



Personal Identification
Information in Property
Data Code of Conduct

2020 / 2021

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 2020/2021 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 contribution of the licensed information brokers who, as Code Subscribers, support the Code and provide internal complaint resolution services to consumers. The brokers fund the work of the Committee through their membership of the Value Added Property Information Brokers Association Incorporated (VAPIBA).

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

I also acknowledge the contributions of Ms Fiona FitzPatrick (Consumer Representative) and Mr Daniel O'Donnell (Industry Representative) to the Committee. Fiona's contribution to the Committee has been substantial bringing not only articulation of consumer perspectives but also a wealth of other relevant knowledge and experience. Daniel has brought his industry knowledge and insights and enabled the Committee to better understand the business of information brokers and the trends within the industry.

The Committee is also grateful for the ongoing advice and assistance of officers of the Department of Resources. In particular, the assistance of Ms Petra Faas, who has since moved to a position elsewhere in Government, is acknowledged. Ms Faas was involved with the Code of Conduct from its inception and contributed to its ongoing development after it commenced in 2009.

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

Finally, I wish to acknowledge the effort of Fiona, Daniel and Anita and the staff of our Code Subscribers who have continued to support the Code of Conduct so well during the COVID-19 pandemic with its resultant impacts, stresses and other challenges for individuals, their families and their organisations, despite Australia experiencing the virus' successive waves. Their continued efforts and commitment are very much appreciated and are vital to the Code of Conduct's ongoing effective 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 as a consequence the emails are entered into QVAS and are accessible by the licensed information brokers. Such email addresses cannot be used for unsolicited direct marketing nor used with the intention of encroaching on the privacy of consumers.

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

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

Code Oversight Committee

The role of the Committee includes the following:

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

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

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

The Committee members are:

Neil Lawson – Chair

Neil is the independent chair of the Code Oversight Committee and is nominated by the Minister for 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

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

As CoreLogic's General Manager of Data Operations, Daniel has been responsible for overseeing CoreLogic's Australian and New Zealand data operations, data quality, data acquisition and data governance functions.

Fiona FitzPatrick - Consumer Representative

Fiona has worked in legal and managerial roles in the private sector, State and Federal governments and in the university sector. Her experience at the 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.

Industry Representative's report

With the challenges of 2020 impacting people and organisations right across the globe, it has been no different for the Code Oversight Committee, the Value-Added Property Information Brokers Association, and the Industry as a whole.

I would like to thank the Industry for providing the Committee with the support and access to appropriate online services ensuring the Committee could continue to meet as required and undertake its respective obligations in administering the Code.

Likewise, the Industry has been appreciative of the work that the Committee has undertaken during these challenging time, in particular for the engagement with respective industry bodies as well as the delivery of training to Code subscribers. The training provides the opportunity for Association members to review their respective processes when responding to enquiries and undertaking investigations. Further to this, the industry would like to thank the Committee for the development of templates and letters to assist Association members.

Daniel O'Donnell

Industry Representative, Code Oversight Committee

Consumer Representative's report

While there was a small increase in the number of direct marketing complaints from 13 in 2019/2020 to 15 in 2020/2021, the low complaint numbers confirm that there is general industry compliance with the rules governing the proper use of personal identification information.

An increasing number of property owners are recording email addresses as their service address, making the email addresses accessible through licensed information brokers. The email addresses have the same protections as other 'service addresses' under the Code and cannot be used for unsolicited direct marketing. It is reassuring for consumers that this development has not appear to have led to any increase in direct marketing.

The sustained demand for suppression of personal identification information confirms that privacy is still important to many consumers. Information about how consumers can make online requests for the suppression of their names and service addresses can be accessed using this link.

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

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

Fiona FitzPatrick
Consumer Representative, Code Oversight Committee

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 all 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.

During the year National Property Data Limited joined the Code of Conduct as a Code Subscriber.

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

Licence agreements

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

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

VAPIBA

With the addition of National Property Data Limited as a Code Subscriber during 2020/2021, it also became a member of the Value Added Property Information Brokers Association Incorporated (VAPIBA) bringing the number of members to six.

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 Pricerfinder

Public Officer: Yvonne Chan – Domain, APM Pricerfinder

Vice President: Yan De Horta – Equifax

Industry Representative: Daniel O'Donnell - CoreLogic

Treasurer/Secretary: Anita Jenkins – CoreLogic

Direct marketing

The Code is designed to prevent names and or service addresses in QVAS data being used for unsolicited direct marketing by the customers of licensed information brokers. The Code only prohibits direct marketing where the name and or service address are obtained from the QVAS database. Direct marketing includes, but is not limited to, telemarketing, bulk email messaging, postal mail outs and list brokering.

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

Complaint resolution

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

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

Lodging a complaint with a Subscriber

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

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

Lodging a complaint with the Committee

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

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

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

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

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

Suppression requests

Committee Suppressions

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

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

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

Suppression under the Land Valuation Act 2010

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

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

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.

2020/2021 Suppressions under the Code of Conduct

In 2020/2021, the Committee received 98 suppression requests of which 71 were approved by the Committee. This was a decrease of 18% compared to the 120 requests received in 2019/2020. The number of approved suppressions also decreased by approximately 18% 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
- 7 were duplicate requests for the same properties.

Eleven requests remained under consideration at 30 June 2021 pending provision of the correct documentation required for processing the request.

Two suppression requests were cancelled for the following reason:

- applied for suppression however property details were previously suppressed (in 2017); and
- USA applicant for a USA address and not covered by the Code

Table 1 – Total of approved Suppression Requests

	1 July 2014 to 30 June 2015	1 July 2015 to 30 June 2016	1 July 2016 to 30 June 2017	1 July 2017 to 30 June 2018	1 July 2018 to 30 June 2019	1 July 2019 to 30 June 2020	1 July 2020 to 30 June 2021
Suppression requests							
Approved	44	59	96	99	78	87	71

Complaints and breaches

There was an increase in the number of direct marketing complaints from 13 in 2019/2020 to 15 in 2020/2021. Of the 15 complaints received, most involved alleged breaches by real estate agents with 8 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 2020/2021, only 2 were found to be substantiated, in contrast to the 3 breaches found in 2019/2020. In all cases, these were effectively first breaches and the responsible firms were given a written warning and their staff required to undertake training on their obligations under the Code with an emphasis on the prohibition of unsolicited direct marketing using QVAS data.

One agent reported another agent's behaviour and they were commended for self-reporting and the agency undertook training in the Code of Conduct.

The Committee considers that while complaints rose slightly during the year there is a general level of awareness of the appropriate use of Personal Identification Information by both consumers and Code Subscriber customers, principally real estate agents.

Table 2 – Complaints and breaches

	1 July 2014 to 30 June 2015	1 July 2015 to 30 June 2016	1 July 2016 to 30 June 2017	1 July 2017 to 30 June 2018	1 July 2018 to 30 June 2019	1 July 2019 to 30 June 2020	1 July 2020 to 30 June 2021
Complaints	30	37	22	30	21	13	15
Breaches	5	12	6	10	11	3	2

Register of Excluded Parties

The Committee did not add any entities to the Register of Excluded Parties during 2020/2021 as all the breaches were considered to be first breaches. The general policy of the Committee is that, depending on the circumstances, sanctions will only be considered when the entity has been found to have committed second or subsequent breaches.

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

As at 30 June 2021 there were no entities listed on the Register of Excluded Parties.

Financial statement for 2020-2021

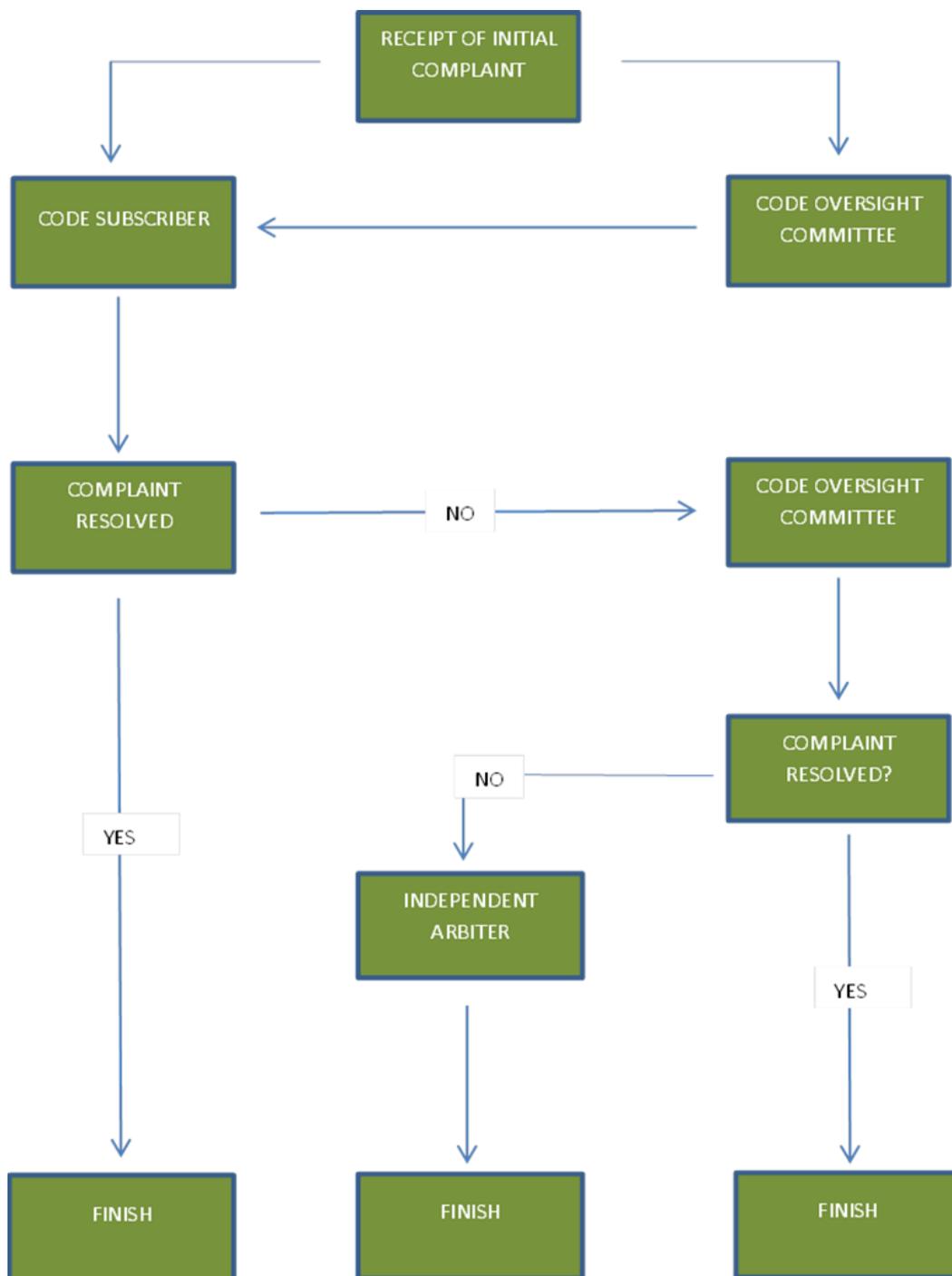
1 July 2020 - 30 June 2021	
Balance carried Forward 1 July 2020	45,471.00
Code Subscriber Contributions	24,000.00
Less	
Code Oversight Committee Fees – Chair and Consumer Representative <i>(* Does not include claims for fees incurred but not invoiced as at 30 June 2021.)</i>	5,567.00
Oversight Committee Fees – Industry Representative	Nil
Administrator Fees	Nil
Website Development Fees	2,200.00
Independent Review	N/A
Insurance	2,253.00
Other Expenses – Postage, Bank Fees, lodgement fees	307.34
Balance at 30 June 2021	59,143.66

APPENDIX A - Subscribers to the Code of Conduct

As at 30 June 2021 there were six Code Subscribers, being:

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

APPENDIX B - Complaint Flow Chart



Code Oversight Committee

PO Box 379, Fortitude Valley, Brisbane, Queensland 4006

Email: *info@propertydatacodeofconduct.com.au*

Website: *www.propertydatacodeofconduct.com.au*

