

2016 – 2017

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 2016/2017 Annual Report for the *Personal Identification Information in Property Data Code of Conduct*. The Code of Conduct has been operational for eight years.

This report outlines the Committee's efforts to enhance the administration and promotion of the Code of Conduct. It provides data on complaints about breaches of the Code and requests by consumers for the suppression of their personal identification information.

The Committee acknowledges the contribution of the licensed information brokers who, as Code Subscribers, support this industry scheme 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). Without the participation of the brokers the Committee could not perform its role.

As Chair of the Code Oversight Committee I wish to thank my fellow Committee members, Ms Fiona FitzPatrick (Consumer Representative) and Mr Kris Matthews (Industry Representative) for their ever willing contributions of time and effort to the Committee's work.

Thanks also go to Ms Jodie Hughes, the Code's Administrator, and to Ms Melanie O'Sullivan, who has taken on the role while Ms Hughes is on extended leave. Both have provided the Committee with excellent secretariat support and also service to consumers and others seeking information and advice about the Code.

Finally, I wish to acknowledge the advice and assistance of officers of the Department of Natural Resources and Mines. As the source of the QVAS data and the authority which licenses the use of that data, there is a productive and collaborative working relationship between the Department, the Committee and Code Subscribers.

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 Natural Resources and Mines (DNRM). Amendments to the Code of Conduct can be made in consultation with stakeholders, the Committee, industry and DNRM.

Access to the information held in the QVAS database is available online to individual businesses, industry professionals and members of the public and can be obtained over the counter for a fee from DNRM. 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.

Other transaction details, such as the sale price of the property are not covered by the Code.

Code Oversight Committee

The role of the Committee includes the following:

- approving and registering 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
- receiving and investigating unresolved complaints
- imposing sanctions on subscribers or their customers for failure to comply with the Code
- maintaining a Register of Request Suppressions
- maintaining a Register of Excluded Parties

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 next review is due in August 2017.

The Committee members are:

Mr Neil Lawson - Chair

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

Mr Lawson 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. Mr Lawson is an ethics consultant and trainer in workplace conduct matters in the public sector.

Mr Kris Matthews - Industry Representative

Kris Matthews has over 18 years' experience in the real estate and information technology industries.

Mr Matthews commenced with Micro Developments in May 1997 which was later acquired by RP Data in November 1999. RP Data is now known as CoreLogic and in his current role, Mr Matthews is responsible for overseeing Emerging Markets, which includes strategic partnerships, acquisition and International Business Development.

Ms Fiona FitzPatrick - Consumer Representative

Fiona FitzPatrick has worked in legal and managerial roles in both the private sector and with the State and Federal governments. 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. Ms. FitzPatrick also has expertise in dispute and complaint management and in alternative dispute resolution.

Ms Jodie Hughes - Administrator

Jodie Hughes is the Administrator for the Code Oversight Committee and the Value Added Property Information Brokers Association. Her role includes administering the Code of Conduct website.

Ms Hughes has been with CoreLogic since 2008 with roles as an Executive Assistant, Paralegal and the Assistant Privacy Officer. Prior to her commencement with CoreLogic, Ms Hughes worked in the real estate industry for five years.

Ms Hughes contributes to the case management of complaints by documenting and recording all incoming correspondence and alerting Code subscribers to complaints

received. Ms Hughes also assists with quality assurance and the management of external relationships.

Ms Melanie O’Sullivan – Administrator

Ms O’Sullivan commenced as Administrator in June 2017 when Ms Hughes commenced her extended leave. Ms O’Sullivan currently fulfils the paralegal position at CoreLogic, however has been working in the legal industry for four years predominantly in litigation, and Public Interest Law.

Ms O’Sullivan is completing the final semester of a Bachelor of Laws at Queensland University of Technology, and holds a Bachelor of Information Technology.

Information brokers

Before an information broker will be licensed by DNRM to have electronic access to QVAS name and 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. In turn, the licence agreement 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. Using personal identification information from QVAS is a breach of both the Code and of the data user’s contracts with their licensed data provider who is a Code Subscriber.

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. Serious or repeated breaches of the Code can be referred to the Committee for action.

Subscribers to the Code include all the major property data information brokers operating in Queensland. Code membership is mandatory for a broker seeking to access personal identification data from QVAS.

Contact details for each of the Subscribers to the Code are listed on the Code’s website and in *Appendix A* to this report.

VAPIBA

The membership of the Value Added Property Information Brokers Association Incorporated (VAPIBA) is made up of the five licensed information brokers who are Code Subscribers. 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, where applicable.

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 approved information brokers who subscribe 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.

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 address for service are obtained from the QVAS database. Direct marketing includes telemarketing, bulk email messaging, postal mail-outs and list brokering.

Names and 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 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 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; and
- where consumers do not authorise the Subscriber or the Committee to disclose their name and service address to the data user, who it is alleged is in breach of the Code, when it is necessary to investigate and determine the complaint.

The Committee will not accept complaints brought outside the following time limits:

- where the event occurred before the Subscriber became a subscriber to the Code;
- where the act or omission occurred more than 12 months before the date on which the consumer made the complaint to the Subscriber or the Committee in writing; or
- where the complaint is between a consumer and a data user, the business of which has been acquired by a Subscriber, and if that data user was not a customer of the Subscriber at the time the events (which are the subject of the complaint) occurred.

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.

Developments in 2016/2017

During 2016/2017 developments in the administration and promotion of the Code of Conduct included:

1. An increase of approximately 62% in the number of suppression applications from 2015/2016 to 2016/2017. The Committee considers that this reflects a greater awareness of the right to suppression in the community.
2. A decrease of approximately 41% in the number of direct marketing complaints from 2015/2016 to 2016/2017. The Committee attributes this decline, at least in part, to enhanced industry awareness of the prohibition on direct marketing.
3. The Committee convened a teleconference with Subscribers' Privacy Officers to reinforce the need to comply with the complaint handling guidelines and to offer support and answer questions on the internal complaint handling process. The Committee also discussed with Privacy Officers the complaint statistics and other Code statistics.
4. Following an increase in the number of suppression requests by third parties on behalf of property owners, the Committee initiated the process of formulating a proposed approach on the standing of third parties, to be finalised after consultation with relevant parties.

Independent review of the Code of Conduct

The Code of Conduct prescribes that every five years there shall be an independent review of the Code's operations and effectiveness. The 2017 review had just commenced at the

time of the writing of this Annual Report with Compliance and Complaints Advisory Services Pty Ltd engaged to undertake the work. The review will include consultations with key stakeholders.

Industry Representative's report

I would firstly like to thank my fellow Committee members, Neil Lawson and Fiona FitzPatrick for their passion and professionalism throughout the past year.

I would again like to extend thanks to Code members and in turn VAPIBA for its continued support, not only financially to the running of the Code, but also for the members' commitment to actively engage with the Committee and in turn action Committee instructions and requests diligently.

As is highlighted throughout this report, the year ending June 2017 has shown a dramatic decrease in complaints, with only 22 complaints in comparison to 37 complaints in 2015/16. This success is understood largely to be due to the Committee's pro-active engagement with the brokers' Privacy Officers which has enabled education throughout the industry. Other significant accomplishments by the Committee with the drive and vision of Neil and Fiona occurred, such as but not limited to:

- Pro-active engagement with REIQ
- Pro-active engagement with brokers Privacy Officers and a review of all brokers' terms & conditions of use, and the requirements regarding third-party suppressions.
- Pro-active engagement in organising the Independent Review of the Personal Identification Information in Property Data Code of Conduct.

I wish to thank Jodie Hughes for her continued and invaluable assistance in administering the Code, and Melanie O'Sullivan for taking on these duties in Jodie's absence. I look forward to continuing to work with both Industry and the Committee throughout 2017/18 as we continue to grow the recognition and education of the Code.

Kris Matthews
Industry Representative, Code Oversight Committee

Consumer Representative's report

I endorse the comments of the Chair and the Industry representative to the effect that in this financial year all stakeholders have played a part in promoting awareness of the Code and the prohibition on direct marketing.

Consumers play a crucial role in bringing breaches to the attention of Code Subscribers and the Committee. We have concluded that the decrease in consumer complaints reflects a corresponding decrease in unsolicited direct marketing using personal identification information sourced from Queensland Valuation and Sales data. At the same time, there has been a marked increase in the number of consumers asking for their personal data to be suppressed, which reflects a growing community awareness of this option.

Ms Jodie Hughes and Ms Melanie O’Sullivan, the Code’s Administrators, have provided the Committee, consumers and Code subscribers with courteous, prompt and informed service and support. The Chair and the Industry representative have worked collaboratively and constructively to raise both industry standards and consumer confidence in the privacy protections embedded in the Code.

I welcome feedback from consumers and consumer groups about how I can most effectively represent their interests.

I can be contacted by email at info@propertydatacodeofconduct.com.au or in writing at GPO Box 1815, Brisbane, Queensland 4001.

Fiona FitzPatrick

Consumer Representative, Code Oversight Committee

Suppression requests

Committee suppression

Individuals can apply to the Committee to suppress the names of the persons who are purchasers or vendors of properties in Queensland and their service addresses. Corporate property owners are not eligible to apply for suppression. A current Council rates notice 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 Register of Request Suppressions and Code Subscribers are advised and they 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.

Land Valuation Act 2010.

Consumers who want to apply to suppress their personal information at the source, namely in DNRM’s valuation roll, can make an application under the *Land Valuation Act 2010* at www.dnrm.qld.gov.au. However, the only reason for which the Valuer-General will suppress ownership details in the valuation roll is one of risk to a person’s safety or property, whether the person is the landowner or a person living at that address (s188 of the Act). If

granted, a 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.

Suppressions under the Code during 2016 /2017

During 2016/2017 the Committee received 119 suppression requests of which 96 were approved by the Committee.

Table 1 – Total of approved Suppression Requests

| Suppression requests | 1 July 2011 to 30 June 2012 | 1 July 2012 to 30 June 2013 | 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 |
|----------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Approved | 46 | 43 | 43 | 44 | 59 | 96 |

Complaints

Of the total of 22 complaints received during 2016-2017, most involved alleged breaches by real estate agents. Of the complaints received, 6 were received from the public by the Code Oversight Committee while 16 were received by Code Subscribers.

After investigation, 6 breaches of the Code of Conduct were found to be substantiated. In all cases, it was the agent's first breach and the agent was given a warning and required to attend training on their obligations under the Code of Conduct, with an emphasis on the prohibition of direct marketing.

Table 2 – Complaints received

| | 1 July 2011 to 30 June 2012 | 1 July 2012 to 30 June 2013 | 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 |
|---------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Complaints Received | 47 | 22 | 65 | 30 | 37 | 22 |

Register of Excluded Parties

The Committee did not add any entities to the Register of Excluded Parties during 2016/2017 as all the breaches found to have occurred 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.

Entities 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 2017 there were no entities listed on the Register of Excluded Parties.

Financial statement

Value Added Property Information Brokers Association Incorporated

1 July 2016 - 30 June 2017

| | |
|--|-------------|
| Balance carried forward 1 July 2016 | 34,587.82 |
| Code Subscriber Contributions | 30,000.00 |
| Oversight Committee Fees* – Chair Neil Lawson and Consumer Representative Fiona FitzPatrick | -27,618.02 |
| Oversight Committee Fees – Industry Representative Kris Matthews | Nil |
| Administrator Fees | Nil |
| Website Development Fees | Nil |
| Insurance | -1,905.00 |
| Other Expenses – Postage, Bank Fees, lodgement fees | -2,484.13 |
| Balance at 30 June 2017 | \$32,580.67 |

*Note: Committee fees include amounts incurred but not paid in 2015/2016

APPENDIX A: SUBSCRIBERS TO THE CODE

As at 30 June 2017 there were five Code Subscribers, being:

APM PriceFinder

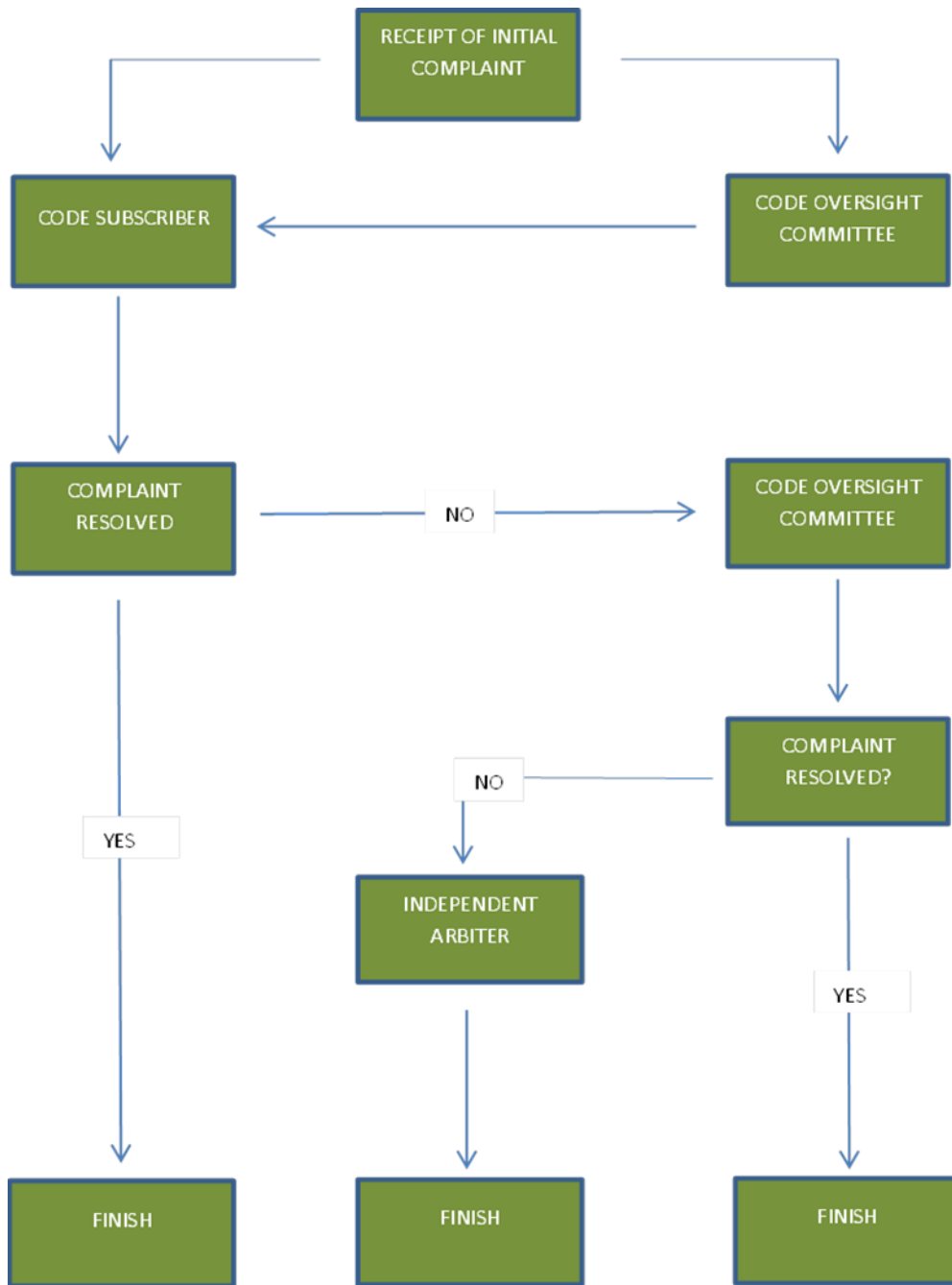
CITEC Confirm

CoreLogic

Equifax (formerly Veda)

Onthehouse.com.au

APPENDIX B: COMPLAINT FLOW CHART



Code Oversight Committee

GPO Box 1815 Brisbane, Queensland 4001

Email: *info@propertydatacodeofconduct.com.au*

Website: *www.propertydatacodeofconduct.com.au*

