



Annual Report
1 October 2010 – 30 June 2011

MESSAGE FROM THE CHAIR

The Personal Identification Information in Property Data Code of Conduct commenced on 1 October 2009.

The Code aims to help meet community and industry needs and expectations about the access to, and use of, personal identification information contained in the Queensland Valuation and Sales (QVAS) electronic database maintained by the Queensland Department of Environment and Resource Management (DERM).

During 2010-2011, the Code's website was established. It provides information about the Code and a convenient online means for property owners to request the suppression of their names and service addresses in the data bases of information brokers. Also during the year information brokers initiated education and training programs for their clients about the Code and the appropriate use of data. Complementary to this, the capacity of brokers for the handling and where necessary, the investigation of complaints, was increased through additional resources and improved methodologies.

The coming year, 2011-2012, will be one for increasing awareness of the Code and how it can assist consumers and industry. This will be achieved through increased communications with consumers and industry groups.

As Committee Chair, I would like to express my gratitude to my fellow Committee members, Kris Day and Kris Matthews, for their committed efforts during the past year. My gratitude also goes to Jodie Harling, the Systems Administrator who performs a vital support role for the Committee and its information systems.

My thanks also go to information brokers as members of the Value Added Property Information Broker Association Incorporated. The Association is a forum for industry engagement and provides the financial support for the administration of the Code.

Finally, thanks are due to the officers of DERM for their ongoing assistance in the Code's application.

Neil Lawson

Chair

Code Oversight Committee

CONTENTS

Industry and the Code of Conduct	5
<i>License Agreements</i>	
<i>Direct Marketing</i>	
<i>Industry Report</i>	
Governance	7
<i>Code Oversight Committee members</i>	
<i>Industry Involvement</i>	
<i>Value Added Property Information Broker Association Incorporated</i>	
<i>VAPIBA President's Report</i>	
Reporting period Operations	10
<i>Consumer Representative Report</i>	
<i>Promotion of the Scheme</i>	
Suppression Requests	12
<i>Total of Suppression Requests for the reporting period</i>	
<i>Timeframes for handling of Suppressions Requests</i>	
Dispute Resolution Frameworks	13
<i>Complaints and Disputes</i>	
<i>Lodging a Complaint with a Subscriber</i>	
<i>Lodging a Dispute with the Committee</i>	

Complaints and Disputes **15**

Complaints received by subscribers in the reporting period

Disputes received and investigated by the Committee

Timeframes

Outcomes - Consequences for a Breach of the Code

Complaints outside the provisions of the Code

Complaints outside the Committees Time Limits

Serious or Systemic Breaches of the Code **18**

Obligations of the Committee

What are systemic issues?

Identification of systemic issues

Investigation and resolution

Possible sanctions for serious or systemic breaches

Recording of systemic issues

Case Studies **20**

Case Study 1

Case Study 2

Case Study 3

Case Study 4

Summary of Financial Statements **22**

Appendix 1 – List of Participating Subscribers **23**

Appendix 2 – Definition of Terms **24**

INDUSTRY AND THE CODE OF CONDUCT

The Code of Conduct (the Code), was established to address concerns about the use of personal identification information being sourced from Queensland Valuation and Sales (QVAS) databases maintained by the Department of Environment and Resource Management (DERM).

The database contains the following information:

- details of the property, including the street address
- transaction details (e.g. purchase price and type of sale); and
- relevant details, i.e. names and service addresses of the vendors and purchasers.

The service address is to where formal correspondence is sent, for example, a rates notice and may differ from the property address.

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

Access to this information is generally requested by potential purchasers and professionals acting in property transactions, for example, solicitors and valuers.

License Agreements

Access to bulk data held in the QVAS database has been granted to a number of information brokers. This is in the form of a licence agreement obtained through DERM. A number of brokers' clients also access QVAS data through products distributed by the information brokers. The clients can include real estate agents, valuation agents, surveyors, financial institutions and members of the public. The products include additional data added by the information brokers from other sources. These may include photos of the property or a map of the property location.

The QVAS data fields containing the names and service addresses of purchasers and vendors (QVAS Identified Information) are only accessible to approved information brokers who subscribe to the Code.

The industry is responsible for the day-to-day operation of the Code and its associated dispute and sanction mechanisms, as well as overall management of the Code.

Information brokers worked with the Queensland Government to develop the Code of Conduct as a means for the industry to self-regulate the use of the data.

Importantly, Code membership is *mandatory* for a broker seeking to access personal identification data.

Before an information broker will be licensed by DERM to have electronic access to the QVAS data, the broker must be approved by the Code Oversight Committee as a subscriber to the Code and thereby be committed to comply with the requirements set out under the Code.

Subscribers to the Code include all the major information brokers operating within Australia. The Code came into effect on 1 October 2009.

Direct marketing

A fundamental aspect of the Code is to prevent personal identification information in QVAS data from being used for unsolicited direct marketing by businesses who were clients of licensed information brokers. Direct marketing includes, but is not limited to, telemarketing, bulk email messaging, postal mail outs and list brokering.

Names and addresses of persons are commercially available, as mailing lists, from sources other than the QVAS database. In some instances local governments make rate lists available or names and addresses are collected when members of the public enter competitions and complete entry forms with their personal contact details.

Industry Report

In the second year of operation it has been a pleasure to see the commitment of both the Broker Industry through the Value Added Property Information Broker Association (Incorporated) and the continued support of fellow Code Oversight Committee members, Neil Lawson and Kris Day.

This year continued the good work of the prior year, in particular the following key milestones:

- Receipt and handling of 14 suppression requests via the PIIPD website
- In addition the Code Oversight Committee reviewed one dispute resulting in the end user being found to have a non-systematic breach and therefore provided first and final warnings for subsequent breaches as well as a requirement to have all staff attend compulsory Code training.
- Broker developed Industry Training sessions and supporting material with in excess of 5 seminars hosted to over 400 end users
- Revised and enhanced PIIPD website, through the continued financial support of the broker industry – now represented with 7 Brokers and 3 Agents.

Kris Matthews – Industry Representative

Code Oversight Committee

GOVERNANCE

The Code Oversight Committee consists of three members: an independent Chair, a consumer representative and an industry representative. The role of the Committee includes the following

- approving and registering Information Brokers as Code Subscribers
- monitoring compliance with the Code by its subscribers
- receives, refers and investigates complaints
- determines sanctions on subscribers for failure to comply with the Code
- maintaining the Register of Suppression Requests
- maintaining a Register of Excluded Parties
- implement and maintain a Register of Code subscribers
- implement and maintain a Register of Excluded Parties and RequestSuppressions
- perform other tasks required to ensure effective operation of the Code

The Committee is independent of government but does have reporting obligations including the following:

- preparation and publication of annual reports;
- commissioning of an independent review every three years commencing August 2012.

The Committee developed further guidelines, the Terms of Reference, which include the setting out of the jurisdictional limits of the Committee. These Guidelines have been prepared to assist interested parties in understanding the powers, duties and procedures of the Code Oversight Committee. The Guidelines should be read in conjunction with the Code of Conduct.

Future amendments to the Terms of Reference can only be made by the Committee, in consultation with its stakeholders, appropriate individuals, industry and the Department of Environment and Resource Management.

Code Oversight Committee Members

Mr Neil Lawson

Independent Chair

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

Mr Lawson is a management consultant and ethics consultant and trainer in workplace and business conduct improvement. He is a past Commissioner for Consumer Affairs in Queensland and has held executive management positions in the private and public sectors including in government departments responsible for economic development and land administration.

Mr Kris Matthews

Industry Representative

Kris Matthews has over 15 years experience in the real estate and information technology industries.

Mr Matthews commenced with Micro Developments in May 1997 which was later acquired by RP Data in November 1999. In his current role he is responsible for overseeing Data Acquisition, Compliance, Governance and Operations across the RP Data Group.

Mrs Kristina Day

Consumer Representative

Kris Day has over twenty five years experience in the finance industry and more specifically in the consumer rights and complaints resolution sectors. Mrs Day was nominated by the Office of Fair Trading.

Mrs Day is active in the fields of developing and improving complaints management processes and procedures, including internal disputes resolution schemes, and consumer education.

Industry Involvement

The Value Added Property Information Broker Association (VAPIBA) is the body responsible for the financial administration of the Code of Conduct. It also provides a mechanism for the promotion and regulation of the industry. The Association was incorporated in December 2009.

All licensed Code subscribers are members of the Association and support it financially.

VAPIBA President's Report

It is my privilege to write the inaugural President's Report for the Value Added Property Information Brokers Association Incorporated (the Association) and to report on our activities since our incorporation in December 2009.

Our Association provides the foundation for the effective and ongoing operation of the Personal Identification in Property Data Code of Conduct (the Code). We provide the financial means that supports the operation of the Code Oversight Committee and, importantly, we provide the means by which property owners are able to manage access to their personal information as contained in the QVAS data held by Brokers.

We have come a long way since the initial Ministerial meeting in May 2008 and the formation of a Steering Committee of industry and Government representatives. From that loose amalgamation of interested parties we have created a recognised industry body where none existed and through our efforts, secured continued availability of an important data source.

Highlights

We have welcomed one new member since our inauguration, bringing the total number of members to ten; seven Brokers and three Agents.

The Code website, www.PropertyDataCodeofConduct.com.au, was developed and launched. This provides the public with information on the Code and most importantly, it provides an effective and accessible means for property owners to apply for suppression of their personal information in QVAS data held by Brokers.

Suppression requests are now being successfully received through the website. To date we have received 14 suppression requests, seven of which have been approved, three declined as they did not relate to a person, and the remainder are awaiting further proof of ownership.

I thank and congratulate members for maintaining the focus and good nature required to get to where we are today.

In closing I make special mention of the great work done by the Association Treasurer and Secretary, Kris Matthews and his assistant Jodie Harling. Between the two of them they have ensured the smooth operation of our Association and kept members fully up to date. Their commitment and support has been invaluable.

Thank you and best regards,

Yan De Horta

President VAPIBA

REPORTING PERIOD OPERATIONS

The Committee has a responsibility to ensure consumers and subscribers are kept informed and the scheme is widely promoted. Public awareness of the scheme is imperative to ensure that consumers who experience problems with issues prohibited under the Code are aware of their rights and who they can lodge a complaint with if required.

Consumer Representative Report

It has been a challenging year, but in terms of organisational efficiency and operational outcomes the scheme has been successful. The objectives set in the initial phases have all been delivered upon due to the continuing efforts from all concerned.

Complaints schemes play a vital role in the broader consumer protection framework. They provide a forum for consumers to resolve complaints against industry that is quicker and less expensive than the formal legal system and an opportunity to improve industry standards of conduct and to also improve relations between industry participants and consumers.

The ongoing development of this scheme will promote better outcomes both for the industry, as subscribers to the Code, and for consumers and other stakeholders. These outcomes include greater accessibility, consistency and efficiency.

In accordance with the requirements under the Code, the Committee will commission an independent review of the operations and procedures of the scheme in August 2012.

The Committee considers such a review to be prudent, good management practice and it is our intention that this report will assist in the ongoing desire and intentions of both industry and the Committee to see continuing improvement of the scheme.

It is envisaged that specific benchmarks such as: accessibility; independence; fairness; accountability; efficiency; and effectiveness will be addressed. They are meant to act as a guide to good practice for industry sectors which intend setting up a scheme to resolve disputes between industry members and individual consumers who utilise their goods or services. For existing schemes such as this one, they will provide objective guidance on the practices to aim for in the operations of this scheme.

In conclusion, I would acknowledge the dedicated work and commitment of industry, my other Committee members and a special mention to Jodie Harling, who has been a fantastic source of ongoing assistance. I thank them for their co-operation, teamwork and support throughout the year.

Kris Day

Consumer Representative, Code Oversight Committee

Promotion of the Scheme

Education of the real estate industry – Prohibition of direct marketing

Promotion of the Code and related compliance and enforcement activities of the Committee, particularly in relation to prohibited direct marketing will remain a focus of promotional literature as we move forward.

In the current reporting period, seminars were conducted across Queensland which saw large numbers of attendees. The seminars were organised and conducted by a major information broker and subscriber to the Code.

It is intended that future seminars by brokers will be held as part of an ongoing interest from within industry and the Committee in order to ensure that future compliance with the Code's requirements are understood and met.

Case studies

Case studies will be regularly posted on the website. These provide consumers with an opportunity to be informed about what sort of complaints the Committee can investigate.

Case studies also alert subscribers to possible problem areas with their procedures and enable them to make changes with a view towards minimising complaints before they escalate to a dispute.

Publications

A brochure, specifically designed to educate and inform consumers about the Code, the ability to request suppressions and how to lodge a complaint is to be widely distributed to real estate agents and other industry specific entities.

Website

The website contains important information about the Committee's jurisdiction and processes.

On our website you can find:

Our publications

Information about how to lodge a dispute

Complaint resolution contact details for subscribers to the Code

Case Studies

Online suppression Request Forms

SUPPRESSION REQUESTS

Consumers may apply via the website, to have their personal identification information suppressed and added to a Register of Request Suppressions. Subscribers must then suppress that information within their systems.

Code subscribers are required to action suppression requests within thirty days of receiving notification of the request. It is a requirement under the Code that subscribers must reasonably cooperate with all requests to suppress QVAS identified information.

The personal information that can be suppressed is the name or names of the persons who are purchasers or vendors and the address they have nominated for service (i.e. their service address). Property held in the name of an incorporated body such as a Proprietary Limited company, is not eligible for suppression.

Table 1 - Total of Suppression Requests for the reporting period

Suppression requests	Up to 30 September 2010	Number of Properties	Up to 30 June 2011	Number of Properties
Received by Committee	93	43		
Lodged online			14	14

It should be noted that due to the Code taking effect as of 1 October 2009, and the ability for online requests to take place then becoming effective 1 October 2010, the comparison in the above table is not a significant indicator at this time as to the overall effectiveness of the web based online 'request for suppression' system.

This will be the subject of an ongoing monitoring process by industry and the Committee. The online system also means that for each property to be suppressed, an individual request must be submitted. This also explains the previous reporting period figures where we have the 93 to 43 ratio in the above table.

In the current reporting period, the total number of suppression requests was 14; with 7 being approved, a further three were declined due to the request not being made by an individual property owner and the four remaining requests were subsequently not acted on due to rates notices not being provided as proof of the service address (Refer Table 1).

Timeframes for completion of Suppression Requests

Two suppression requests of the total received were initially reported to have not been completed within the thirty day timeframe. After investigating the matter, it was found that they were in fact completed in accordance with the Code's requirements but advice was not received via the online system from the subscriber that this had indeed taken place.

DISPUTE RESOLUTION FRAMEWORKS

A *complaint* is the term given to communications from consumers when they express dissatisfaction with a subscriber's service. Under the Code, all subscribers are required to have a documented internal dispute resolution (IDR) framework in place in order to deal with consumer complaints.

Consumers must try to resolve their complaint with the subscriber before the Committee can consider the matter. If consumers make contact with the Committee before using the subscriber's internal complaint process, the Committee will refer them to the nominated complaints person in authority at the relevant subscriber's office to give them the opportunity to resolve the matter.

A *dispute* is a complaint which has not been resolved through the subscriber's internal dispute resolution process or where the proposed resolution by the subscriber is not acceptable to the consumer. The dispute must be put in writing to the Committee.

Lodging a complaint with a subscriber

In the first instance, consumers must direct all complaints to the relevant subscriber. The website contains contact names and other details for the nominated complaints officer at each subscriber.

If the matter has been dealt with internally by the subscriber and the consumer remains dissatisfied or if they had brought their complaint to the attention of the subscriber but with no response or resolution after thirty days, the Committee will then lodge the complaint as a dispute.

Lodging a dispute with the Committee

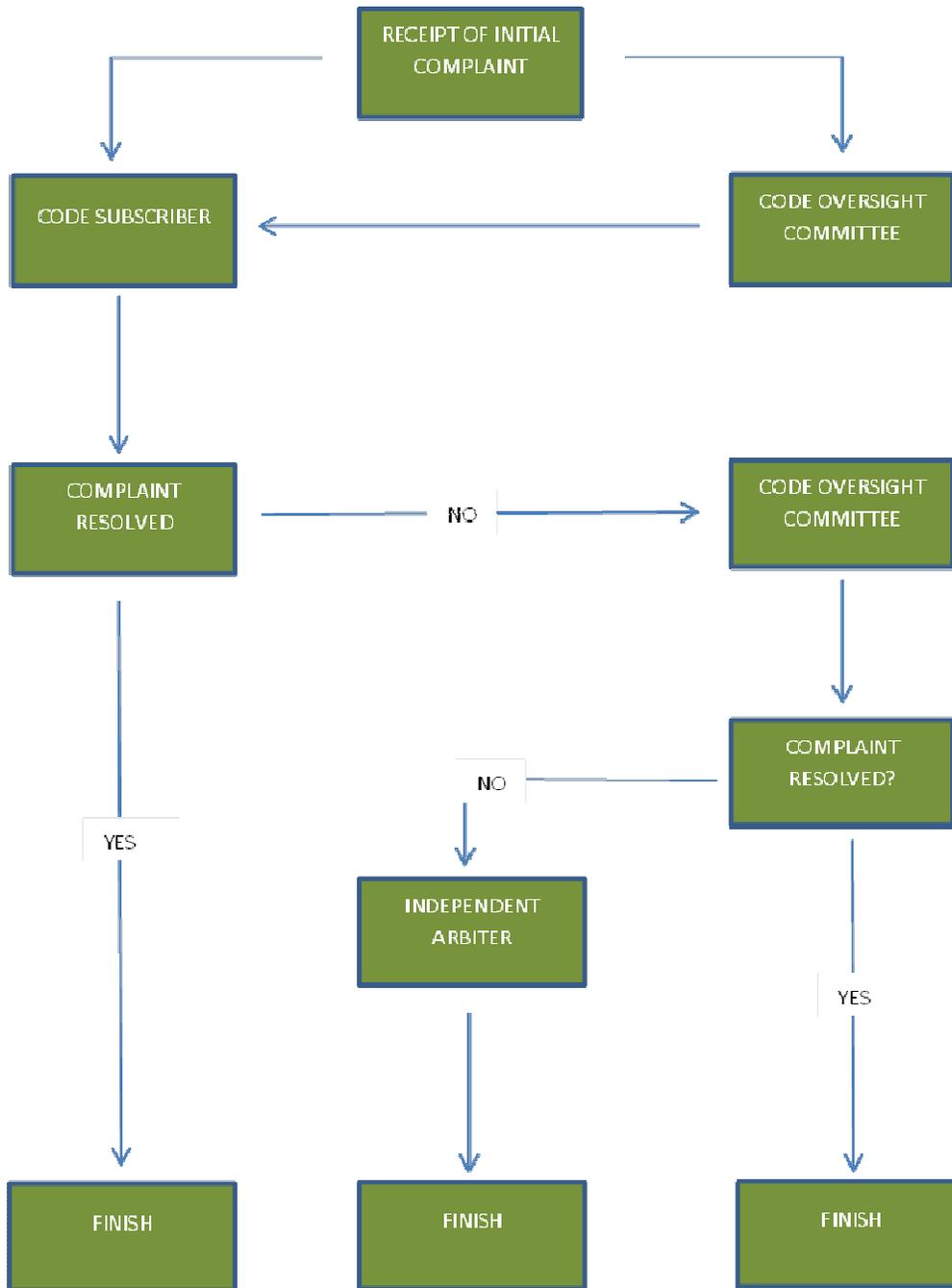
Following receipt of an unresolved complaint, the Committee will make an initial assessment of whether the basis of the complaint falls within the jurisdictional limitations and provisions of the Code. If it is not covered by the Code, the Committee will be unable to accept the dispute and the consumer will then be advised in writing of the reasons why an investigation will not take place.

If, however, the dispute falls within the ambit of the Code, the Committee will conduct a detailed investigation and will then make a decision.

If either the subscriber or the consumer is not satisfied with the outcome of the Committee's consideration of the matter, the Code then provides for the use of an independent arbiter. The cost of the arbitration is borne by the subscriber involved with no fee being charged to the consumer.

The decision of the independent arbiter is binding on the subscriber.

Dispute Resolution Process



This process is in line with the majority of complaints processes across a broad range of industries.

COMPLAINTS AND DISPUTES

Complaints received in the reporting period

A total of 38 complaints were received by subscribers in the reporting period. A total of 8 complaints received by the Committee were redirected back to the relevant subscriber due to the internal dispute resolution process not having been utilised. (Refer Table 2)

Table 2 – Total of complaints received

Complaints	Up to 30 September 2010	Up to 30 June 2011
Received by Committee	11	8
Received by subscribers	-	38
Received by external agencies	-	1

Disputes received and investigated by the Committee

During the year under review there was one dispute registered with the Committee, with two incomplete disputes carried over from the previous reporting period. As of 30 June 2011, two cases were closed with one remaining open at the end of the period.

Timeframes

Time taken to resolve disputes investigated by the Committee were all within the sixty day timeframe. In some cases, the timeframes for resolution can be significantly delayed due to factors such as reports being finalised by subscribers or otherwise waiting on receipt of other relevant correspondence from consumers who have lodged a dispute. (Refer Table 3)

Table 3 – Days taken to resolve disputes

Number of days to resolve	30 days	60 days	90 days
Disputes		2	

Outcomes - Consequences for a Breach of the Code

The consequences of a breach of the Code by a Code subscriber, their agent or client can be very serious. The Code subscriber can lose access to personal identification information in the QVAS database and the Code subscriber's agent or client can lose access to the same data from their information broker.

The party or parties responsible for the breach can be listed as 'Excluded Parties' under the Code and denied access to the QVAS personal identification information data. The Code

subscriber's client, such as a real estate agent, who is listed as an 'Excluded Party', cannot then obtain the data from any other subscriber.

In making a decision the Committee may make any of the following types of orders requiring the subscriber to undertake immediate remedial action including, but not limited to, changes to documentation, and/or changes to business processes, and/or advertising

- require the subscriber to remove specified personal identification information from its data
- require the subscriber to cease providing data and/or services to its customer or other third party
- require the subscriber to undertake privacy training
- issue a warning to a subscriber regarding the impact of any further breaches on future sanctions
- suspension of Code membership for 1- 6 months - resulting in the suspension of their QVAS user license

It is the responsibility of the subscriber to establish binding agreements with its customers, agents or other third parties who gain access to the information. These agreements should reflect the prohibition on direct marketing using personal identification information.

Further statistical information will be made available in the report on the 2011 to 2012 period of operations. This will include categories of complaint types, timeframes on complaints and outcomes.

Complaints outside the provisions of the Code

The Committee has an absolute discretion to decide whether or not to consider a complaint. It may decline to consider a complaint where it falls outside the Committee's powers or authority as provided for by the Code.

Some of the types of complaints that the Committee may consider but decide not to act on, may include

- complaints that are more appropriately dealt with in another forum, provided that they do not involve a breach of the Code
- complaints that have not first been considered by the subscriber
- complaints arising prior to the date of commencement of the Code, being 1 October 2009
- Settlement already reached with subscriber or the internal complaint process has not been satisfied

Complaints outside the Committee's time limits

The Committee cannot accept a dispute if;

- the complaint relates to an event which took place more than 12 months before the date on which the consumer made the complaint to the subscriber in writing, or
- the event occurred before the subscriber became a subscriber to the Code, or
- where the complaint is between a consumer and an agent, the business of which has been acquired by a subscriber, and if that agent was not an agent of the subscriber at the time the events occurred.

No disputes received by the Committee in the current reporting period were subsequently found to be outside the jurisdictional time limitations of the Committee.

SERIOUS OR SYSTEMIC BREACHES OF THE CODE

Obligations of the Committee

When dealing with serious or systemic issues, the obligations of the Committee are

- to identify systemic issues that arise from its consideration of complaints;
- to refer these matters to the subscriber for response and action; and
- to impose remedies or sanctions.

The obligation of the Committee to investigate serious or systemic issues is of significant benefit to consumers in the long term in that it will raise industry standards.

What are systemic issues?

Systemic issues are those that are raised in a complaint/dispute with the Committee and appear to either have affected, or have the potential to affect, a number of consumers in addition to those who have complained to the Committee.

Identification of systemic issues

The Committee is required to report all systemic issues to DERM. A systemic issue may be identified either by receipt of several disputes of the same type or as the result of only one dispute where the effect of the particular issue in dispute will clearly extend beyond the immediate parties.

Investigation and resolution

A serious or systemic breach of the Code can be found by the Committee following the investigation of a complaint. A determination that a serious or systemic breach has occurred is then provided to the Code subscriber in writing requiring a detailed response.

The following actions would be seen to constitute a serious or systemic breach of the Code:

- the Code subscriber has been responsible for substantial harm to consumers or the reputation of the industry
- the Code subscriber has engaged in repetitive or ongoing noncompliance
- the Code subscriber has ignored the Committee's request to remedy a breach or failed to do so within a reasonable time
- the Code subscriber has breached an undertaking given to the Committee.

Possible sanctions for Serious or Systemic Breaches

Where the Committee has made a decision that there has been a breach by a Code subscriber, the Committee may impose any of the following sanctions but are not limited to:

- require the Code subscriber to undertake immediate remedial action including, but not limited to, changes to documentation or internal processes, and/or corrective advertising;
- require the Code subscriber to remove QVAS Identified Information from its data
- require the Code subscriber to remove specified Personal Information from its data
- require the Code subscriber to cease providing data and/or services to a Code subscriber's agent or other third party
- issue a warning to a Code subscriber regarding the potential impact of any further breaches on future sanctions.
- publication of the name of the Code subscriber and the nature of the serious or systemic breach in the annual code compliance report or in other publications
- suspension from membership of the Code for a period of between one and six months, at the discretion of the Committee, and/or
- permanent suspension from membership of the Code and listing on the Register of Excluded Parties.

In cases where the Committee has determined to impose a sanction that involves suspension from membership of the Code, the Committee will advise the DERM, so that it will then suspend provision of Personal Information under the subscriber's licence.

Recording of Systemic Issues

The Committee is responsible for the recording and maintenance of the Register of Excluded Parties. There were no serious or systemic breaches of the Code identified in the reporting period.

CASE STUDIES

Case Study 1

The case involved the purchase of a Queensland property by a company based in New South Wales. The Sydney-based solicitors for the company wrote to the Code Oversight Committee and asked if their client's name and contact details could be suppressed in the data bases of information brokers. The Committee advised the solicitors that their clients were not eligible for suppression.

The solicitors were advised that it was not relevant the owner operated in NSW, the important aspect was that the property was based in Queensland and accordingly it could be considered for suppression.

However, it was further explained that as the owner of the property was a company, and not an individual, the Code did not apply and suppression could not then be acted on.

Companies, or other incorporated entities, are not considered to have the same privacy issues as individual consumers and the Code does not apply.

Case Study 2

A young couple had recently sold their home and purchased another property but were awaiting settlement before they moved in. They contacted the Committee and asked if their names and addresses could be suppressed in relation to the property they had sold as well as their new property.

They were advised that their names and services address could be suppressed for the property they had just sold because vendors' personal identification information can be suppressed under the Code if requested.

They were further advised that because they were still awaiting settlement on the new property their names and service address would not yet be in the QVAS data base and could not be suppressed in advance.

They were also advised that because there was a risk, however remote that the sale might not go through, suppression could not be made until the new ownership information was confirmed and they could provide proof of ownership.

Case study 3

The case involved a complaint about an agent working for a real estate firm. The agent had sent letters offering their services to the owners of units in an apartment complex in Brisbane. In several instances the letters went to persons who owned the units but did not live there. Some of the property owners lived in regional Queensland and interstate.

A dispute was lodged with the Committee, who then contacted the subscriber with whom the real estate agent was a customer. The subscriber prepared a report for the Committee.

Where a dispute is lodged the Committee has the responsibility of making decisions which may result in sanctions being imposed on a subscriber and/or their customers. The standard of proof under the Code is the same as the civil law standard that is, after taking into account the evidence adduced, what is considered more likely to have occurred on the balance of probabilities.

It was determined by the Committee that there had been a breach of the Code by one particular agent but that the breach was not of a systemic breach in nature by the real estate firm as a whole. The agent concerned had left the firm. The real estate firm was required to ensure all its agents attended training in the Code of Conduct and complied with the Code.

If the real estate agent committed a further breach of the Code of Conduct the consequences could be serious. The agent could be found to be in breach of their contract with their information broker and be declared an "Excluded party" under the Code and have their access to names and service addresses for all Queensland property owners suspended.

This suspension would mean that the agent could not meet its own nor its clients' needs for property information. Suspension could be for a month or more or permanently in very serious cases.

Case Study 4

A real estate agent prepared a summary of the sale prices of houses in a local area and named the streets in which the houses were located. He then had the information delivered to local residents as a marketing ploy. One resident complained to both the Committee and a subscriber. He thought that people reading the marketing material would be able to work out how much he had paid for his house.

The Committee advised him that he could request that his name and his service address be suppressed. However, it was explained that the Code did not provide for the suppression of other information about a person's property, for example, its street address, the purchase price, or when it was purchased. It was further explained that there are significant community benefits in potential property buyers being well informed about property prices and such information is important to an effective and well-functioning real estate market.

The resident said that he understood the reasoning but still felt annoyed about the real estate agent's material and said that he would never use or recommend that agent or their firm.

SUMMARY OF FINANCIAL STATEMENTS

1 October 2010 – 30 June 2011

Code Subscriber Contributions	10,250.00
Oversight Committee Fees – Neil Lawson, Chairman & Kris Day, Consumer Representative	(6133.69)
Oversight Committee Fees – Kris Matthews, Industry Representative	Nil
Administrator Fees – Jodie Harling, Administrator	Nil
Website Development Fees	Nil
Other Expenses – Postage, Bank Fees	(861.58)

APPENDIX 1

List of Participating Subscribers to the Code

RP Data Limited

6 Eagleview Place

Eagle Farm Qld 4009

CITEC Confirm

Level 3, 192 Ann Street

Brisbane Qld 4000

GlobalX Information Services Pty Limited

GPO Box 2746

Brisbane Qld 4001

Residex Pty Limited

6/21 Walker Street

North Sydney NSW 2060

Veda Advantage Information Services

And Solutions Limited

Level 15, 100 Arthur Street

North Sydney NSW 2060

Australian Property Monitors Pty Ltd

Level 1, Darling Island Road

Pymont NSW 2009

Onthehouse.com.au Pty Ltd

4/55 McDougall Street

Milton Qld 4064

Sub Agents

Property Data Solutions

92 Petrie Terrace

Brisbane Qld 4000

Searchess Pty Ltd

Lvl 9, 333 Adelaide Street

Brisbane, Qld 4000

Leap Searching Pty Ltd

Level 8, 189 Kent Street

Sydney NSW 2001

APPENDIX 2

Definition of Terms

Code subscriber

An information broker that has agreed to be bound by the Code and has been approved as a member by the Code Oversight Committee

Code subscriber customer

An individual or organisation that purchase or otherwise obtains QVAS Identified Information from a Code subscriber

Code Oversight Committee

The Committee administering the Code

Consumer

An individual whose personal information appears in any field in the QVAS database

DERM

The Department of Environment and Resource Management responsible for the QVAS database

Direct Marketing

One to one marketing, normally supported by a database, which uses one or more media to affect a measureable response and/or transaction from a person and includes, but is not limited to, telemarketing, bulk email, postal canvassing and list brokering

Independent Arbiter

An independent person with expertise in dispute resolution, appointed by the Code Oversight Committee

Information Broker

Information brokers are organisations which acquire data and information and provide it to their customers. The data and information is often obtained from multiple sources and is assembled according to the customer's needs.

Customers of information brokers include banks, other finance providers, real estate agents, lawyers and other professional advisers, and members of the public.

Personal Information

Information or an opinion (including information or an opinion forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the opinion or information

PIIPD

Personal Identification Information in Property Data

QVAS Database

The Queensland Valuation and Sales System database administered by the Department of Environment and Resource Management.

QVAS Identified Information

Database fields containing the names and service addresses of purchasers and vendors which are only accessible to approved information brokers who subscribe to the Code.

VAPIBA

The Value Added Property Information Broker Association Incorporated – the industry body responsible for the financial administration of the Code.

CONTACT DETAILS

WWW.PROPERTYDATACODEOFCONDUCT.COM.AU

INFO@PROPERTYDATACODEOFCONDUCT.COM.AU