

# DISCLAIMER

Where possible, care is taken to ensure the accuracy of the information All Debt Solutions (herein after referred to as ADS) posts on this website. However ADS does not accept responsibility for the accuracy or completeness of the information it posts or that is otherwise contained on this website.

The information contained on this website is not intended to constitute legal, business or other professional advice but is for information only. It is not intended as a substitute for advice from a qualified professional.

This website may contain links to third party websites. ADS is not responsible for the condition or content of those websites.

ADS disclaims any liability in connection with the content of this website, including any links.

# PRIVACY POLICY

## General policy

ADS takes its privacy obligations seriously and is committed to ensuring that it handles personal information in accordance with the Australian Privacy Principles (APPs) contained in the Privacy Act 1988 (Cth) (Act).

This policy sets out how ADS collects personal information. It also describes how ADS stores, maintains, uses and discloses personal information.

ADS respects the privacy of individuals and does not release personal information other than in accordance with this policy. However in response to a legal requirement in an emergency or in exceptional circumstances the Chief Executive Officer may at his or her discretion authorise the release of personal information. In all other circumstances this policy governs the collection, storage, use and disclosure of personal information.

This policy does not apply to other companies or organisations to which ADS may be linked.

## Personal information

Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.

ADS may collect personal information including (but not limited to) the following: your title, name, address, email address, telephone numbers, gender, date of birth, professional and academic experience and qualifications.

## Collection of your personal information

Where ADS collects personal information it is collected for ADS's business purposes, which are detailed generally on ADS's website, [www.ADS.com.au](http://www.ADS.com.au). Where ADS documents require personal information, ADS will generally state the purposes for its use and to whom it may be disclosed.

ADS collects two types of information. The first of these is anonymous information which may include the number of people visiting ADS website each day or the collection of responses to anonymous surveys. The purpose of collecting this information is to tailor ADS's services to appeal to as many users as possible.

The second type of information ADS collects is personal information required for its business purposes, which is reasonably necessary for, or directly related to, its functions or activities. The purpose of collecting personal information is to make services provided by ADS more valuable to you.

Some personal information is required by ADS in order to provide its services. If you do not provide that information, ADS may be unable to provide its services to you. You may, in some circumstances, have the option of not identifying yourself or using a pseudonym when you deal with ADS, such as if you are making a general enquiry about ADS's services. However, if you choose not to provide the information we may not be able to provide you with a service you request.

ADS generally collects personal information directly from you when you communicate with us. However, there may be circumstances where we collect information about you from third parties or via other methods. For example, if we receive a referral to one of our insolvency practitioners or a complaint about an insolvency practitioner and when it is relevant to our statutory responsibilities (for instance other regulators or government entities who have dealt with you).

If you send ADS an email message, or an email to any staff of ADS, ADS will record your email address. ADS will use your email address for the purpose for which it was provided and to send you direct marketing communications unless you have requested not to receive such direct marketing communications from us.

If ADS requires you to complete an electronic form on this site and in doing so it requires you to enter personal information, ADS will collect that information to allow it to respond to your request. ADS will not collect personal information that would be unlawful, unnecessary or unrelated to its functions, activities or business.

## Use and disclosure of your personal information

ADS will only use or disclose the personal information you have chosen to provide to ADS for the primary purpose for which you provided it. ADS will not use or disclose your personal information for any secondary purpose without your consent unless you would reasonably expect us to use or disclose it for that secondary purpose (and that secondary purpose is related to the primary purpose). You may give ADS your consent expressly or it may be implied by your conduct.

In addition, ADS may use or disclose your personal information:

- (a) in response to a legal requirement;
- (b) where required or authorised by or under an Australian law (including the Act) or court/tribunal order;
- (c) if we reasonably believe that the use or disclosure is:
  - (i) reasonably necessary for an enforcement related activity conducted by or on behalf of an enforcement body;
  - (ii) necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety, and it is unreasonable or impracticable to obtain your consent;
  - (iii) necessary in order to take appropriate action where we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in; or
  - (iv) reasonably necessary in order to locate a person reported as missing;
- (d) if the assets and operations of our business are transferred to another party as a going concern; or
- (e) if reasonably necessary for the establishment, exercise or defence of a legal or equitable claim, or for the purposes of confidential alternative dispute resolution.

ADS may from time to time send you marketing material that ADS considers will be useful to you. ADS may also send you material about its activities. If you do not wish to receive this information, you can let us know and we will not send it to you. This does not apply to information that we are legally required to send, or information regarding the rights of our members.

ADS uses the personal information that it collects to fulfil its legal obligations and to keep its members and licensees informed of ADS's activities and the services that it provides to its members and licensees.

Depending on the service, your personal information may be disclosed to:

- (a) **external service providers**, for example, course facilitators (on a confidential basis and such service providers will be limited in their use of your information to the purpose of ADS's activities only);
- (b) **associated organisations** such as INSOL International, sponsors of ADS events or any learning institutions with which ADS has an affiliation;
- (c) **specialist advisers** to ADS who have been engaged to provide ADS with legal, administrative, financial, insurance, research, marketing or other services;
- (d) **creditors**, as part of ADS's compliance with legislation, ADS members are required to complete a Declaration of Independence, Relevant Relationships and Indemnities;
- (e) **the public**, for example, through the membership search function on ADS's website; and
- (f) any other person authorised by you, as specified by you.

ADS may at other times notify you about its disclosure practices in relation to specific services that it provides in relation to its activities.

Under no circumstances will ADS sell or receive payment for licensing or disclosing your personal information.

## Use and disclosure by ADS members

ADS members often accept appointments following a referral from a third party. Referrers should be aware that, in most circumstances, the ADS member is required by ADS to disclose certain personal information of the referrer to creditors in order to comply with relevant legislation including the *Corporations Act 2001* and the *Bankruptcy Act 1966*.

## Disclosure overseas

If you practise in a foreign country (or apply to do so) we may send your personal information overseas in response to an inquiry from the relevant authority in that place.

## Storage and security of your personal information

Once collected, ADS may hold your personal information in a number of different formats, including (but not limited to) software programs (located both onsite and offsite, including in the cloud), databases, filing systems and in offsite backup storage.

ADS takes all reasonable steps to protect your personal information from loss, unauthorised access, modification, disclosure or other misuse, including the operation of secure data networks designed to protect your privacy and security.

If we disclose your personal information to third parties, where practicable, we implement measures to require organisations to whom disclosure is made to comply with the Act. We do not grant third parties permission to sell or transfer your personal information. If a third party is given access to personal information we take reasonable steps to ensure that the information is held securely and used only for the purpose of providing the relevant service or activity.

## Sensitive personal information

ADS does not generally collect any sensitive information as that term is used in the Act (including information relating to your racial or ethnic origin, membership of political bodies, religion or trade unions, sexual preferences or activities, criminal record, state of health or medical history). ADS may collect information in relation to criminal record for the purposes of assessing a member's conduct, reputation or eligibility for membership. If ADS holds any sensitive personal information about you that information will only be used and disclosed by ADS for the purpose that it was collected.

## Online collection of personal information

### Transmission of information

Where appropriate we use secure transmission facilities. However, no transmission of information over the internet can be guaranteed to be completely secure and we do not warrant the security of any information transmitted by or to us over the internet.

## Access to and correction of your personal information

At any time you may request access to personal information about you that ADS holds by contacting the ADS Privacy Officer (see below). ADS will process your request within a reasonable time, and if it is unable to give you a copy of the information, it will let you know generally the sort of information it holds about you.

You should promptly notify ADS's Privacy Officer, in writing, if there are any changes to your personal information.

In some circumstances ADS may deny access to or refuse to change your personal information. In such circumstances, ADS will let you know the reasons for doing so.

## Complaints about privacy

Please notify ADS's Privacy Officer if you have any complaints relating to ADS's handling of your personal information. While ADS accepts no liability for any material or links posted to its website, ADS will investigate all complaints and respond to you within a reasonable time and in accordance with its legal obligations.

## Changes to this policy

ADS may amend this policy from time to time, and the updated policy will be published on ADS's website.

## Contact details and further information

If you have any questions in relation to privacy or to access or correct you personal information, please contact:

**ADS's Privacy Officer at [admin@alldebtsolutions.com.au](mailto:admin@alldebtsolutions.com.au)**