



Personal Identification  
Information in Property  
Data Code of Conduct

**2019 / 2020**

**Annual Report**

# Personal Identification Information in Property Data Code of Conduct

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## Message from the Chair

The Code Oversight Committee is pleased to present the 2019/2020 Annual Report for the *Personal Identification Information in Property Data Code of Conduct*.

On 1 October 2019 the Code of Conduct marked its 10<sup>th</sup> anniversary of being in operation.

During that time it is considered that the Code of Conduct has shown itself to be an example of a successful industry-based scheme to address consumer concerns about the use of their personal identification information in property data held by government. In so doing it has also helped enable continued access to data which contributes to a well informed and efficient real estate market in Queensland.

This report outlines the Committee's efforts to enhance the administration and promotion of the Code of Conduct. It provides data on complaints about alleged breaches of the Code, those found to be substantiated, and requests by consumers for the suppression of their names and service addresses approved by the Committee.

The Committee acknowledges the contribution of the licensed information brokers who, as Code Subscribers, support the Code and provide internal complaint resolution services to consumers. The brokers fund the work of the Committee through their membership of the Value Added Property Information Brokers Association Incorporated (VAPIBA).

During the year, the Code Oversight Committee farewelled one of its founding members, Mr Kris Matthews. Kris had been the Industry Representative on the Committee since the Code's inception, and he resigned to take up other challenges.

Significantly, Kris' contribution began well before the Committee was formed. As an executive with then RP Data, Kris was one of the driving forces in the information broker industry response in working with the Queensland Government to address consumer concerns about the use of personal information in property data.

I am most grateful to Kris for his years of valuable service to the Code Oversight Committee.

In Kris' place the Committee welcomed Mr Daniel O'Donnell as the Industry Representative nominated by VAPIBA. I am most appreciative of the knowledge and experience that Daniel has brought to the Committee.

The year also saw a change in the staffing of the part-time position of Administrator for the Code. Ms Melanie O'Sullivan, who had supported the Committee's work so well, relinquished

her role to further advance her professional career. In her place, the Committee welcomed Ms Anita Jenkins who ably and energetically took on the role of providing secretariat services and supporting the needs of consumers, Code Subscribers and others seeking information and advice about the Code.

I also acknowledge the contribution of Ms Fiona FitzPatrick (Consumer Representative) to the Committee. Fiona's contribution to the Committee has been substantial bringing not only articulation of consumer perspectives but also a wealth of other relevant knowledge and experience.

The Committee is also grateful for the ongoing advice and assistance of officers of the Department of Natural Resources, Mines and Energy (DNRME). As the source of the QVAS data and the agency which licenses the use of that data, through its Valuation and Sales Licence Agreements, there is a productive and collaborative working relationship between the Department, the Committee and Code Subscribers.

Finally I wish to acknowledge the effort of Fiona, Daniel and Anita and the staff of our Code Subscribers who have continued to support the Code of Conduct so well during the COVID-19 pandemic with its resultant impacts, stresses and other challenges for individuals, their families and their organisations. Well done everyone.

Neil Lawson  
**Chair, Code Oversight Committee**

## The Code of Conduct

The *Personal Identification Information in Property Data Code of Conduct*, was introduced on 1 October 2009. It was designed to address consumer concerns about the inappropriate use of personal identification information sourced from Queensland Valuation and Sales (QVAS) databases maintained by DNRME.

Access to the information held in the QVAS database is available online to individual businesses, industry professionals and members of the public through the products and services offered by licensed information brokers or can be obtained over the counter or online for a fee from DNRME. The information is generally accessed by potential purchasers, and professionals acting in property transactions, for example, real estate agents, financing sources (e.g. banks), solicitors and valuers. The database includes the following information:

- details of the property, including the street address
- transaction details (e.g. purchase price and type of sale); and
- personal information, namely the names and service addresses of the vendors and purchasers.

The 'service address' is the address nominated by the property owner for the receipt of official correspondence, such as Council rates notices, and may differ from the property's street address. Investor-owned, as distinct from owner-occupied properties, will frequently have service addresses different to the property's street address. A service address may be, for example, a street address, a PO Box, or an email address.

While still a modest trend, more property purchasers and vendors are recording email addresses as their service address when completing property transactions and as a consequence the emails are entered into QVAS and are accessible by the licensed information brokers. Such email addresses cannot be used for unsolicited direct marketing nor used with the intention of encroaching on the privacy of consumers.

The use of other transaction details, such as the date and sale price of properties, are not restricted by the Code.

Property which is located outside of the State or which is owned by a corporation is not covered by the Code.

## Code Oversight Committee

The role of the Committee includes the following:

- approving and registering licensed information brokers as Code Subscribers
- monitoring compliance with the Code by its Subscribers and their clients and to ensure ongoing effective operation of the Code's requirements
- monitoring internal complaint handling by Code subscribers
- receiving and investigating complaints made directly to or escalated to the Committee
- imposing sanctions on subscribers or their customers for serious or repeated failures to comply with the Code such as listing them on the Register of Excluded Parties which restricts access to personal identification data for a prescribed period
- receiving, determining and maintaining a Register of suppression requests

The Committee also has reporting obligations and to this end it gathers, monitors and reviews data which is included in its Annual Reports.

It also commissions the independent review of Code operations every five years.

The Committee members are:

### ***Neil Lawson – Chair***

Neil is the independent chair of the Code Oversight Committee and is nominated by the Minister for Natural Resources, Mines and Energy.

Neil has worked as a management consultant and has held executive management positions in the private and public sectors. He is a past Commissioner for Consumer Affairs for Queensland. Neil is an ethics consultant and trainer in workplace conduct matters in the public sector.

### ***Daniel O'Donnell - Industry Representative***

Daniel O'Donnell has 20 years of extensive specialist experience in information technology, property data and data governance.

As a current member of CoreLogic's Operational Leadership and Senior Leadership Teams, Daniel holds the position of General Manager of Data Operations and is responsible for overseeing CoreLogic's Australian and New Zealand data operations, data quality, data acquisition and data governance functions.

### ***Fiona FitzPatrick - Consumer Representative***

Fiona has worked in legal and managerial roles in the private sector, State and Federal governments and in the university sector. Her experience at the Office of Fair Trading has given her an understanding of consumer issues, including direct marketing, from the perspective of both consumers and business. Fiona also has expertise in dispute and complaint management and in alternative dispute resolution.

### ***Anita Jenkins – Administrator***

Anita Jenkins is the Administrator for the Code Oversight Committee and Secretary/Treasurer of VAPIBA.

Her role includes providing secretariat support for the Committee, assisting with the management of complaints, assisting with quality assurance and the management of external relationships, and managing the Code's website.

Anita joined the Legal team at CoreLogic in August 2019 and has the responsibilities of Legal and Risk Officer and Assistant Privacy Officer. Her previous roles in CoreLogic include, Client Delivery Manager and Leader for the Construction Research team.

Anita has over 20 years of experience in Information Technology within the Government, Telecommunications and Research sectors.

## **Industry Representative's report**

In 2019 I was granted the opportunity to join the Code Oversight Committee as the Industry Representative for property information brokers.

I have been fortunate to be able to work alongside the Committee members, Neil Lawson and Fiona FitzPatrick, drawing upon their respective experience, passion and understanding of the Code.

The Committee has been supported through the efforts of Anita Jenkins undertaking the significant administrative process that ensures that the protection against misuse of the QVAS information is managed effectively and responsibly.

With the Code now being in effect for over 10 years, it was pleasing to be able to positively contribute to its administration. This could not have been without the support of the industry both financially and through the ongoing industry engagement that the Subscribers and VAPIBA provide to the Code Oversight Committee.

Again, we continue to see a decline in the number of complaints requiring investigation which is testament to the efforts in promoting the Code and commitment of the Code Subscribers in educating their users to mitigate the use of QVAS data in unsolicited marketing.

Daniel O'Donnell

*Industry Representative, Code Oversight Committee*

## **Consumer Representative's report**

The ongoing reduction in both consumer complaints and substantiated breaches in 2019/20 is pleasing, as it reflects improved industry compliance with the rules governing the proper use of personal identification information.

The sustained demand for suppression of personal identification information confirms that many consumers are still choosing to suppress their personal information 'at the source'. Information about how consumers can make online requests for the suppression of their names and service addresses can be accessed using this link.

<http://www.propertydatacodeofconduct.com.au/ttsvr/n/Application-for-Suppression-Form-/qvas-189>

I welcome feedback from consumers and consumer groups. I can be contacted by email at [info@propertydatacodeofconduct.com.au](mailto:info@propertydatacodeofconduct.com.au) or by writing to me at PO Box 379, Fortitude Valley, Queensland 4006.

Fiona FitzPatrick

*Consumer Representative, Code Oversight Committee*

## **Information brokers**

Before an information broker will be licensed by DNRME to have electronic access to QVAS name and service address data, the broker must be approved by the Code Oversight Committee as a Subscriber to the Code and must agree to comply with the Code. Subscribers to the Code include all the major property data information brokers operating in Queensland.

In turn, the Valuation and Sales Licence (VSL) Agreement with the DNRME requires that mandatory terms and conditions be included in the contracts between a licensed information broker and their customers, stipulating that QVAS name and address data cannot be used for unsolicited direct marketing.



Customers of licensed information brokers who misuse personal identification information from QVAS breach the Code and the terms and conditions of their contract with their supplying information broker.

Information brokers worked with the Queensland Government to develop the Code of Conduct. The industry has primary responsibility for the day-to-day operation of the Code and its associated dispute and sanction mechanisms. The Committee monitors complaints to ensure that they have been actioned in an appropriate and timely way by Code Subscribers. Serious or repeated breaches of the Code can be referred to the Committee for action.

Contact details for each of the Subscribers to the Code are listed on the Code's website.

## **Licence agreements**

The Queensland Government enters into licence agreements with individual information brokers enabling them to access wholesale QVAS data electronically. The QVAS data fields containing the names and service addresses of purchasers and vendors ("QVAS Identified Information") are only accessible to information brokers who are approved subscribers to the Code.

In turn, brokers' clients (Code Subscriber customers) access QVAS data and other products distributed by the information brokers. These clients include real estate agents, lawyers, valuers, conveyancers, surveyors, financial institutions and members of the public. The products include additional data added by the information brokers from other sources, such as photographs of the property or a map showing the property's location. This additional data does not come within the jurisdiction of the Code.

## **VAPIBA**

The five licensed information brokers who were Code Subscribers during 2019/2020 were members of the Value-Added Property Information Brokers Association Incorporated (VAPIBA). The members of VAPIBA pay annual subscriptions to meet the costs of the administration of the Code of Conduct, including the fees paid to members of the Code Oversight Committee.

Office Holders:

President: Colin Wilson – Domain, APM Pricefinder

Public Officer: Yvonne Chan – Domain, APM Pricefinder

Vice President: Yan De Horta - Equifax

Treasurer/Secretary: Anita Jenkins – CoreLogic

## Direct marketing

The Code is designed to prevent names and or service addresses in QVAS data being used for unsolicited direct marketing by the customers of licensed information brokers. The Code only prohibits direct marketing where the name and or service address are obtained from the QVAS database. Direct marketing includes telemarketing, bulk email messaging, postal mail outs and list brokering.

Names and service addresses which are obtained from sources other than QVAS may be used for unsolicited direct marketing without breaching the Code of Conduct. Other sources of data include, for example, loyalty programs, names and addresses collected when members of the public enter competitions using their personal contact details, or real estate agents' records of persons visiting properties during open inspections.

## Complaint resolution

Consumers can lodge a complaint with a Code Subscriber (information broker) or with the Committee if they believe that prohibited direct marketing has taken place, or if the Subscriber, or their customers, have otherwise breached the Code. The process for resolving complaints under the Code was arrived at after considering complaints processes across a broad range of industries. The process is outlined in the flow chart at *Appendix B*.

Code Subscribers are obliged to establish binding agreements with their customers, agents or other third parties wishing to access QVAS information. These agreements must reflect the prohibition on direct marketing using personal identification information. Further, the Code requires all Subscribers to have a documented internal dispute resolution framework for dealing with consumer complaints.

### ***Lodging a complaint with a Subscriber***

The Code of Conduct's website contains contact names and other details for the nominated complaints officer at each Subscriber.

If the consumer remains dissatisfied with the Subscriber's response or where the complaint has not been resolved within 30 days, the consumer can escalate the complaint to the Code Oversight Committee by giving written notice of a dispute.

### ***Lodging a complaint with the Committee***

Written notification of complaints and supporting material may be lodged by email or post with the Committee. If the complaint is not covered by the Code, the consumer will be advised in writing.

If the complaint falls within the ambit of the Code, the Committee will investigate and will make a decision.

The circumstances in which the Committee may decline to consider a complaint include:

- complaints which do not involve a breach of the Code;
- where the relief sought is outside the Committee's powers or authority as provided for by the Code;
- where consumers do not consent to having their names and service addresses disclosed to the respondent who has allegedly breached the Code, so that an investigation into the allegation will not afford natural justice to the respondent; or
- the alleged breach occurred more than 12 months before the complaint was made in writing to a Subscriber or the Committee.

If either the Subscriber or the consumer is not satisfied with the Committee's decision the Code allows them to apply to an independent arbiter. The cost of the arbitration is borne by the Subscriber, with no fee payable by the consumer. The decision of the independent arbiter is binding on the Subscriber.

## **Suppression requests**

### ***Committee Suppressions***

Individual owners or vendors of properties in Queensland can apply under the Code of Conduct to the Committee to suppress their names and service addresses. Corporate property owners are not eligible to apply for suppression. A current Council rates notice, or an extract from the Council's rates records, must be provided to the Committee as proof of ownership and the applicant's standing to make the request.

Once suppression requests are approved, they are added to the Committee's Register of Request Suppressions and Code Subscribers are advised so that they can apply the suppressions to their databases. Code Subscribers must suppress any personal identification information within their systems within 30 days of receiving the request from the Committee.

Applications for suppressions can be made online through the Code’s website or in writing to the Code’s postal address.

**Suppression under the Land Valuation Act 2010**

As an alternative to suppression under the Code, if a property owner can establish that there is a risk to a person’s safety or property, they may make an application to suppress their personal information at the source, namely in DNRME’s valuation roll, under s188 of the *Land Valuation Act 2010*, at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au). If approved the suppression direction by the Valuer-General will be effective for five years and may be renewed on a further application.

Where a suppression direction is granted, the person’s details will also be suppressed from the results of a name search of the relevant land register. The person’s details will not be provided to Code subscribers.

**2019/2020 Suppressions under the Code of Conduct**

In 2019/2020, the Committee received 120 suppression requests of which 87 were approved by the Committee. This was an increase of 15% compared to the 104 requests received in 2018/2019. The number of approved suppressions also increased by approximately 12% over the previous year.

Reason for requests being declined were:

- the applications were for properties owned by corporations which are ineligible to apply for suppression under the Code of Conduct; and
- 14 were duplicate requests for the same properties.

Six requests remained under consideration at 30 June 2020 pending provision of the correct documentation required for processing the request.

One suppression was cancelled as incorrect property details were entered by applicant.

**Table 1 – Total of approved Suppression Requests**

	1 July 2013 to 30 June 2014	1 July 2014 to 30 June 2015	1 July 2015 to 30 June 2016	1 July 2016 to 30 June 2017	1 July 2017 to 30 June 2018	1 July 2018 to 30 June 2019	1 July 2019 to 30 June 2020
Suppression requests	43	44	59	96	99	78	87

## Complaints and breaches

There was a decrease in the number of direct marketing complaints from 21 in 2018/2019 to 13 in 2019/2020. Of the 13 complaints received, most involved alleged breaches by real estate agents with 6 received from the public by the Code Oversight Committee, and then referred to Subscribers, while 7 were received directly by Code Subscribers.

When complaints are received by Code Subscribers and a breach is found to be substantiated the Committee is informed. When complaints have been received directly by the Committee and then referred to the relevant Subscriber, who has the respondent as a customer, the Committee monitors the progress of the complaint and may provide advice to the Subscriber if required.

Of the complaints received in 2019/2020, only three were found to be substantiated, in contrast to the 11 breaches found in 2018/2019. In all cases, these were effectively first breaches and the responsible firms were given a written warning and all their staff required to undertake training on the obligations under the Code with an emphasis on the prohibition of unsolicited direct marketing. There was one real estate agency that had breached twice within the same investigation timeframe. For the purpose of considering these breaches, the Committee took the view that the agent had committed the equivalent of a first time breach.

The Committee considers that this decrease in complaints reflects a growing awareness of the appropriate use of Personal Identification Information and of the consequences of a contravention.

**Table 2 – Complaints and breaches**

	1 July 2013 to 30 June 2014	1 July 2014 to 30 June 2015	1 July 2015 to 30 June 2016	1 July 2016 to 30 June 2017	1 July 2017 to 30 June 2018	1 July 2018 to 30 June 2019	1 July 2019 to 30 June 2020
Complaints	65	30	37	22	30	21	13
Breaches	19	5	12	6	10	11	3

### **Register of Excluded Parties**

The Committee did not add any entities to the Register of Excluded Parties during 2019/2020 as all the breaches were considered to be first breaches. The general policy of the Committee

is that, depending on the circumstances, sanctions will only be considered when the entity has been found to have committed second or subsequent breaches.

Entities who are listed on the Register of Excluded Parties cannot access QVAS name and service address data for the period prescribed by the Committee.

As at 30 June 2020 there were no entities listed on the Register of Excluded Parties.

## Financial statement for 2019-2020

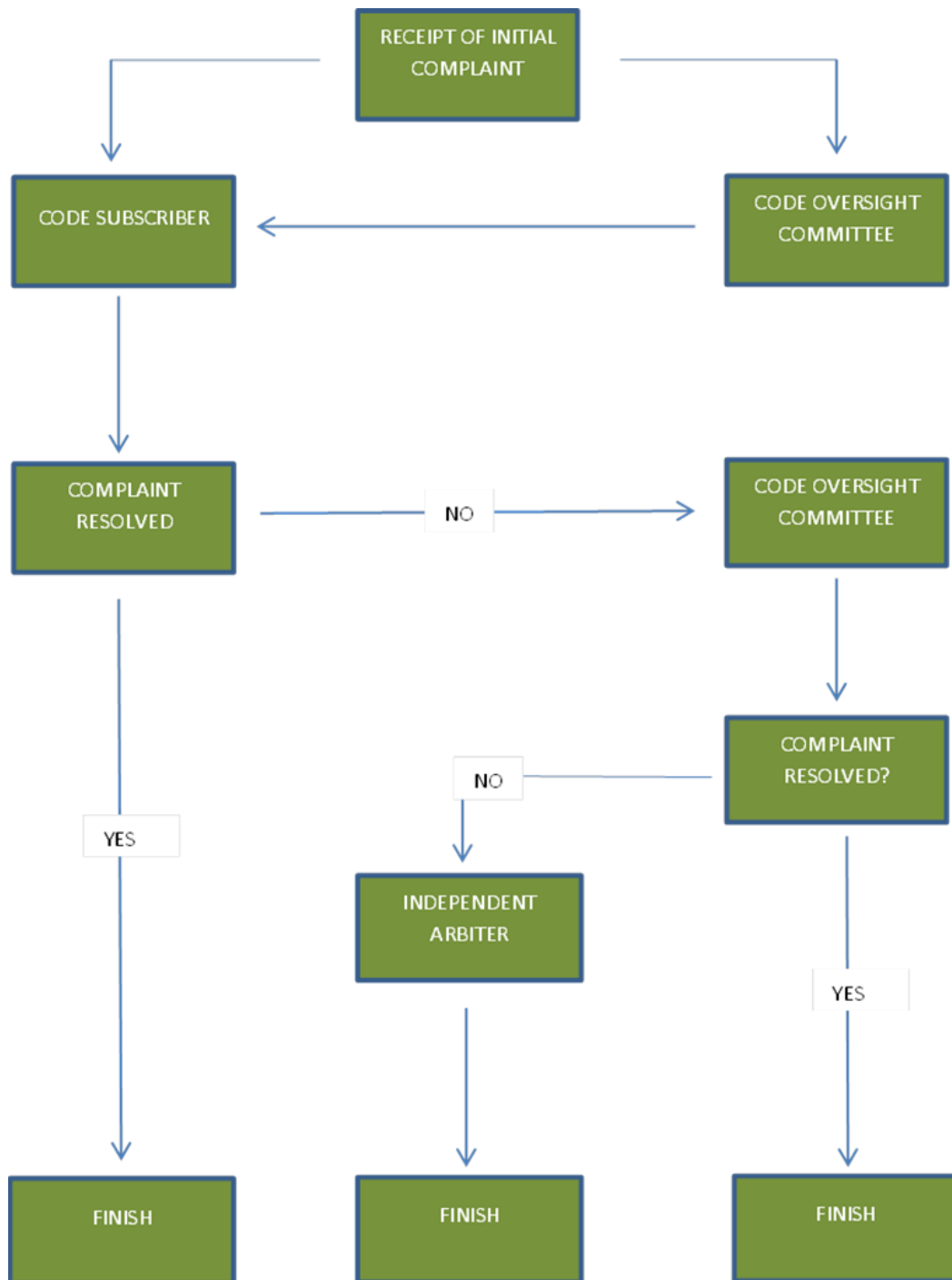
<b>1 July 2019 - 30 June 2020</b>	
Balance carried Forward 1 July 2019	33,302.20
Code Subscriber Contributions	24,000.00
Code Oversight Committee Fees – Chair Neil Lawson and Consumer Representative Fiona FitzPatrick <i>(* Does not include claims for fees incurred but not received as at 30 June 2020.)</i>	9,512.51*
Oversight Committee Fees – Industry Representative Kris Matthews / Daniel O'Donnell	Nil
Administrator Fees – Melanie O'Sullivan / Anita Jenkins	Nil
Website Development Fees	Nil
Independent Review	N/A
Insurance	2,056.66
Other Expenses – Postage, Bank Fees, lodgement fees	262.03
Balance at 30 June 2020	45,471.00

## **APPENDIX A - Subscribers to the Code of Conduct**

As at 30 June 2020 there were five Code Subscribers, being:

- APM PriceFinder
- CoreLogic
- Domain
- Equifax (formerly Veda)
- onthefhouse.com.au

## APPENDIX B - Complaint Flow Chart





**Code Oversight Committee**

**PO Box 379, Fortitude Valley, Brisbane, Queensland 4006**

**Email: *info@propertydatacodeofconduct.com.au***

**Website: *www.propertydatacodeofconduct.com.au***

