

## Norris Ward McKinnon

### Privacy Policy

**Effective Date:** July 2021

#### General

In this Privacy Policy (**Policy**), any references to “we”, “us” or “our” are references to Norris Ward.

Your privacy is important to us, we respect your personal privacy and are committed to maintaining your trust and confidence in the way we collect, store, use and share personal information received from you or third parties and the purposes for which we collect that personal information. This Policy explains how we collect, store, use and share your personal information, and how we comply with our obligations under the Privacy Act 2020 (**Act**). It also sets out your rights in relation to accessing your personal information held by us.

This Policy applies to client and other third party personal information (referred to as “**you**” and “**your**”), rather than the personal information of our employees or independent contractors. We have a separate policy that deals with employee and independent contractor personal information.

#### What is Personal Information?

Personal information includes any information about an identifiable individual. You have the choice not to provide us with your personal information (other than as required by law), however this may result in us being unable to provide you with our services.

#### What personal information do we collect?

We collect personal information as part of our ordinary business operations, including the provision of services to you. Personal information that we collect from you may include:

- information that helps us confirm your identity such as your full name, date of birth, job title, address verification, passport and/or birth certificate;
- your contact information including your residential address, postal address, email address, telephone number;
- immigration status;
- unique identifiers such as IRD number and passport number;
- billing and payment information;
- bank account details;
- cookies (as explained below), computer and/or network IP address, internet service provider and website usage information;
- Billing and credit information; and/or
- personal information that we are required to collect pursuant to applicable law and pursuant to our internal policies and procedures, for example anti-money laundering legislation and procedures.

#### When is personal information collected?

We collect personal information from you whenever you interact with us or we interact with you. The personal information we collect will depend on the nature and purpose of the interaction with us. We will generally collect your personal information when you:



- contact us, whether via our website, telephone, text message, email and/or post,
- enquire about our services;
- instruct us to represent you;
- agree to do business with us;
- visit our website at [www.nwm.co.nz](http://www.nwm.co.nz)
- sign up for a mailing list or an event;
- apply to be employed or contracted by us; or
- engage with our social media platforms.

By providing us with your personal information you are consenting to us collecting your personal information and using it in accordance with this Policy and applicable law.

### **Why do we collect your personal information?**

We collect personal information where it is necessary to respond to your request, provide the services you have requested, or to otherwise manage your interaction with us. When we obtain your personal information we will only use that personal information for the purpose for which it is collected, as set out in this Policy or as permitted by law.

Generally, we will collect and use personal information from you in order to:

- verify your identity and contact details;
- represent or advise you;
- deal with commercial or legal conflicts and other pre-engagement matters;
- comply with our legal obligations;
- send you publications, commercial electronic messages (unless you opt out) and invitationsto seminars and functions;
- improve, develop and market new services;
- conduct internet banking such as invoicing and receipting, making payments to you or onyour behalf;
- receive and respond to your enquiries in relation to our services;
- receive and process your requests for us to provide services to you, contacting you in relation to the services you have requested, and providing those requested services;
- allow us to perform a contract we have with you;
- act on your requests;
- comply with our security, anti-money laundering and fraud prevention obligations;
- enforce our agreements with you that relate to our services;
- undertake debt recovery (which may involve disclosing your personal information to debt collectors);
- undertake credit checks (which may involve disclosing your personal information to credit reporting agencies);
- recruitment purposes where you apply for a job with us or enquire about our recruitment processes; and
- undertake the purposes for which the personal information was collected.

### **Do we collect personal information from third parties?**

In most instances we will collect personal information directly from you. However, given the nature of the services we provide, it will not always be possible to collect all personal information directly from you.

We will only collect personal information about you from third parties as set out in this Policy, where it is reasonably necessary in the circumstances, where we are obtaining such personal information from a publicly available source, or where you have provided your express or implied consent.

Examples of where we collect personal information about you from third parties include:

- publicly available sources, such as the companies office, motor vehicle register or personal property securities register;
- your employment references where you apply for a job with us;
- third parties we engage to undertake identification documentation checks for us in order to meet our anti-money laundering obligations;
- credit referencing and/or reporting agencies;
- regulators, government authorities, Courts or the Police; and
- where you have provided your consent for us to obtain information from a third party.

### **Who do we share your information with?**

Besides our staff, we may share your personal information with third parties in order to assist us in providing services or to perform functions on our behalf. We will only share personal information with third parties where we are permitted under this Policy, where you have specifically authorised us to do so or in accordance with our legal and professional obligations.

For example, we may share your personal information with:

- third parties that we outsource certain services including without limitation, client due diligence and anti-money laundering service providers, confidential waste disposal, security providers, IT systems, software providers, IT support service providers, document and information storage providers;
- third parties engaged in the course of the services we provide to clients such as independent lawyers, barristers, arbitrators, mediators and other experts;
- payment providers;
- credit referencing and reporting agencies;
- debt collection and credit reporting agencies;
- any person or entity whom you have permitted us to disclose the information to;
- regulatory or government bodies such as the police; and
- any person or entity whom we are permitted to do so under law.

Please note that the above is not a complete list and there may be other instances where we need to share information with other parties in order for us to provide our services effectively.

Where we do provide your information to third parties in accordance with this Policy, we will require that third party to protect your personal information. If a third party is located outside of New Zealand we shall ensure that such entities have similar levels of privacy protection as New Zealand.

## **Cookies**

At times, cookies may be used to help us serve you better. A cookie is a small element of data sent by a website to your browser, which may then be stored on your hard drive so we can recognise you when you return. You may set your browser to notify you when you receive a cookie and, if you wish, to reject it, or clear cookies by using your browsers options.

We may use cookies in connection with your use of our website. If you choose not to have your browser accept cookies from our website you will be able to view text on screens, however you may not experience a personalised visit.

Web beacons, also known as clear gif technology, or action tags, assist in delivering the cookie. This technology tells us how many visitors clicked on key elements (such as links or graphics) on our website. We do not use this technology to access your personal information. It is a tool we use to compile aggregated statistics about the website's usage. We may share this tracking information with third parties.

## **Direct Marketing**

You may register with us to receive communications via email, text message or by post your name and contact details will be added to our database. You consent to receiving messages from us by email, text message or post. If you decide that you no longer wish to receive material from us you can elect to unsubscribe by selecting the option in the email or by emailing us at [lawyers@nwm.co.nz](mailto:lawyers@nwm.co.nz) replying 'STOP' to any text message or by contacting us directly by telephone or post.

## **How we protect and store your information**

We may store your personal information at our offices or at premises outside our offices, including electronic and physical data storage facilities located within or outside New Zealand, which may be operated by third party contractors.

We are committed to keeping the personal information you provide to us safe against loss, unauthorised access, unauthorised modification and unauthorised disclosure. We will not retain your personal information for longer than necessary or longer than required by law.

We have implemented a variety of security measures in relation to the protection of personal information. We may use reasonable safeguards such as file encryption technology to secure the transmission of sensitive information from time to time.

## **What do we do if there is a breach of your privacy?**

If we believe that there has been a privacy breach, then we will identify the breach and take reasonable steps to minimise any harm caused by the breach. Where we believe any breach of privacy poses a risk of serious harm, or is likely to cause serious harm then we are required to notify the Privacy Commissioner and affected parties.

Where you believe that there has been a breach in relation to your privacy, then please contact us as soon as possible.

If you are not satisfied with the way we have dealt with or resolved your complaint then you can escalate this by contacting the Privacy Commissioner at any time:

Office of the New Zealand Privacy Commissioner

Website: [www.privacy.org.nz](http://www.privacy.org.nz)

Phone: 0800 803 909



Email: [enquiries@privacy.org.nz](mailto:enquiries@privacy.org.nz)

### **What is your right to access your personal information?**

You are entitled to ask whether we hold any personal information about you, access any personal information that we hold about you and to request the correction of any personal information held by us.

Please note that in some circumstances we may have an overriding interest or legal obligation under the Lawyers and Conveyancers Act 2006 and the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 where access to information may be limited due to legal professional privilege or other obligations which override the Act.

If you wish to access or correct personal information held by us then please contact our privacy officer as below.

### **Changes to our Privacy Policy**

We reserve the right to change this Policy from time to time as we see appropriate. In the event we do amend this Policy, we will post the revised version on our website and use reasonable endeavours to draw your attention to the amended policy. The most recent version of this Policy will apply.

### **Contacting Us**

You may ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is incorrect. If you would like to do so, please contact us at [lawyers@nwm.co.nz](mailto:lawyers@nwm.co.nz), or (07) 834 6000, or NWM, Private Bag 3098, Hamilton 3240. Charges for access or correction may apply.