



Personal Identification
Information in Property
Data Code of Conduct

2017 – 2018

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 2017/2018 Annual Report for the *Personal Identification Information in Property Data Code of Conduct*. The Code of Conduct has been operational for nine 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 alleged breaches of the Code, those found to be substantiated, and requests by consumers for the suppression of their personal identification information and those approved by the Committee.

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).

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 the Code's Administrators Ms Melanie O'Sullivan and Ms Jodie Hughes, who have separately supported the Committee at different times during the year. Both have provided the Committee with excellent secretariat support and have served the needs of 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, Mines and Energy. 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, Mines and Energy (DNRME). Amendments to the Code of Conduct can be made in consultation with stakeholders, the Committee, industry and DNRME.

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 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.

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

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, which was completed by Compliance and Complaints Advisory Services Pty Ltd, found that the Code and its oversight were meeting the reference benchmarks in relation to accountability, effectiveness, efficiency, accessibility and independence. Recommendations for improvement included that:

- consideration be given to providing information on the Code to property purchasers at the time of settlement to enhance the visibility and accessibility of the Code;
- Code subscribers should review whether the information on their websites and in their customer terms and conditions complied with their obligations under the Code to promote and protect consumer privacy and to prevent breaches.

The review also endorsed the Committee's proposal for streamlining online suppression applications and complaint processes and encouraged ongoing stakeholder education to proactively promote compliance and the responsible use of personal identification information.

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

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
- 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:

Mr Neil Lawson - Chair

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

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 is a CoreLogic veteran of over 23 years, with extensive specialist experience in information technology and property data.

As Executive General Manager - International and New markets for CoreLogic, Kris is currently responsible for overseeing their Insurance, Consumer, Tender business units as well as emerging markets, including strategic partnerships, acquisition and international business development – such as CoreLogics recent expansion in the UK. Kris has also held several Directors positions such as CoreLogic NZ and PropertyIQ.

Over the years Kris has held various positions with CoreLogic, including Chief Data & Operations, Group Product & Marketing through to various national and state based sales management positions. Kris's extensive expertise has been relied upon over the past 8 years as the industry representative on the Code Oversight Committee, and through his completion of a number of terms as Vice President of the Value Added Property Information Broker Association (VAPIBA).

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 Melanie O'Sullivan – Administrator

Melanie was the Administrator for the Code Oversight Committee and Secretary/Treasurer of the Value Added Property Information Brokers Association for most of the year. Her role

included administering the Code of Conduct website, contributing to the management of complaints, assisting with quality assurance and the management of external relationships.

Currently, Melanie holds the positions of Corporate Counsel, and Assistant Privacy Officer at CoreLogic. She has worked in the legal industry for over 5 years, but initially trained and worked as an IT Professional, meaning her specialty lies where the law and technology intersect.

Ms Jodie Hughes - Administrator

Ms Hughes who has previously been the Administrator for several years was on leave for most of 2017/2018. Ms Hughes has been employed by 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.

Industry Representative's report

I would firstly like to thank my fellow Committee members, Neil Lawson and Fiona FitzPatrick for their ongoing passion and professionalism in their administration and promotion of the Code of Conduct.

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 actioning Committee instructions and requests diligently.

As is highlighted throughout this report, the Code of Conduct prescribed 2017 as a year for the completion of an Independent Review. I would like to thank all of the VAPIBA members who provided feedback and participated in the successful review where it was found that the Code and its oversight continues to operate effectively in protecting Queensland property owners' QVAS Identified Information against unsolicited direct marketing. I also want to thank Neil and Fiona for the significant time and effort they dedicated to the review this year, especially around the engagement of Compliance and Complaints Advisory Services Pty Ltd and for their consideration of the recommendations and outcomes of the final report.

The statistics below show a slight increase in direct marketing complaints in comparison to 2016/2017. This trend is not concerning, but is likely because of heightened public attention on privacy of personal information in general, and greater awareness of the prohibition on direct marketing under the Code.

Finally, I wish to thank Jodie Hughes for her continued and invaluable assistance in administering the Code over a number of years, and Melanie O’Sullivan for taking these duties in Jodie’s absence. I look forward to continuing to work with both Industry and the Committee throughout 2018/19 as we continue to grow the recognition and education of the Code.

Kris Matthews

Industry Representative, Code Oversight Committee

Consumer Representative’s report

It was pleasing that the 2017 independent review of the Code’s effectiveness found that it was meeting the key benchmarks of accountability, effectiveness, efficiency, accessibility and independence. The review endorsed the Committee's stakeholder education initiative, which promotes the responsible use of personal identification information, and its efforts to streamline online suppression and complaint processes.

The report made constructive recommendations to enhance the visibility and accessibility of the Code for property purchasers. It encourages Code Subscribers to consider whether the information on their websites and in their customer terms and conditions complies with their obligation to protect consumer privacy and to prevent breaches. The Committee will explore these recommendations in consultation with stakeholders.

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

Information brokers

Before an information broker will be licensed by DNRME 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. Subscribers to the Code include all the major property data information brokers operating in Queensland.

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.

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

VAPIBA

The five licensed information brokers who were Code Subscribers during 2017/2018 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. As at 30 June 2018, CITEC Confirm discontinued its QVAS personal identification information licence and was no longer required to be a Code Subscriber.

Office Holders

President: Colin Wilson – APM Pricefinder

Public Officer: Yvonne Chan – APM Pricefinder

Vice President: Douglas Kraa – Equifax

Treasurer/Secretary: Melanie O'Sullivan / Jodie Hughes - CoreLogic

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.

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 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 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.

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 RequestSuppressions 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 DNRME's valuation roll, can make an application under the *Land Valuation Act 2010* at www.dnrme.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.

The Committee received 153 suppression requests of which 99 were approved by the Committee. This represented a 30% increase in the number of suppression requests from 2016/2017 to 2017/2018. However, the number of approved suppressions remained steady. Reasons for requests being declined included corporate applicants being ineligible to apply for suppression, applications for suppression of sale price, and applications from those who own property outside of Queensland, which do not come within the jurisdiction of the Code of Conduct. The balance of the unapproved applications lapsed due to failure to provide supporting documentation.

The Committee considers that the increase in applications reflects ongoing increase in public awareness of the right to suppression in the community.

Table 1 – Total of approved Suppression Requests

	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	1 July 2017 to 30 June 2018
Suppression requests						
Approved	43	43	44	59	96	99

Complaints and breaches

There was an increase in the number of direct marketing complaints from 22 in 2016/2017 to 30 in 2017/2018. Of the 30 complaints received, most involved alleged breaches by real estate agents with 8 received from the public by the Code Oversight Committee while 22 were received by Code Subscribers.

Of the complaints received, 10 were found to be substantiated; an increase on the 6 breaches found in 2016/2017. In all cases these were first breaches by the firms responsible

attracting a warning and a requirement to undertake training on their obligations under the Code with an emphasis on the prohibition of direct marketing.

The Committee attributes this increase in complaints, at least in part, to enhanced public awareness of the prohibition on direct marketing under the Code of Conduct.

Table 2 – Complaints and breaches

	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	1 July 2017 to 30 June 2018
Complaints	22	65	30	37	22	30
Breaches	9	19	5	12	6	10

Register of Excluded Parties

The Committee did not add any entities to the Register of Excluded Parties during 2017/2018 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 2018 there were no entities listed on the Register of Excluded Parties.

2017-2018 Financial statement

Value Added Property Information Brokers Association Incorporated

1 July 2017 - 30 June 2018

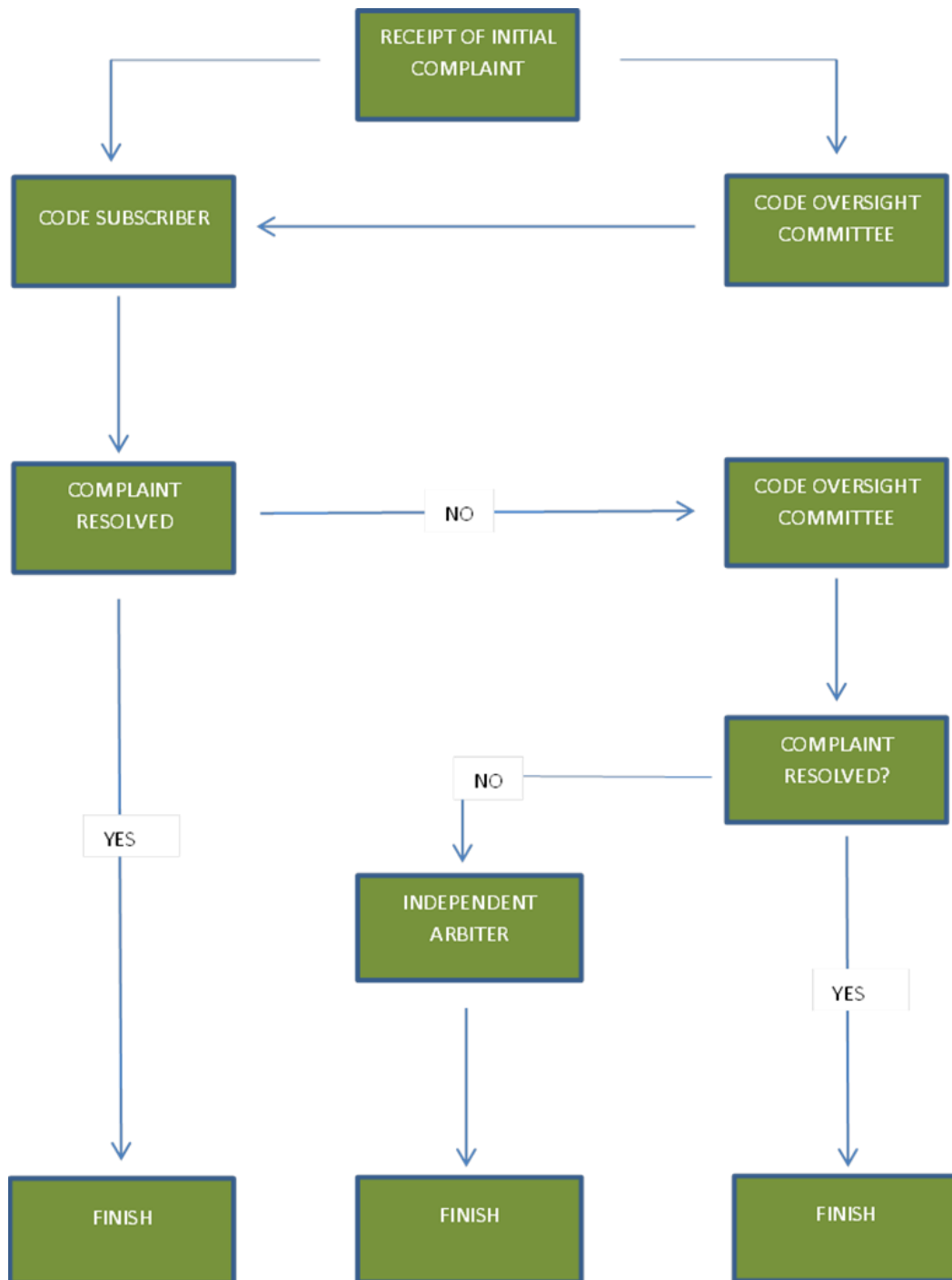
Balance carried forward 1 July 2016	32,580.37
Code Subscriber Contributions	30,000.00
Oversight Committee Fees – Chair Neil Lawson and Consumer Representative Fiona FitzPatrick	-18,783.72
Oversight Committee Fees – Industry Representative Kris Matthews	Nil
Administrator Fees	Nil
Website Development Fees	Nil
Insurance	-1,921.90
Other Expenses – Postage, Bank Fees, lodgement fees	-892.54
Independent review	-12,000.00
Balance at 30 June 2018	29,982.21

APPENDIX A - Subscribers to the Code

As at 30 June 2018 there were four Code Subscribers, being:

- APM PriceFinder
- 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*

