



Personal Identification
Information In Property
Data Code of Conduct

2015 – 2016

ANNUAL REPORT

The 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 2015-2016 Annual Report for the Personal Identification Information in Property Data Code of Conduct. The Code of Conduct has been operational for seven 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 breaches of the Code and requests by consumers for the suppression of their personal identification information.

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). Without the participation of the brokers the Committee could not perform its role.

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 Ms Jodie Hughes, the Code's Administrator who provides excellent secretariat support to the Committee.

Finally, I wish to acknowledge the advice and assistance of officers of the Department of Natural Resources and Mines. As the source of the QVAS data and the authority which licenses the use of that data, there is a productive and collaborative working relationship between the Department, the Committee and Code Subscribers.

Neil Lawson

Chair, Code Oversight Committee

The Code of Conduct

The *Personal Identification Information In Property Data Code of Conduct*, was introduced on 1 October 2009. It was designed to address consumer concerns about the inappropriate use of personal identification information sourced from Queensland Valuation and Sales (QVAS) databases maintained by the Department of Natural Resources and Mines (DNRM). Amendments to the Code of Conduct can be made in consultation with stakeholders, namely the Committee, industry and DNRM.

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 DNRM. 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.

Other transaction details, such as the sale price of the property are not covered by the Code.

The 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
- receiving and investigating unresolved complaints
- imposing sanctions on subscribers or their customers for failure to comply with the Code
- maintaining a Register of Suppression Requests
- maintaining a Register of Excluded Parties

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 an independent review of Code operations every five years. The next review is due in October 2017.

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 and Mines.

Mr Lawson has worked as a management consultant and has held executive management positions in the private and public sectors. He is a past Commissioner for Consumer Affairs for Queensland. Mr Lawson is an ethics consultant and trainer in workplace conduct matters in the public sector.

Mr Kris Matthews - Industry Representative

Kris Matthews has over 18 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. RP Data is now known as CoreLogic and in his current role, Mr Matthews is responsible for overseeing Emerging Markets, which includes strategic partnerships, acquisition and International Business Development.

Ms Fiona FitzPatrick - Consumer Representative

Fiona FitzPatrick has worked in legal and managerial roles in both the private sector and with the State and Federal governments. Her experience at the Office of Fair Trading has given her an understanding of consumer issues, including direct marketing, from the perspective of both consumers and business. Ms. FitzPatrick also has expertise in dispute and complaint management and in alternative dispute resolution.

Ms Jodie Hughes - Administrator

Jodie Hughes is the Administrator for the Code Oversight Committee and the Value Added Property Information Brokers Association. Her role includes administering the Personal Identification Information Property Data Code of Conduct website.

Ms Hughes has been with CoreLogic since 2008 with roles as an Executive Assistant, Paralegal and the Assistant Privacy Officer. Prior to her commencement with CoreLogic, Ms Hughes worked in the real estate industry for five years.

Ms Hughes contributes to the case management of complaints by documenting and recording all incoming correspondence and alerting Code subscribers to complaints received. Ms Hughes also assists with quality assurance and the management of external relationships.

Information brokers

Before an information broker will be licensed by DNRM to have electronic access to QVAS name and address data, the broker must be approved by the Code Oversight Committee as a Subscriber to the Code and must agree to comply with the Code. 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.

Subscribers to the Code include all the major property data information brokers operating in Queensland. Code membership is mandatory for a broker seeking to access personal identification data from QVAS.

Contact details for each of the Subscribers to the Code are listed on the Code's website and in *Appendix A* to this report. *onthehouse* is no longer a separate Code Subscriber as its business was acquired by CoreLogic during 2015-2016

VAPIBA

The membership of the Value Added Property Information Brokers Association Incorporated (VAPIBA) is made up of the licensed information brokers who are Code Subscribers. 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, where applicable.

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 approved information brokers who subscribe to the Code.

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

Direct marketing

The Code is designed to prevent names and or service addresses in QVAS data being used for unsolicited direct marketing by the customers of licensed information brokers. The Code only prohibits direct marketing where the name and or address for service are obtained from the

QVAS database. Direct marketing includes telemarketing, bulk email messaging, postal mail-outs and list brokering.

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

Complaint resolution

Consumers can lodge a complaint with a 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;

- 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;
- complaints that on the balance of probabilities have no basis in fact;
- complaints that arose prior to the date of commencement of the Code, 1 October 2009; and
- complaints that the Committee has already considered and determined and there are no reasonable grounds for the matter to be re-opened.

The Committee will not usually consider a complaint which has been settled. An exception may arise if there is evidence of serious or systemic breaches of the Code or if the data user has not complied with the terms of the complaint's settlement.

The Committee will not accept complaints brought outside the following time limits:

- where the event occurred before the Subscriber became a subscriber to the Code;
- where the act or omission occurred more than 12 months before the date on which the consumer made the complaint to the Subscriber in writing;
- where the complaint is between a consumer and a data user, 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 (which are the subject of the complaint) occurred.

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

Developments in 2015-2016

During 2015-2016 developments in the administration and promotion of the Code of Conduct included:

- The Committee continued to mentor and coach individual Code Subscribers to build their compliance and complaint handling capabilities. It also worked to help embed the Code of Conduct in their business practices and in their relationships with clients who use QVAS data. It delivered training for Code Subscriber privacy officers to standardise complaint handling processes and to enhance the capacity of subscribers to investigate and resolve complaints. It provided Subscribers with a copy of a complaint handling guide and template correspondence. The feedback from privacy officers was very positive, with a request that these education sessions be conducted on a regular basis.
- Updating the Code of Conduct's website (www.propertydatacodeofconduct.com.au).
- After consultation with DNRM, the Committee wrote to the Department of Communities, Child Safety and Disability Services (DCCSDS) alerting them to the

availability of suppression of personal identification information under the Code for persons at risk of domestic violence. DCCSDS publishes a resource for victims of domestic violence titled *Increasing your safety* and provides advisory services.

Industry representative's report

I would firstly like to thank my fellow Committee members, Neil Lawson and Fiona FitzPatrick for their passion and professionalism throughout the past year.

I would again like to extend thanks to Code members and in turn VAPIBA for its continued support, not only financially to the running of the Code, but also for the members' commitment to actively engage with the Committee and in turn action Committee instructions and requests diligently.

As is highlighted throughout this report, the year ending June 2016 to a large degree has been in line with the previous year with 30 complaints in 2014/15 versus 37 in 2015/16. Other significant accomplishments by the Committee with the drive and vision of Neil and Fiona occurred, such as but not limited to:

- Pro-active engagement with REIQ
- Pro-active engagement with brokers Privacy Officers and a review of all brokers' terms & conditions of use, privacy statements and a subsequent recommendations paper for standardisation of same.
- Pro-active engagement with DNRM, with regards to Code performance and recommendations supporting the Code in the next QVAS Valued Added Broker Agreements

I wish to thank Jodie Hughes for her continued and invaluable assistance in administering the Code. I look forward to continuing to work with both Industry and the Committee throughout 2016/17 as we continue to grow the recognition and education of the Code.

Kris Matthews
Industry Representative, Code Oversight Committee

Consumer representative's report

The objects of the *Personal Identification Information in Property Data Code of Conduct* are to:

- *Mandate a high degree of privacy protection* for bulk data access to QVAS Identified Information;
- *Develop a culture of confidence and trust in the services provided by Code Subscribers* regarding the collection, use, storage and disclosure of all Personal Information; and
- *Demonstrate a commitment to best practices* regarding the secure, proper and consistent handling of all personal information.

To this end the Code obliges Code Subscribers to ensure that the Prohibition on Direct Marketing extends to Code Subscriber Customers and any third parties who gain access to QVAS Identified Information. It obliges Subscribers to establish a binding legal agreement with all Code Subscriber Customers and any third parties who gain access to QVAS Identified Information and to include mandatory terms. The licence agreement between the Department and Subscribers mandates copyright notices and also prescribes standard terms and permitted use terms for agreements between a Code Subscriber/Licensee and its Consultants, Agents and Customers. The Committee is working with Subscribers to ensure that these requirements are being uniformly observed.

Over the last 12 months the Committee has continued its efforts to educate stakeholders about their rights and obligations under the Code. Consumers are making increasing use of their right to seek suppression of their personal information.

Code Administrator Jodie Hughes, consistently provides prompt and informed support to consumers, Subscribers and the Committee and I thank her for her valuable contribution.

I welcome feedback from consumers or consumer groups about how I can most effectively represent their interests under the Code. I can be contacted by email at info@propertydatacodeofconduct.com.au or in writing at GPO Box 1815, Brisbane, Queensland 4001.

Fiona FitzPatrick
Consumer Representative

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, Code Subscribers are advised and they apply the suppressions to their databases. Code Subscribers must suppress any personal identification information within their systems within thirty days of receiving the request from the Committee.

Land Valuation Act 2010.

Consumers who want to apply to suppress their personal information at the source, namely in DNRM's valuation roll, can make an application under the *Land Valuation Act 2010* at www.dnrm.qld.gov.au. However, the only reason for which the Valuer-General will suppress

ownership details in the valuation roll is one of risk to a person’s safety or property, whether the person is the landowner or a person living at that address (s188 of the Act). If granted, a suppression direction by the Valuer-General will be effective for five years and may be renewed on a further application. Where a suppression direction is granted, the person’s details will also be suppressed from the results of a name search of the relevant land register. The person’s details will not be provided to Code subscribers.

Suppressions under the Code during 2015-2016

During 2015-2016 there were 59 suppression requests approved by the Committee.

Table 1 - Total of approved Suppression Requests

Suppression requests	1 July 2011 to 30 June 2012	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
Lodged	46	43	43	44	59

Complaints

Of the total of 37 complaints received during 2015-2016, most involved alleged breaches by real estate agents. Of the complaints received, 18 were received from the public by the Code Oversight Committee while 19 were received by Code Subscribers.

After investigation, 12 breaches of the Code of Conduct were found to be substantiated. In most cases, it was the agent’s first breach and the agent was given a warning and required to attend training on their obligations under the Code of Conduct, with an emphasis on the prohibition of direct marketing. One agent was found to have committed a second breach and was placed on the Register of Excluded Parties for two months. Entities on the Register cannot access QVAS name and service address data.

Table 2 – Complaints received

Total Complaints	1 July 2011 to 30 June 2012	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

Complaints Received	47	22	65	30	37
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The Committee is confident that the level of complaints reflects a growing awareness and commitment to Code compliance amongst Code Subscriber customers.

Register of Excluded Parties

There was one addition to the Register of Excluded Parties in 2015-2016 for a period of two months.

Financial statement

1 July 2015 - 30 June 2016

Balance carried Forward 1 July 2015	39,640.05
Code Subscriber Contributions	25,600.00
Oversight Committee Fees – Chair Neil Lawson and Consumer Representative Fiona FitzPatrick	-24,405.60
Oversight Committee Fees – Industry Representative Kris Matthews	Nil
Administrator Fees – Jodie Hughes	Nil
Website Development Fees	-3,750.00
Insurance	-1,905.00
Other Expenses – Postage, Bank Fees, lodgement fees	-591.63
Balance at 30 June 2016	34,587.82

APPENDIX A- SUBSCRIBERS TO THE CODE

As at 30 June 2016 there were five Code Subscribers, being:

APM PriceFinder Level 7, 140 Ann Street, Brisbane Qld 4000

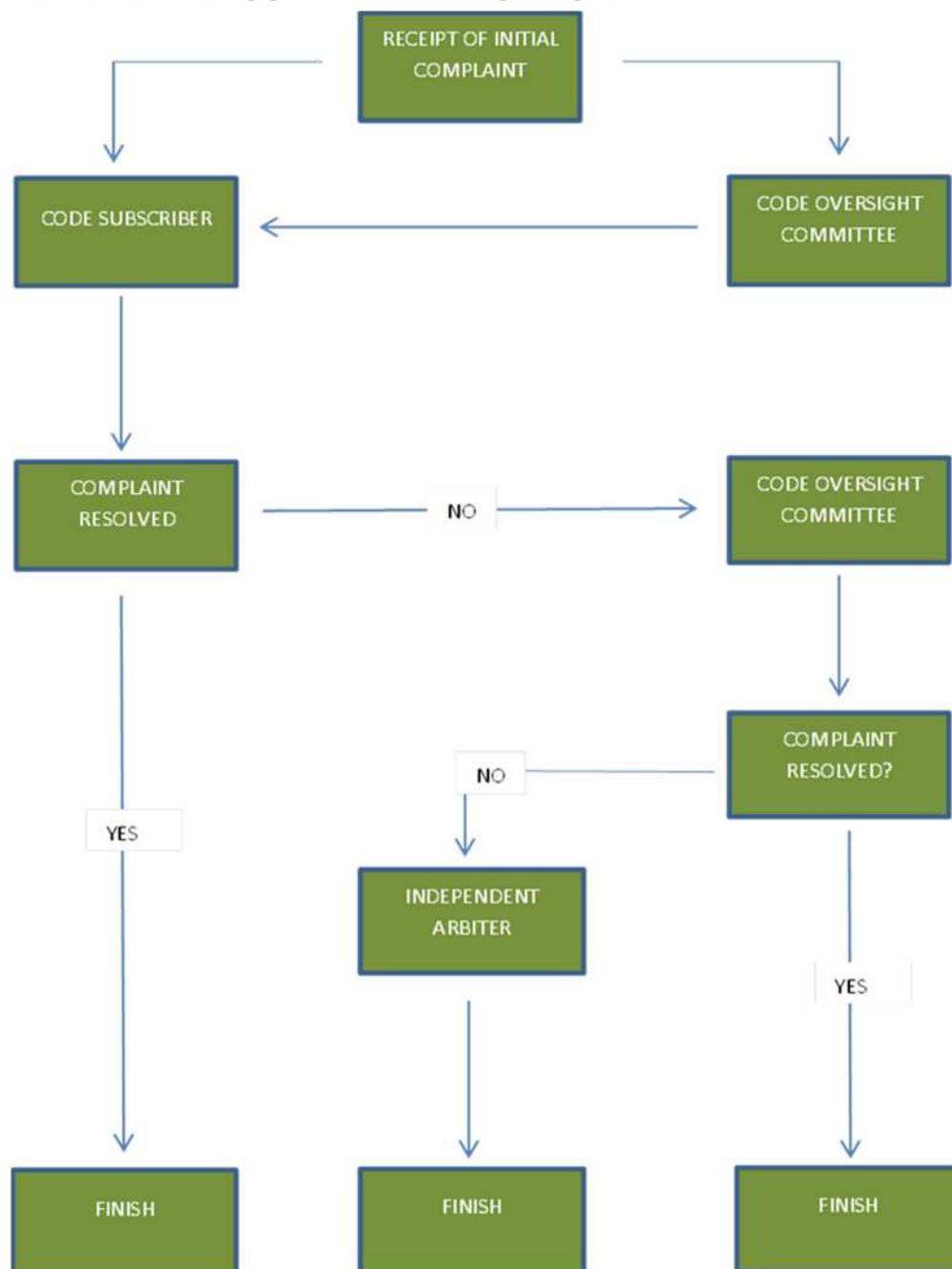
CITEC Confirm 317 Edward Street, Brisbane Qld 4000

CoreLogic (previously RP Data Pty Ltd) 6 Eagleview Place, Eagle Farm Qld 4009

onthehouse.com.au Pty Ltd Level 2, 200 Adelaide Street, Brisbane Qld 4000

Veda Level15 100 Arthur Street, North Sydney 2016

APPENDIX B: COMPLAINT FLOW CHART



Code Oversight Committee

GPO Box 1815 Brisbane, Queensland 4001

Email: *info@propertydatacodeofconduct.com.au*

Website: *www.propertydatacodeofconduct.com.au*

