



Personal Identification  
Information in Property  
Data Code of Conduct

# **2018 – 2019**

# **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 2018/2019 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 Administrator, Ms Melanie O'Sullivan, who has provided the Committee with excellent secretariat support and has 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 agency 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. A service address may be, for example, a street address, a PO Box, or an email address.

The use of other transaction details, such as the 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.

## 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 has been 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.

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.

***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 - UK, Business Development & Strategic Alliances, Kris is currently responsible for overseeing their United Kingdom operations, Project Management Office and 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 10 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. Fiona also has expertise in dispute and complaint management and in alternative dispute resolution.

***Ms Melanie O'Sullivan – Administrator***

Melanie O'Sullivan 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 position of Corporate Counsel, and was also Assistant Privacy Officer at CoreLogic until August 2019. She has worked in the legal industry for over 7 years, but initially trained and worked as an IT Professional, meaning her specialty lies where the law and technology intersect.

## **Industry Representative's report**

Firstly I would 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.

Further thanks must also be extended to Code members and VAPIBA for its continued support, not only financially to the running of the Code, but also for the members' commitment to the Code and for their active engagement with the Committee.

2019 marks the ten year anniversary of the Code, having been first established 2009. In reflection, it is encouraging to see how the Code and its oversight over this time has operated to effectively protect Queensland property owners' QVAS Identified Information against unsolicited direct marketing. This is evidenced by the direct marketing complaint statistics showing a significant decrease in complaints during the 2018/19 financial year, being the lowest in number since the establishment of the Code.

Finally, I wish to thank Melanie O'Sullivan for her continued and invaluable assistance in administering the Code. I look forward to continuing to work with both Industry and the Committee throughout 2019/20 as we continue to grow the recognition and education of the Code.

Kris Matthews

*Industry Representative, Code Oversight Committee*

## **Consumer Representative's report**

The reduction in consumer complaints in 2018/2019 is pleasing as it seems to reflect better compliance with the Code. The number of suppression applications has moderated slightly, but the ongoing demand reflects consumers' awareness of their right to suppress their personal information and the fact that many consumers are still choosing that option.

As consumers can elect an email address as their service address, the Committee will be monitoring complaints about the use of those emails for direct marketing.

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](mailto:info@propertydatacodeofconduct.com.au) or in writing 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 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 2018/2019 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 – APM Pricerfinder

Public Officer: Yvonne Chan – APM Pricerfinder

Vice President: Douglas Kraa – Equifax; replaced in June 2019 by Yan De Horta - Equifax

Treasurer/Secretary: Melanie O’Sullivan – 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 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 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 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

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 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**

If a property owner can establish that there is a risk to a person's safety or property, they can 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). 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.

In 2018/2019, the Committee received 104 suppression requests of which 78 were approved by the Committee. This represented a 32% reduction in the number of suppression requests from 2017/2018. The number of approved suppressions also dropped by approximately 21%. Reasons for requests being declined included corporations being ineligible to apply for suppression, applications for suppression of a property's sale price, and applications from those where the property is outside of Queensland, all of which do not come within the jurisdiction of the Code of Conduct. Nine requests remained 'pending' at 30 June 2019 due to the applicant not returning and supplying a rate notice or extract to support their application.

**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	1 July 2018 to 30 June 2019
Approved	43	43	44	59	96	99	78

## Complaints and breaches

There was a decrease in the number of direct marketing complaints from 30 in 2017/2018 to 21 in 2018/2019. Of the 21 complaints received, most involved alleged breaches by real estate agents with 8 received from the public by the Code Oversight Committee while 13 were received by Code Subscribers.

Of the complaints received, 11 were found to be substantiated; a slight increase on the 10 breaches found in 2017/2018. 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 decrease in complaints to be evidence of the effectiveness of the Code in both educating the recipients of Personal Identification Information on appropriate uses, and holding the recipients of this information to account.

**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
Complaints	65	30	37	22	30	21
Breaches	19	5	12	6	10	11

### **Register of Excluded Parties**

The Committee did not add any entities to the Register of Excluded Parties during 2018/2019 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 2019 there were no entities listed on the Register of Excluded Parties.

## 2018-2019 Financial statement

### Value Added Property Information Brokers Association Incorporated

#### 1 July 2018 - 30 June 2019

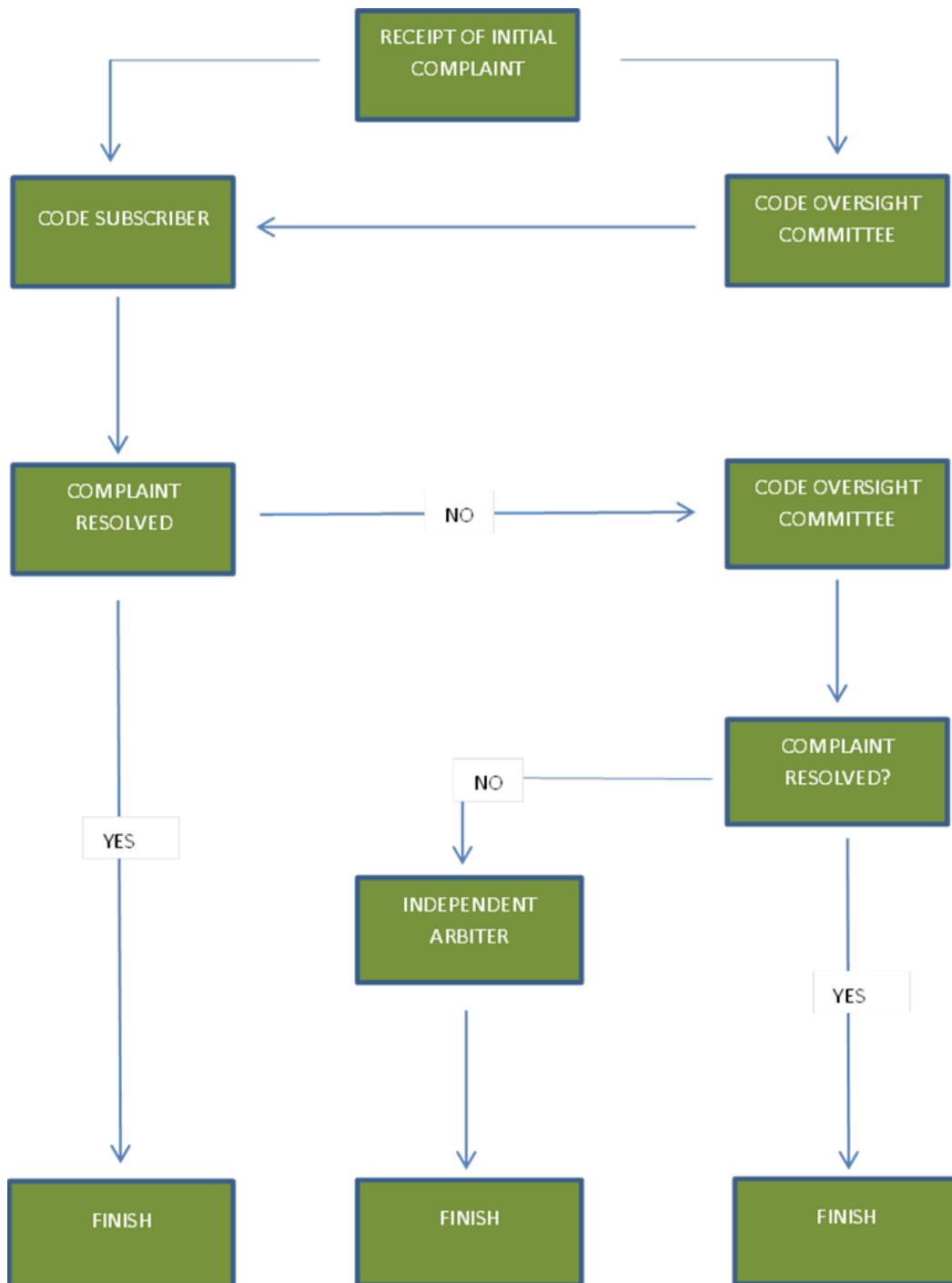
Balance carried forward 1 July 2018	\$28,982.21
Code Subscriber Contributions	\$24,000.00
Oversight Committee Fees – Chair Neil Lawson and Consumer Representative Fiona FitzPatrick	<b>-\$6,307.00</b>
Oversight Committee Fees – Industry Representative Kris Matthews	<b>\$0</b>
Administrator Fees	\$0
Website Development Fees	-\$11,000.00
Insurance	-\$1932.90
Other Expenses – Postage, Bank Fees, lodgement fees	-\$440.11
Independent review	\$0
Balance at 30 June 2019	\$33,302.20

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

**As at 30 June 2019 there were five Code Subscribers, being:**

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

## 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***

