



Version Control: 01

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1. Denham Bramwell and its related organisations (**we, us, or**) are strongly committed to protecting the privacy of its clients, staff and related third parties.
2. This document sets out our policy for handling the personal information of our clients (former, current and prospective) including collection, use, disclosure, security, retention, access and correction.
3. Section 7 of the Privacy Act 2020 (**the Act**) defines “personal information” to include “information about an identifiable individual”. The Act imposes strict obligations on agencies, such as law firms, that collect and hold personal information.
4. Denham Bramwell is a law firm providing specialist services in commercial, property, litigation, trusts, personal client services, family law and employment law. We are therefore bound by the laws governing the privacy of personal information in the Act. We are also bound by additional and sometimes more onerous obligations such as those stipulated in the Lawyers and Conveyancers Act 2008 and the Conduct and Client Care Rules for Lawyers 2008 with respect to how we manage client information. Any statutory inconsistencies with the Privacy Act 2020 will be assessed and managed on a case-by-case basis.

A: Collection, Use and Disclosure

5. During the course of our work and in order to properly conduct our business, we may collect personal information either directly from you, authorised third parties, or from publicly available sources. As far as possible, we will endeavour to collect personal information directly from you with certain exceptions, including but not limited to the following instances:
 - a. If the information is publicly available, in which case your consent is not legally required.
 - b. If you authorise the collection of your personal information from a third party.

- c. If we must collect the information from a third party to avoid prejudice to the maintenance of law, it is permitted by law, for court or tribunal proceedings, or if collecting the information from you would undermine the purpose of its collection.
 - d. If it is not reasonably practical to collect the information directly from you.
6. The type of information we collect will largely depend on the legal services you instruct us to provide you with, to ensure we can comply with our legal obligations, and/or to enable us to market our services and expertise. The type of information we may collect from you includes but is not limited to the following examples:
 - a. Name, date of birth, residential address, contact details, nationality
 - b. Identification documents (eg passport, driver's licence)
 - c. Proof of address (eg letters from banks, utility providers, government departments)
 - d. Employment details (eg employment agreements, job description, references)
 - e. Financial Information (eg bank statements, credit card details for fee payments, source of funds information)
 - f. Any other information relevant to the conduct of our business (eg for marketing purposes and compliance with our legal and statutory obligations including but not limited to anti money laundering and countering the financing of terrorism, health and safety matters and obligations under the rules of conduct and client care)
7. We will endeavour to provide you with an explanation as to the legal basis for requesting information from you and/or a third party authorised by you, including whether the provision of that information is mandatory or voluntary. The decision not to provide us with information requested may impinge on our ability to fully represent or even to take instruction from you.
8. With respect to our website, automated technology such as cookies may be used to collect and store information about your visit to the website.
9. We may also collect your contact details if you for example provide these to us through our website. We may use this information to contact you to provide you with our legal services.
10. If you have subscribed to an email or other list which has the purpose of providing to you promotional material on our behalf, you may unsubscribe at any time.
11. Generally, we limit the use of your personal information to the purpose for which it is collected.

12. If necessary, we may use your information for other purposes if it is related to the purpose for which the information is collected, if you are not identifiable from the information or if the use of the information is necessary to avoid prejudice to the maintenance of law, for court or tribunal proceedings, or health and safety reasons.
13. We may also disclose your personal information to other individuals within Denham Bramwell who are not directly connected with advising you should that be necessary. For example, we may draw upon the expertise from lawyers within our firm to provide you with comprehensive advice on your legal position. Administrative, accounting and information technology staff may also have access to your personal information to assist our lawyers with providing their services to you. We may be required by our insurer to provide your details to them in the event there is a claim or potential claim. For debt recovery purposes, we may disclose your personal information to a debt collection agency.
14. We may disclose your personal information to third parties if we are required to do so, for example if we are required to do so by law or a court order. We will obtain your consent before making a disclosure to third parties unless doing so may prejudice the maintenance of law, the disclosure is for court or tribunal proceedings, and/or for health and safety reasons. Examples of third parties may include:
 - a. Ministry of Justice (for use by the courts or legal aid)
 - b. Other professionals in the course of providing our services to you (eg expert witnesses)
 - c. Other organisations or agencies in the course of providing our services to you (eg social services agencies, counselling services)
15. If you do not wish to provide personal information to us, we may be unable to provide the services requested or accept instruction from you as a client if that personal information is necessary to comply with our obligations as legal practitioners and a law firm.

B: Security and Retention

16. We are obliged to protect the privacy, confidentiality, and security of your personal information. We will endeavour to take all reasonable steps necessary to do so.
17. When we no longer need to hold your personal information to provide ongoing services to you or because our legal obligations to maintain a record of you information has expired, we will securely destroy you information.

C: Access and Correction

18. You have the right to request access to your personal information held by us. You can make this request by contacting our **Privacy Officer** Anna Fuiava, Associate at anna.fuiava@denhambramwell.co.nz.

19. We will respond to your request within 20 working days after the day on which the request is received by us, unless an extension to that time is reasonably necessary.
20. We may charge a fee for providing you with access to the information requested depending on the volume of documents, method of delivery and/or the storage location. We will advise you in advance of any likely cost.
21. There are various grounds on which we can refuse you request, including:
 - a. To avoid prejudice to the maintenance of law
 - b. To preserve our legal professional privilege
 - c. To prevent the unwarranted disclosure of the affairs of another individual (alive or deceased), or
 - d. If the information requested is material that was provided to us in confidence.
22. You also have the right to request the correction of your personal information. You can make this request by contacting the Privacy Officer in writing.
23. We encourage you to contact us to update the personal information we hold about you to ensure the accuracy of our records (eg address and contact details). Likewise, we will endeavour to take all reasonable steps to ensure that all information we hold about you is accurate and up to date.
24. We retain the right to deny your request for correction, in which case we will attach your request to your information.

D: Other rights and obligations

25. This policy document provides an overview only of how we manage client personal information.
26. Any privacy breaches which pose a risk of serious harm to people, will be reported by our Privacy Officer to the Privacy Commissioner and the affected individuals.
27. If you consider we have breached our obligations under the Privacy Act, you can make a complaint to the Privacy Commissioner.
28. Further and detailed information about your rights and our obligations can be found on the website of the Privacy Commissioner at <https://www.privacy.org.nz/>.