



Personal Identification
Information in Property
Data Code of Conduct

2023 / 2024

Annual Report

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Message from the Chair

The Code Oversight Committee is pleased to present the 2023/2024 Annual Report for the *Personal Identification Information in Property Data Code of Conduct*. This report outlines the Committee's efforts to enhance the administration, promotion, and the compliance and enforcement activities of the Code of Conduct during the past financial year.

The year also saw the expansion of approved Code Subscribers to include Valocity Pty Ltd whose membership was substantially advanced during the year and finalized at the beginning of July 2024.

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

During the year the Code's Administrator, Ms Anita Jenkins, again provided exemplary services to the Committee and in responding to the needs of consumers, Code Subscribers and others seeking information about the Code.

I also acknowledge the considerable personal contributions of Ms Fiona FitzPatrick (Consumer Representative) and Mr Chris Glancy (Industry Representative) as Committee members.

The Committee is grateful for the ongoing assistance of officers of the Department of Resources and the Office of Fair Trading.

Neil Lawson

Chair, Code Oversight Committee

The Code of Conduct

The *Personal Identification Information in Property Data Code of Conduct*, commenced operation on 1 October 2009. It was designed to address consumer concerns about receiving unsolicited direct marketing material using personal identification information sourced from the Queensland Valuation and Sales (QVAS) database maintained by the Queensland Government.

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, for a fee; or
- 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 such as 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 vendors and purchasers.

The Code of Conduct prohibits the use of consumers' personal identified information; that is the names and service addresses of the vendors and purchasers of properties in Queensland, for unsolicited direct marketing.

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.

A 'service address' is the address nominated by the property owner for the receipt of official correspondence, such as land valuation and Council rates notices, and may differ from the property's physical 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 for investor-owned properties e.g. may be a different street address, a PO Box, or an email address.

While still a modest trend, more property purchasers and vendors are recording email addresses as their service address when completing property transactions and the emails are entered into QVAS and are accessible by the licensed

information brokers. These email addresses cannot be used for unsolicited direct marketing or with the intention of encroaching on the privacy of consumers. To date there have not been any complaints about unsolicited direct marketing using such email addresses, so their use for that purpose is currently unknown.

Information brokers

Before an information broker will be licensed by the Department of Resources to have electronic access to QVAS name and service address data, the broker must be approved by the Code Oversight Committee as a Subscriber to the Code and must agree to comply with the Code. Subscribers to the Code include the major property data information brokers operating in Queensland.

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. 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.

The Committee works with Code Subscribers to ensure compliance with the Code and when necessary audits their compliance management.

A list of Code Subscribers is in [Appendix A](#). Contact details for each of the Subscribers are listed on the Code's website.

Direct marketing and privacy

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

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

Names and service addresses which are obtained from sources other than QVAS data are not within the jurisdiction of the Code of Conduct.

Other sources of data about names and addresses can include, for example, loyalty programs, names and addresses collected when members of the public enter competitions using their personal contact details, or real estate agents' records of persons visiting properties during open inspections. Information obtained from such sources does not fall within the scope of 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 customers and to ensure ongoing effective operation of the Code's requirements
- monitoring internal complaint handling by Code subscribers
- receiving and investigating complaints made directly to or escalated to the Committee
- imposing sanctions on Subscribers or their customers for serious or repeated failures to comply with the Code, such as listing them on the Register of Excluded Parties which restricts access to personal identification data for a prescribed period
- receiving, determining and maintaining a Register of suppression requests.

The Committee also has reporting obligations and to this end it gathers, monitors and reviews data which is included in its Annual Reports. It commissions an independent review of Code operations every five years. The next independent review is due in 2027.

The Code Oversight Committee members are:

Neil Lawson – Chair

Neil is the independent chair of the Code Oversight Committee and is nominated by the Minister for Resources. He has held executive management positions in the private and public sectors and is a past Commissioner for Consumer Affairs for Queensland.

Chris Glancy - Industry Representative

As industry representative, Chris brings over 25 years of experience within the Prop Tech and broader Information Technology sector to the committee.

Chris has held various managerial roles during his 12-year tenure at CoreLogic, where he currently serves as Principal – Analytics & Data Science. Chris' expertise spans data quality and governance, product design, emerging opportunities, and supplier and vendor management.

Fiona FitzPatrick - Consumer Representative

Fiona has worked in legal and managerial roles in the private sector, State and federal governments, and in the university sector. Her experience at the Queensland Office of Fair Trading gave her an understanding of consumer issues, including direct marketing, from the perspective of both consumers and business. Fiona 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 Risk, Compliance and Privacy Officer.

Anita has over 20 years of experience in Information Technology within the government, telecommunications, and research sectors.

Consumer Representative's statement

The consistent demand for suppression of personal identification information demonstrates that a small but significant number of Queenslanders seek this protection of their personal information. Consumers can apply to have their personal information suppressed by visiting the Code's website at www.propertydatacodeofconduct.com.au

Code Subscribers are obligated to investigate complaints about their customers' alleged misuse of personal identification information and report the outcome to the Committee. The Committee monitors Subscriber complaint handling and determines the more serious complaints. Most complaints are about direct marketing by real estate agents, however more recently we have received and are investigating allegations of misuse of personal identification information in different contexts.

The complaints process allows us to monitor industry practices and promote the compliance, accountability and education functions of the Code.

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

VAPIBA

The members of the Value Added Information Broker Association Incorporated (VAPIBA) pay annual subscriptions to meet the costs of the administration of the Code of Conduct, including fees paid to members of the Code Oversight Committee.

Office Holders:

President: Don Harb – National Property Group
Public Officer: Chris Spanos – Domain / Pricerfinder
Vice President: Kris Matthews – PropTrak/REA Group
Industry Representative: Chris Glancy - CoreLogic
Treasurer/Secretary: Anita Jenkins – CoreLogic

Complaint resolution

Consumers can lodge a complaint directly with a Code Subscriber or with the Committee if they reasonably 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 must establish binding agreements with their customers, agents or other third parties wishing to access QVAS information. These agreements must reflect the restrictions on using personal identification information. Further, the Code requires all Subscribers to have a documented internal dispute resolution framework for dealing with consumer complaints.

Lodging a complaint with a Subscriber

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

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

Lodging a complaint with the Committee

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

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

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

- complaints which do not involve a breach of the Code;
- where the relief sought is outside the Committee's scope or authority under the Code;
- where consumers do not consent to having their names and service addresses disclosed to the respondent who has allegedly breached the Code and an investigation into the allegation would not afford procedural fairness 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 provides for 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

Suppressions under the Code of Conduct

Individual purchasers or vendors of properties in Queensland can apply under the Code of Conduct to the Committee to have their names and service addresses suppressed in the databases of Code Subscribers. 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.

There are no fees charged for suppression. No reasons for requesting suppression need to be provided.

Where corporations are the registered property owners, they are not eligible to apply for suppression of their names and addresses. Nor does the Code provide for the suppression of the sale prices of properties.

Once suppression requests are approved, they are added to the Committee's Register of RequestSuppressions 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 in the Department of Resource's valuation roll, under s188 of the *Land Valuation Act 2010*, at www.resources.qld.gov.au. This is known as a 'statutory suppression'.

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

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

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

2023/2024 Suppressions under the Code of Conduct

In 2023/2024, the Committee received 140 suppression requests. This was an increase of 40% compared to the 100 requests received in 2022/2023.

Of requests received, 95 were approved by the Committee; an increase of 34% over 2022/2023.

Reasons for the requests being declined were:

- the legal description of the property logged during application submission was invalid;
- the property was not located in Queensland;
- the application was submitted with the purpose of suppressing the sale price; or

- the applications were for properties owned by corporations, which are not eligible to apply for suppression under the Code of Conduct.

At 30 June 2024 there were 22 requests under consideration awaiting provision of the correct documentation required for processing the requests.

In 12 cases, suppression requests were not approved for one or more of the following reasons:

- duplicate applications for the same property address / details; or
- details were already suppressed; or
- an application for a statutory suppression had been lodged with Department of Resources.

Table 1 – Total of approved Suppression Requests

	1 July 2017 to 30 June 2018	1 July 2018 to 30 June 2019	1 July 2019 to 30 June 2020	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024
Suppression requests							
Approved	99	78	87	71	96	71	95

Complaints and breaches

There was an increase in the number of direct marketing complaints from 25 in 2022/2023 to 36 in 2023/2024. Of complaints received, most involved alleged breaches by real estate agents with 24 received from the public by the Code Oversight Committee, and then referred to Subscribers, while 12 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 2023/2024, 13 were found to be substantiated as breaches of the Code of Conduct; a slight increase on the 11 breaches in 2022/2023.

In all cases, these were first breaches.

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

- the breaches are recorded by the Committee and kept for reference in the event that subsequent breaches are found;

- the breached firms are given a written warning; and
- their staff are required to undertake training on their obligations under the Code.

In the event of a second breach, the Committee will issue a show cause notice giving the entity the opportunity to respond before a decision is made as to whether or not it should be listed on the Register of Excluded Parties.

All Code Subscribers are then advised of the entity being listed on the Register of Excluded Parties to ensure that QVAS data is not provided to the entity during the exclusion period.

Table 2 – Complaints and breaches

	1 July 2017 to 30 June 2018	1 July 2018 to 30 June 2019	1 July 2019 to 30 June 2020	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024
Complaints	30	21	13	15	20	25	36
Breaches	10	11	3	2	11	11	13

The Committee added one entity to the Register of Excluded Parties during 2023/2024 due to a second breach of the Code’s prohibition on direct marketing.

Depending on the circumstances, sanctions will only be considered when the entity has been found to have committed second or subsequent breaches or the conduct of the breaching entity is particularly egregious.

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

Financial statement for 2023/2024

1 July 2023 - 30 June 2024	
Balance carried forward 1 July 2023	59,551.49
Code Subscriber Contributions received	32,750.00
Less	
Code Oversight Committee Fees – Chair and Consumer Representative <i>(* Does not include claims for fees incurred but not invoiced as at 30 June 2024)</i>	21,343.50
Oversight Committee Fees – Industry Representative	Nil
Administrator Fees	Nil
Website Development Fees	Nil
Accounting Fees	Nil
Insurance	2,937.56
Other Expenses – Postage, Bank Fees, lodgement fees	355.12
Balance at 30 June 2024	67,665.31

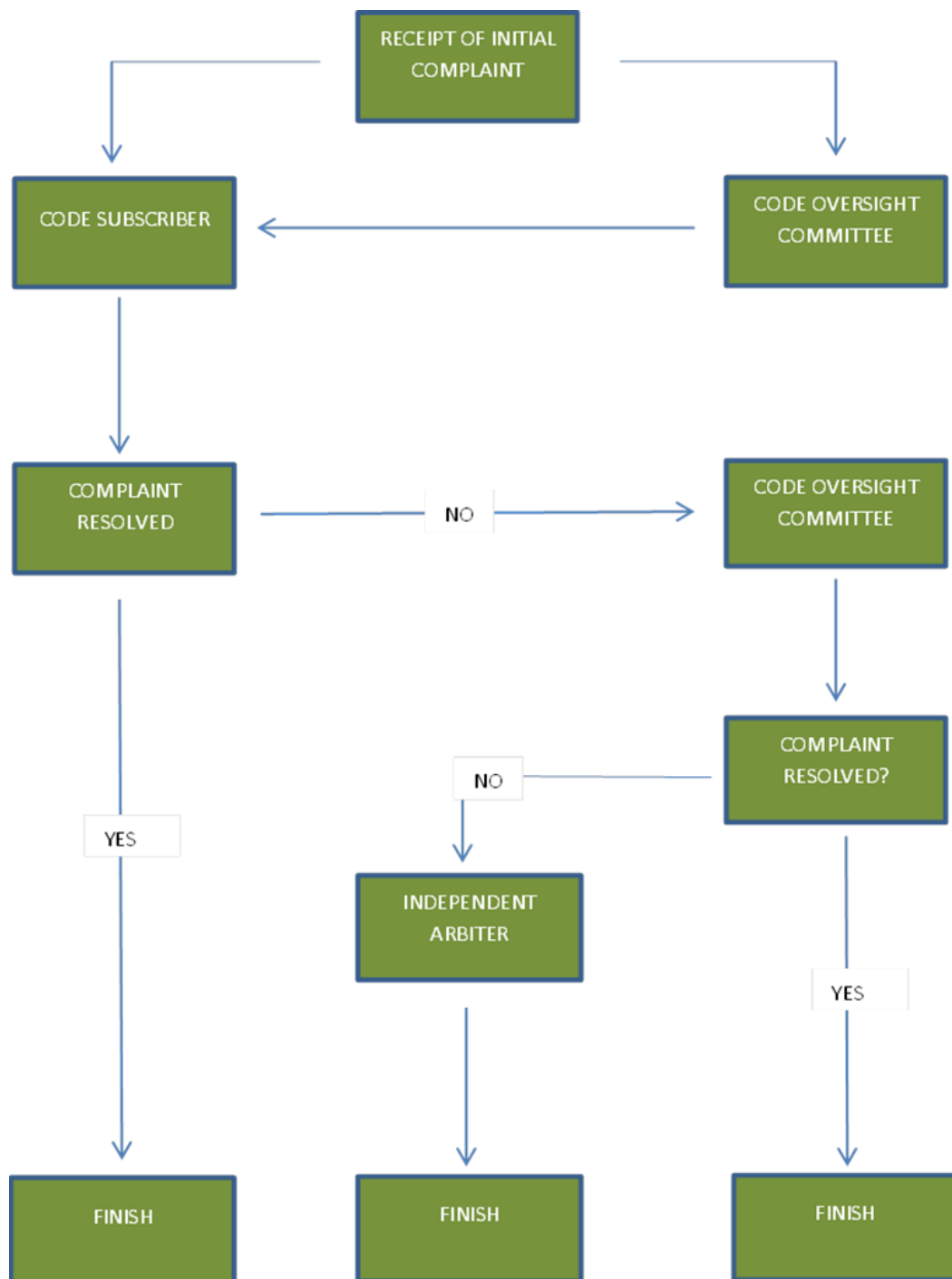
APPENDIX A - Subscribers to the Code of Conduct

As at 30 June 2024 there were six approved Code Subscribers, being:

- CoreLogic
- Domain / Pricefinder
- Equifax
- National Property Data
- PEXA Insights
- PropTrack / REA Group

In July 2024 Valocity Pty Ltd was approved as a Code Subscriber.

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

