

Privacy, Confidentiality and Consent

Privacy Act 1988 (Cth)

The *Privacy Act 1988* (the Privacy Act) requires government agencies and much of the private sector to take steps to ensure the privacy of personal information they collect and store about individuals. This is set out in the Australian Privacy Principles (APPs). A full copy of the APPs can be found [here](#).

The Privacy Act does not apply to a large number of small businesses.

Legal Profession Act 2006 (ACT)

- *Legal Profession (Solicitors) Conduct Rules 2025 (No. 2)*
- *Legal Profession Regulation 2007*

Each State and Territory has legislation regulating Australian Legal Practitioners (variously described as lawyers, legal practitioners, solicitors and/or barristers). As a legal practice based in the ACT, Carolyn Simmons Legal is regulated by the *Legal Profession Act 2006* (ACT) and the Rules and Regulations made under that legislation (the legal profession legislation). The legal profession legislation can be accessed at www.legislation.act.gov.au

The legal profession legislation imposes stringent standards of confidentiality on lawyers.

How Carolyn Simmons Legal will collect, store and protect your information

As a small business, Carolyn Simmons Legal is not an APP entity and does not have obligations under the Act to comply with the APPs.

As a legal practice, Carolyn Simmons Legal has stringent obligations about maintaining the confidentiality of your information.

We value the right of every person to privacy, and to keep their personal information confidential. In addition to fully complying with the legal profession legislation, we choose to comply with the APPs.

Our commitment to you is that:

1. We will only ask you for information that is necessary for us to provide our services to you, and information that is required by law.
2. We will only disclose information with your consent, or if we are required by law to do so. There are some instances where a law *permits* us to disclose personal information, but does not *require* us to do so. In such circumstances, we will not disclose your personal information unless you expressly consent to us doing so.
3. We will not use your personal information for marketing purposes unless you expressly request marketing information from us.
4. We will store your personal information securely, primarily electronically in our practice

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- management system. Any paper files that we hold will also be securely stored.
5. If we do not need your information anymore and are not legally required to store it, we will delete it.
 6. We will promptly provide you with access to the personal information we hold about you if you tell us that you would like such access, and promptly correct any incorrect information that we hold about you.
 7. If **Carolyn Simmons Legal** is sold, transferred or there is a change in control of our business, we may transfer our user databases and any personal information contained in those databases, to the maximum extent allowed by law. This information may be disclosed to a potential purchaser under an agreement to maintain confidentiality.

Cookies

We also collect cookies from your computer which enable us to tell when you use the website and also to help customise your website experience. As a general rule, however, it is not possible to identify you personally from our use of cookies.

How to contact us about privacy

If you have any queries, or if you seek access to your personal information, or if you have a complaint about our privacy practices, you can contact us through:

carolyn@carolynsimmonslegal.com.au

If you have a complaint about any aspect of how we deal with your personal information, or any other aspect of the service we provide to you, please contact us and we will endeavour to resolve your concerns.

If you have a concern that we are unable to resolve, you may wish to contact the Law Society of the ACT who will be able to assist you further. They can be contacted through their website www.actlawsociety.asn.au

Informed consent

We will take steps to ensure that your consent is informed and genuine. This means that we will:

- Confirm that you have the cognitive capacity to make your decision.
- Provide you with all the information you need to make your decision.
- Check that you understand the information, any specialist terminology used, and the consequences of your decision.
- Ensure that you have genuine and unqualified permission to say no, without any third-party pressure or power differentials influencing your decision.
- Confirm that you have the authority to provide your decision and follow through.

Carolyn Simmons Legal is committed to ensuring we meet your expectations in delivering our services to you. Please let us know if we are not meeting your expectations