



**PERPETCH PTY LTD (trading as Perpetual Conveyancing)**

## **PRIVACY COLLECTION NOTICE**

ABN: 73 625 110 223

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### **What is this document and why are you receiving it?**

When you engage us to assist with your property transaction, we collect personal information about you. Australian privacy law requires us to tell you what we collect, why we collect it, who we may share it with, and how you can access or correct it.

This notice explains our privacy collection practice. Please read it before signing your engagement documents. If you have any questions, contact us using the details at the end of this notice.

## **1. What information we collect**

We collect personal information that is reasonably necessary to carry out your conveyancing matter. This may include:

- your full name, date of birth and residential address
- contact details, including phone number and email address
- *identification documents, such as your driver's licence or passport number, collected for the purpose of identifying the parties to land transactions, as required by laws including the Real Property Act 1900 (NSW) and the Australian Registrars' National Electronic Conveyancing Council (ARNECC) Model Participation Rules*
- *identity verification data, including facial images or biometric data, which may be collected directly from you by a third-party identity verification service we engage for this purpose*
- *sensitive information collected for the purposes of compliance with our obligations under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) (AML/CTF Act), which may include information about your political opinions or membership of a political association where required to assess whether you are a politically exposed person (PEP) or to manage related compliance risks. Collection of this information is required or authorised by the AML/CTF Act and may occur without your consent in some circumstances. We will generally tell you at the time of collection if we are relying on this basis*
- financial account details relevant to your property settlement
- details of the property being bought, sold or transferred
- information about your personal circumstances where relevant to your matter, such as information relating to a deceased estate or a relationship breakdown
- details of any other person involved in your matter, such as a co-purchaser or co-vendor



We handle all personal information in accordance with the Commonwealth Privacy Act 1988 and the Australian Privacy Principles (APPs).

## 2. How we collect your information

We collect most of your personal information directly from you during the onboarding process, by phone, email or in person.

In some cases, we may collect information about you from third parties. This may include real estate agents, financiers and lenders, the other party's conveyancing or legal representative, title insurers, land registries and government agencies. We collect information from third parties only where it is necessary for your matter.

## 3. Why we collect your information

We collect and use your personal information to:

- provide conveyancing and property settlement services to you
- *verify your identity for conveyancing purposes: we are required by applicable state conveyancing legislation and the Australian Registrars' National Electronic Conveyancing Council (ARNECC) Model Participation Rules to verify your identity before acting for you in a property transaction. We may direct you to a third-party identity verification service for this purpose. That service will collect your identity documents and may collect a facial image or biometric data directly from you. It operates under its own privacy policy, which we encourage you to read*
- verify your identity for AML/CTF purposes: we are also required by the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) to conduct customer due diligence, which includes verifying your identity, before providing designated services to you
- comply with our legal and regulatory obligations under the Commonwealth *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, including: assessing and managing potential money laundering, terrorism financing, and proliferation financing risks associated with the provision of our services; making reports required by law to AUSTRAC (the Australian Transaction Reports and Analysis Centre); and meeting record-keeping obligations under that Act
- prepare and lodge documents with land registries and government agencies
- communicate with third parties involved in your matter, including the other party's representative, your financier and real estate agents
- respond to your enquiries and manage our relationship with you

## 4. Who we may share your information with

We may disclose your personal information to:

- land registries and government agencies
- the other party's conveyancing or legal representative

- your financier, lender or mortgage broker
- real estate agents involved in your matter
- title insurers and settlement agents
- e-conveyancing platforms (eg PEXA)
- AUSTRAC (the Australian Transaction Reports and Analysis Centre) and other regulators, where required by law
- our professional advisers, including accountants and insurers
- cloud-based software providers and AI tools we use to manage our practice (see Section 6)

We do not sell your personal information to any third party.

Please note that we are prohibited by law from notifying you if we have made, or are considering making, a report to AUSTRAC under the AML/CTF Act. We may also be prohibited from disclosing the reasons for declining to answer certain questions or for refusing certain access requests. This is not discretionary: it is a legal obligation under section 123 of the AML/CTF Act.

## **5. What happens if you do not provide your information**

If you do not provide us with the personal information we request, we may not be able to verify your identity as required by the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) and relevant conveyancing legislation, and we may be unable to act for you or to provide the services you have requested. Where particular information is optional, we will tell you at the time of collection.

## **6. Offshore storage and processing**

From time-to-time we may use cloud-based software and AI tools to manage our practice. Some of these tools may store or process information on servers located outside Australia. This means your personal information may be held or processed in another country.

We take reasonable steps to ensure that offshore service providers handle your information in a way that is consistent with Australian privacy law. However, once your information is held offshore, it may be subject to the laws of that country, including laws that allow government agencies in that country to access it.

For information about the software and platforms we use that may involve offshore storage or processing, please refer to our Privacy Policy at <https://perpetualconveyancing.com.au> or ask us directly.

## **7. How long we keep your information**

We keep your personal information for a minimum of seven years from the end of your matter, or longer if required by law or our professional obligations. This period is driven primarily by our obligations under the Commonwealth Anti-Money Laundering and Counter-Terrorism Financing Act 2006, applicable state conveyancing legislation and e-conveyancing rules such as ARNECC's Model

Participation Rules. In some cases, general file records may be retained beyond seven years to manage our legal and professional obligations. After the applicable retention period, we securely destroy or de-identify your information. Full details are set out in our Privacy Policy.

## **8. How we protect your information**

We store your personal information securely and take reasonable steps to protect it from misuse, interference, loss, and unauthorised access, modification or disclosure. Our staff are trained in their privacy obligations. If we become aware of a data breach that is likely to result in serious harm, we will notify you and the Office of the Australian Information Commissioner (OAIC) as required by law.

## **9. Accessing and correcting your information**

You have the right to request access to the personal information we hold about you, and to ask us to correct it if it is inaccurate, out of date, incomplete, irrelevant or misleading.

To make a request, contact us using the details at the end of this notice. We will respond within a reasonable time. We will not usually charge a fee for access, but we may charge a reasonable fee where your request requires significant time or resources.

## **10. Complaints**

If you believe we have not handled your personal information in accordance with the Australian Privacy Principles, you are welcome to raise it with us. Contact us using the details below and we will respond within 30 days. Our full complaints process, including acknowledgement and investigation timeframes, is set out in our Privacy Policy..

If you are not satisfied with our response, you may make a complaint to the Office of the Australian Information Commissioner (OAIC) at [www.oaic.gov.au](http://www.oaic.gov.au) or by calling 1300 363 992.

## **11. Clients located in the UK, European Union and European Economic Area**

Are you currently living in the United Kingdom, a country that is a member of the European Union (EU), or a country in the European Economic Area (EEA)?

**If yes, please let us know.**

Additional privacy protections under European privacy law (the GDPR) may apply to your personal information. If you advise us that you are a UK or an EU or EEA resident, we will provide you with a separate privacy notice setting out your additional rights.



## **12. Contact us**

**PERPETCH PTY LTD (trading as Perpetual Conveyancing)**

Privacy contact: **David Sharrock – Principal Conveyancer**

Email: **admin@perpetualconveyancing.com.au**

Phone: **02 4735 3982**

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*This notice was provided to you as part of your engagement with Perpetual Conveyancing. A copy is available at any time on request. For any privacy enquiries, contact David Sharrock at admin@perpetualconveyancing.com.au or 02 4735 3982.*