



Personal Identification  
Information in Property  
Data Code of Conduct

**2021 / 2022**

**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 2021/2022 Annual Report for the *Personal Identification Information in Property Data Code of Conduct*. This report outlines the Committee's efforts to enhance the administration and promotion of the Code of Conduct and activity during the past financial year.

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

During the year Ms Anita Jenkins has enthusiastically and skilfully performed the role of Administrator providing secretariat services to the Committee and support for the needs of consumers, Code Subscribers and others seeking information about the Code. The Committee is most grateful for Anita's dedicated contribution.

I also acknowledge the valuable contributions of Ms Fiona FitzPatrick (Consumer Representative) and Mr Daniel O'Donnell and Ms Jolie Baasch (successive Industry Representatives) to the Committee during 2021/2022.

The Committee is also grateful for the ongoing advice and assistance of officers of the Department of Resources.

As the Department is the source of the QVAS data and the agency which licenses the use of that data, through its Valuation and Sales Licence Agreements, importantly there is a productive, collaborative working relationship between the Department, the Committee and Code Subscribers.

I also wish to acknowledge the continuing interest and support for the Code from key stakeholders, including the Real Estate Institute of Queensland (REIQ) and the Queensland Office of Fair Trading.

Finally, my thanks go to Fiona, Daniel, Jolie and Anita, and the staff of our Code Subscribers, who have worked hard to support the Code of Conduct during the continued COVID-19 pandemic with all its resultant challenges for individuals, their families and their organisations. Their continued efforts and commitment are very much appreciated and have been vital to the Code of Conduct's ongoing operation.

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 the Department of Resources (previously the Department of Natural Resources Mines and Energy).

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 the Department of Resources. 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 the emails are entered into QVAS and are accessible by the licensed information brokers. Such email addresses cannot be used for unsolicited direct marketing or with the intention of encroaching on the privacy of consumers. To date there have not been any complaints about unsolicited direct marketing using these email addresses, so the use, if any, for that purpose is currently unknown.

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.

## **Information brokers**

Before an information broker will be licensed by the Department of Resources 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 the major property data information brokers operating in Queensland.

In turn, the Valuation and Sales Licence (VSL) Agreement with the Department 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.

## **Direct marketing and privacy**

The Code is designed to prevent names and or service addresses in QVAS data being used for unsolicited direct marketing or the intentional encroachment on the privacy of consumers by customers of licensed information brokers. Direct marketing includes, but is not limited to, telemarketing, bulk email messaging, postal mail outs and list brokering.

The Code only prohibits the use of the names and or service addresses for the above purposes where they are obtained from the QVAS database.

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 about names and addresses can 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.

## 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 customers 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 an 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 Resources.

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, trainer and investigator in workplace conduct matters in the public sector.

### ***Daniel O'Donnell - Industry Representative until 17 May 2022***

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

Daniel was CoreLogic's General Manager of Data Operations when he became a member of the Code Oversight Committee. He later joined PEXA Insights as its Head of Data

Acquisition. He is well versed in data operations, data quality, data acquisition and data governance functions.

***Jolie Baasch – Industry Representative from 18 May 2022 until 30 June 2022.***

Jolie is the Head of Data Sustainability with CoreLogic. Her previous career included an executive management role with the NSW Land Registry Services. Jolie is experienced in advance analytics, data management and operations management.

***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 Queensland 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.

Within the Legal team at CoreLogic, Anita 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.

## **Consumer Representative's statement**

The consistent demand for suppressions demonstrates that a small but significant number of consumers continue to be motivated to take proactive steps to protect their personal identification information each year.

Most complaints continue to name real estate agents as the respondents. While annual complaint numbers have remained relatively constant, substantiated breaches were found in over 50% of complaints during the reporting period, which is the highest percentage since 2018. This indicates that Code Subscribers are actively investigating and enforcing the Code. The consistent number of complaints does not appear to indicate entrenched practices within the industry, as there were no findings of repeat breaches. Nevertheless, the

complaints process continues to play a key role in promoting the accountability and stakeholder education functions of the Code.

I look forward to the report on the 2022 Independent Review of the Code, and particularly any suggestions for improving consumer protections under the Code.

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 PO Box 379, Fortitude Valley, Queensland 4006.

Fiona FitzPatrick  
*Consumer Representative, Code Oversight Committee*

## **VAPIBA**

With the addition of PEXA Insights as a Code Subscriber during 2021/2022, it also became a member of the Value Added Property Information Broker Association Incorporated (VAPIBA) bringing the number of members to seven.

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

Industry Representative: Daniel O'Donnell / Jolie Baasch

Treasurer/Secretary: Anita Jenkins – CoreLogic

## **Independent Review of the Code of Conduct**

The Code of Conduct prescribes that every five years there is to be an independent review of the Code's operations and effectiveness.

The 2022 Review was commenced by Mr Bill Dee of Compliance and Complaints Advisory Services Pty Ltd in June 2022 and scheduled for completion in August 2022.

A full copy of the Independent Review Report will be published on the Code's website.

## **Complaint resolution**

Consumers can lodge a complaint with a Code Subscriber (licensed information broker) or with the Committee if they believe that prohibited direct marketing or an intentional



encroachment of a consumer's privacy 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 restrictions on 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 a consumer remains dissatisfied with a 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 purchasers 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 the Department of Resource's valuation roll, under s188 of the *Land Valuation Act 2010*, at [www.resources.qld.gov.au](http://www.resources.qld.gov.au). This is known as a 'statutory suppression'.

If approved, a statutory suppression by the Valuer-General is in effect for five years and may be renewed on 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.

For the purposes of this legislation, a property owner can include, as a 'person', an incorporated or non-incorporated entity, as well as a natural person.

### ***2021/2022 Suppressions under the Code of Conduct***

In 2021/2022, the Committee received 131 suppression requests of which 96 were approved by the Committee. This was an increase of 34% compared to the 98 requests received in 2020/2021. The number of approved suppressions also increased by approximately 35% 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
- the applicant was not the owner of the property.

11 requests remained under consideration at 30 June 2022 pending provision of the correct documentation required for processing the request.

24 suppression requests were not approved for the following reasons:

- duplicate applications for the same property address / details; and
- an incomplete application.

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

	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	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022
Suppression requests	59	96	99	78	87	71	96

## Complaints and breaches

There was an increase in the number of direct marketing complaints from 15 in 2020/2021 to 20 in 2021/2022. Of the 20 complaints received, most involved alleged breaches by real estate agents with 13 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 2021/2022, 11 were found to be substantiated, in contrast to the 2 breaches found in 2020/2021.

In all cases, these were first breaches.

When firms are found to have committed breaches of the Code and it is their first breach –

- the breaches are recorded by the Committee and kept for reference in the event that subsequent breaches are found;
- the breached firms are given a written warning; and

- their staff are required to undertake training on their obligations under the Code.

**Table 2 – Complaints and breaches**

	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	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022
Complaints	37	22	30	21	13	15	20
Breaches	12	6	10	11	3	2	11

### **Register of Excluded Parties**

The Committee did not add any entities to the Register of Excluded Parties during 2021/2022 as all the breaches were 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 or the conduct of the breaching entity is particularly egregious.

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 2022 there were no entities listed on the Register of Excluded Parties.

## **Financial statement for 2021/2022**

<b>1 July 2021 - 30 June 2022</b>	
Balance carried Forward 1 July 2021	59,143.66
Code Subscriber Contributions	50,000.00
Less Code Oversight Committee Fees – Chair and Consumer Representative <i>(* Does not include claims for fees incurred but not invoiced as at 30 June 2022.)</i>	20,412.75
Oversight Committee Fees – Industry Representatives	Nil
Administrator Fees	Nil
Website Development Fees	Nil

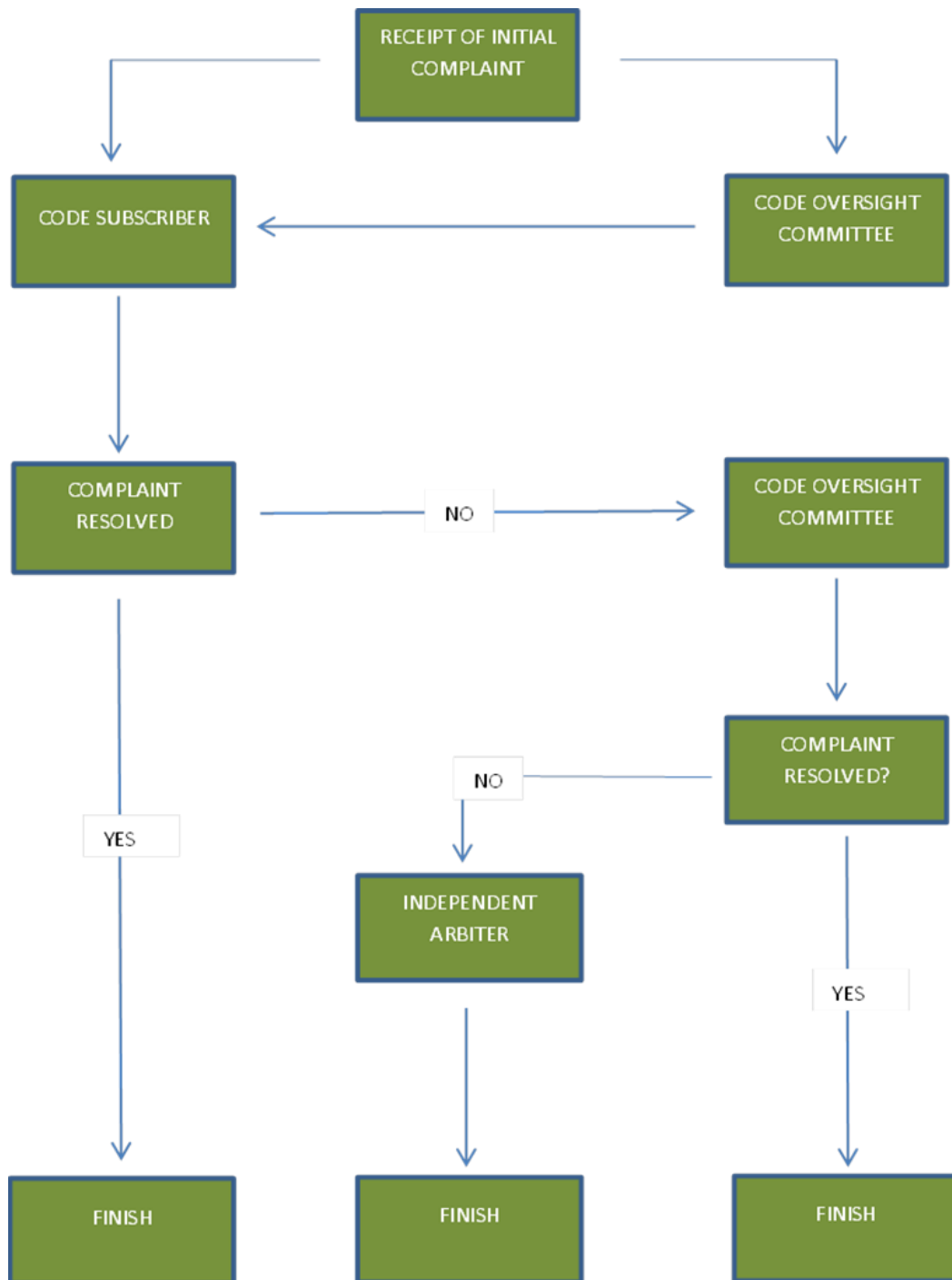
Independent Review	N/A
Insurance	2,630.37
Other Expenses – Postage, Bank Fees, lodgement fees	316.34
<b>Balance at 30 June 2021</b>	<b>85,784.20</b>

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

As at 30 June 2022 there were six Code Subscribers, being:

- APM PriceFinder
- CoreLogic
- Domain
- Equifax
- National Property Data
- onthefhouse.com.au
- PEXA Insights

## 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***

