

# McNamara Law Privacy Policy

McNamara Law adheres to the Australian Privacy Principles (APPs) in addition to our professional obligations of confidentiality. This Privacy Policy outlines how we collect, use, hold, and disclose personal information, including information stored both onsite and in secure Australian-based cloud environments. It also incorporates our Rapid Deletion Policy and the Cost Agreement Clause.

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## 1. Purpose of Collecting Personal Information

We collect, use and hold personal information only for the purposes of:

- Providing legal services to you or others as instructed by you; and
- Carrying out our business functions, including meeting any legal and professional requirements.

The nature and type of information we collect depends on the nature of our dealings with you. We usually collect personal information directly from the person to whom it relates, although due to the nature of legal work we may also require information relating to other persons relevant to your matter.

Information collected may include contact details, financial information, employment details, bank account information, family and child-related information, and other relevant data. This information is collected via telephone conversations, face-to-face meetings, interviews, and forms.

If we do not collect the information requested, we may be unable to perform our duties or provide proper legal services.

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## 2. Storage and Security of Personal Information

McNamara Law stores personal information in both electronic and hard copy formats. We take all reasonable measures to ensure the security and confidentiality of the information we hold.

### 2.1 Onsite Storage

Electronic information is stored on our secure onsite server, with security measures reviewed from time to time.

### 2.2 Cloud Storage (Australian-Based)

In addition to onsite storage, McNamara Law securely stores certain information in the cloud. **All cloud-stored data is housed exclusively in Australian-based data centres** using providers that maintain robust security, encryption and access-control standards.

Measures we take include:

- Restricting access to authorised staff only
- Ensuring providers comply with Australian privacy and security requirements
- Regular review of security practices

## 2.3 Off-site Hard Copy Storage

Any hard copy information stored off-site is held in a secure, locked facility with restricted access for McNamara Law staff.

## 2.4 Staff Obligations

All staff receive regular training on the APPs and are contractually bound to uphold this Privacy Policy and maintain confidentiality.

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# 3. Retention and Destruction of Records

As required by law, records are retained for a minimum of seven (7) years from closure of the Matter, after which they are destroyed.

## 3.1 Rapid Deletion Policy (Recordings)

McNamara Law implements a Rapid Deletion Policy for telephone call recordings stored by our provider. These recordings are created for file-note accuracy and time-recording purposes. To minimise risk, exposure, and unnecessary retention:

- All recordings are reviewed and file notes **immediately**.
- Recordings are **deleted from our providers storage within a reasonable time, usually within 14 days** of the call.

We may retain this data within our Practice Management System and destroy the data pursuant to this Policy.

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# 4. Use of Information

When McNamara Law receives personal information, either directly or from a third party, it will only be used as is reasonably necessary for:

- Providing legal services;
  - Establishing, exercising or defending a legal or equitable claim, as permitted by the APP “Permitted General Situations”; or
  - Meeting legal and professional obligations.
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## 5. Website and Cookies

Our website uses cookies, but any information collected through cookies is anonymous. Personal information such as your name or email address is only collected via the website with your explicit consent.

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## 6. Disclosure of Personal Information

McNamara Law will only disclose personal information to third parties:

- As required by law; or
- In keeping with our professional obligations as lawyers; or
- With your knowledge and consent.

We do **not** disclose personal information to direct marketing companies, credit reporting agencies, clients or overseas recipients unless legally required or expressly authorised by you.

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## 7. Credit-Related Information

Under our payment terms, McNamara Law is subject to the Credit Reporting Code of Conduct. We only collect or hold credit-related information in limited and specific circumstances. If relevant to your dealings with us, you will be notified in writing about the credit information we collect, use and hold.

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## 8. Direct Debit Requests (DDR)

If you enter a direct debit arrangement with us for payment of fees, we will collect the information required by the DDR form, including:

- The name and address of your financial institution;
- Your account name and number.

In accordance with BEC guidelines, this information is retained for **seven (7) years** from the date of the final direct debit payment, then destroyed.

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## 9. Cost Agreement Clause

### *Use of Cloud-Based Systems and Applications*

Our firm uses a number of secure cloud-based systems and software applications to manage and deliver legal services. These systems may include (but are not limited to) practice management systems, document and email management platforms, communication tools (including call-recording and transcription services), billing and

time-recording systems, and other specialist legal technology. These systems are hosted on secure cloud infrastructure located in Australia and operated by reputable third-party service providers.

### *Purpose of Cloud Use*

Your information may be stored, processed, or transmitted through these cloud-based systems for the following purposes:

- to maintain accurate and complete electronic records relating to your matter;
- to prepare, manage and store documents, correspondence, file notes, transcripts, and diary notes;
- to assist with time recording, billing, workflow management and task tracking;
- to enable internal and external communications relevant to your matter;
- to facilitate secure client-portal communications and document sharing; and
- for quality assurance, staff training, and system improvement purposes.

### *Third-Party Storage*

You acknowledge that information and communications relating to your matter may be stored with third-party service providers through secure, Australian-based cloud infrastructure, and that the use of such infrastructure is necessary for us to provide efficient and accurate legal services.

### *Legal Professional Privilege*

Any information or communication that is subject to legal professional privilege remains privileged despite being stored or transmitted through cloud-based systems. The use of these systems does not waive or diminish privilege.

### *Security Measures*

We implement reasonable and industry-standard measures to maintain the security of your information, including encryption, access controls, authentication requirements, restricted staff access, and internal policies governing the handling of sensitive information.

### *Ownership of Records*

All recordings, transcriptions, AI-generated summaries, diary notes, file notes, documents, and any other records created, generated, or compiled by our firm in the course of providing legal services, whether through cloud-based systems or otherwise, remain the property of McNamara Law at all times.

We will provide any documents on file that are your property, subject to any valid solicitor's lien that may be exercised over such documents. Ownership of any records owned by us, including notes, call recordings and AI-generated content created by or for our firm, does not transfer to you.

### *Legal Process*

If a cloud provider receives a subpoena or other legal request seeking access to your information, we will use our best endeavours to ensure we are notified promptly, that privilege is asserted where applicable, and that you are informed of any disclosure required by law.

### *Consent*

By signing this Costs Agreement, you consent to:

- our use of cloud-based systems, applications, and storage infrastructure;
- the processing, storage, and transmission of information relating to your matter through those systems; and
- the involvement of third-party cloud service providers who host or process data on our behalf.

If you do not consent to the use of cloud-based systems, you must notify us in writing before we commence work. We will discuss alternative arrangements where possible, noting that this may limit our ability to provide services in a timely and cost-effective manner.

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## **10. Access, Correction & Complaints.**

If you have questions, requests or complaints relating to your personal information, please contact our Legal Practice Managing Director:

Phone: **1300 285 888**

You may obtain further information on:

- The Australian Privacy Principles and guidelines from the Office of the Australian Information Commissioner (OAIC); and
  - The Credit Reporting Code of Conduct via the OAIC.
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