity, or misconduct of a serious nature, that relates to Varess' functions or activities has been, is being or may be engaged in, in response to a subpoena, discovery request or a court order.

**5. Disclosure of information outside the jurisdiction of collection**

- 5.1 Varess does not disclose information overseas unless your instructions involve dealing with parties located overseas. If your matter involves parties overseas, Varess may disclose select personal information to overseas recipients associated with that matter to carry out your instructions. From time to time, Varess' staff may access and deal with the Client's records whilst travelling overseas.
- 5.2 Some of the Third-Parties described above including our service providers and associated entities may be overseas – for instance, your sponsor / nominator / employer / relatives' country of residence or country in which their principal place of business is located, the countries from which you may require a character/police clearance, the countries in which any Australian embassy or consulate dealing with a matter related to you is located, a country where the primary language is that

in relation to which you require a translation or interpreting service.

**6. Opting out**

- 6.1 Varess may, from time to time, send you newsletters, invitations and legal updates about our services. You can opt out of receiving further such communications by notifying Varess using our contact details below or by clicking the "unsubscribe" option at the bottom of any marketing email received from us.
- 6.2 You may also notify Varess that you wish to opt out of personal information more generally or otherwise.

**7. Security**

- 7.1 Varess takes reasonable physical, technical and administrative safeguards to protect your personal information from misuse, interference, loss, and unauthorised access, modification and disclosure. For example, Varess maintains its files in secure offices and limits access to personal information to individuals with a need to know.
- 7.2 Varess seeks to ensure personal information held about you is accurate, complete, up to date and otherwise reliable based on the information it collects.
- 7.3 Varess seeks to train its staff and strives to maintain appropriate standards of conduct with regards to the protection of personal information.
- 7.4 Varess take reasonable steps to ensure Third-Parties protect your information in a manner consistent with this Privacy Policy. Varess will take reasonable steps to prevent or stop Third-Parties from processing your information in a manner inconsistent with this Privacy Policy, if it becomes aware that a Third -Party is processing your information in a manner inconsistent with this Privacy Policy.

**8. Accessing, correcting and updating**

- 8.1 You can contact Varess to access, correct, or update your personal information (including deleting unnecessary personal information). Unless Varess is subject to confidentiality obligation or some other restriction on giving access to the information and Varess is permitted to refuse you access under the Privacy Act, Varess will endeavour to make your information available to you within 30 days. Examples of circumstances where Varess may refuse to give you access to your personal information include where:
- a. giving access would be unlawful;
  - b. Varess reasonably believes that giving you access would pose a serious threat to the life, health or safety of any individual or to public health or public safety;
  - c. giving access would have an unreasonable impact on the privacy of others;
  - d. the information could reveal the intentions of a party in negotiations;
  - e. giving access could prejudice the taking of appropriate action in relation to unlawful activity;
  - f. giving access could reveal evaluative information in a commercially sensitive decision making process.
- 8.2 If you request to correct your personal information, Varess will correct, or, if Varess consider it more appropriate, note your request for amendment of the information on your record.
- 8.3 Varess will not charge you to make a request to access your record but Varess may charge you to provide access depending on the costs associated with obtaining and providing the material.
- 8.4 These actions can usually be taken by contacting a customer relations representative using the contact

information in the "contact us" clause below.

**9. Notification of changes and application**

- 9.1 If Varess decides to change its Privacy Policy, Varess will send you a copy of its revised policy or post a copy on its website.
- 9.2 Where relevant, and required by law, this Privacy Policy also applies to Varess' associated entities, in particular Varess Services Pty Ltd ATF Varess Services Trust ABN 41 571 105 877 and Varess Holdings Pty Ltd ATF Varess Holdings Trust ACN 628 579 224 of Level 36, Governor Phillip Tower, 1 Farrer Place, Sydney NSW 2000. To the extent this Privacy Policy applies to such associated entities, references to Varess may be taken to be a reference to each such associated entity.

**10. Contact us**

- 10.1 If a breach of this Privacy Policy occurs, you may contact Varess' Privacy Officer by emailing [info@varess.com.au](mailto:info@varess.com.au), phoning +61 2 8668 4433 or writing to:

Privacy Officer  
 Varess  
 Level 36  
 Governor Phillip Tower  
 1 Farrer Place  
 Sydney NSW 2000

- 10.2 Varess will endeavour to respond to any complaint within 30 days. If you are not satisfied with Varess' response to your complaint you may seek a review by contacting the Office of the Australian Information Commissioner using the information available at <http://www.oaic.gov.au/privacy/privacy-complaints>.