

About *First Title* and its Products and Services

First Title is the trading name of First American Title Insurance Company of Australia Pty Limited ABN 64 075 279 908 (“FATICA”) has offices in Sydney and also has a contracted Service Centre located in Victoria which provides mortgage documentation, settlement and discharge services. The Service Centre is are known as First Mortgage Services (FMS). FATICA may appoint other service centres from time to time. Collectively, for the purposes of this privacy statement, FATICA, FMS and the contracted Service Centre is known as “**First Title**”.

First Title also has affiliate companies; namely, RP Data Pty Ltd (primarily an information services company) and other companies as may be advised from time to time. References to the **First Title** Group in this document refer to **First Title** and its affiliate companies.

What is Title Insurance?

‘Title’ describes the way a person owns land or has an interest in someone else’s land (such as a mortgagee lender). ‘Title insurance’ is an insured statement about the condition of the land. Subject to policy terms and exclusions, a Title Insurance policy insures owners and lenders they can use their property without interference. If a Title Insurance policy is purchased by a lender, the lender is also insured that its mortgage is valid and enforceable so it will be able to realise the security for its loan if it becomes necessary. A major part of the coverage of Title Insurance is a legal defence (payment of legal and associated costs) should an insured’s interest in land be challenged. Title Insurance is used by owners, lenders and their lawyers not only to protect their interests but to make the process of land transfer or the process of funding more efficient.

What are associated mortgage documentation, settlement and discharge services?

These are the document and settlement processing services normally provided in the capacity as service provider for a lender in relation to the settlement of a mortgage transaction. If you have purchased the property which is to be secured by way of mortgage, then on the lender’s behalf we also attend to the preparation and lodgement of documents to be registered as a part of the transfer of land title from one party to another. A component of this process is ordering and payment for a Title insurance policy in the name of the lender.

Our promise to you

We want you to know your privacy is important to us and we are concerned to protect your personal information from misuse. This privacy statement or otherwise referred to as our privacy policy, sets out the methods by which **First Title** complies with the National Privacy Principles found in Schedule 3 of the *Privacy Act 1988* (Cth), which apply to **First Title**.

Essentially, this means when **First Title** obtains or receives personal information about you, we must tell you how the information could be used, ensure security of the information, ensure the information collected is accurate and up-to-date and not simply provide it to anyone or use it for a purpose contrary to which it was collected.

When you or your lender apply for Title Insurance or use our services, you consent to us collecting, maintaining, using and disclosing personal information about you whether provided by you or by another person or entity in accordance with the privacy statement in the application form, privacy notices we send out to you separately and this policy.

Why do we ask for and hold personal information?

To enable **First Title** to provide Title Insurance and related services to you or your lender, **First Title** needs to collect personal information about you or have other contracted agents collect it on our behalf. Your lender, mortgage broker, legal representative/conveyancer or agent may disclose personal information about you to **First Title** in order for us to provide you or your lender with requested products and services.

The personal information we collect about you from your lender, the existing lender (where there is a refinance), your broker, your agent, your legal representative/conveyancer or you directly will only be relevant to the business relationship we have with you or your lender or representative and will be used to provide you or your lender or representative with Title Insurance and related services. **First Title** collects and holds this information in order to:

- assess the risk of providing Title Insurance to you or your lender
- the subsequent administration or variation of the Title Insurance policy
- risk assessment, reporting, fraud prevention, enforcement and claim recovery activities
- where your lender requires Title Insurance and in the case where **First Title** is also providing mortgage processing services as well, assist your lender in documenting the loan transaction and providing other mortgage processing services such as registering the new mortgage over your security property or in the case of a refinance; discharge your existing mortgage over the security property and assist in registering the new mortgage
- comply with legislative and regulatory requirements

We may also use your personal information for other reasons such as telling you about other products or services we think may interest you - unless you inform us you do wish to know of these products or services.

We will make you aware as soon as practicable after we receive personal information. In the normal course of events this is when you submit a request for Title Insurance or where we are also providing mortgage processing services; when we forward to you or your representative loan documentation prior to finalising settlement for and on behalf of your lender or send an insurance policy to you or your representative.

What kind of personal information do we ask for and retain?

The personal information disclosed to and collected by **First Title** will include but may not be limited to:

- Information that identifies you like your name, residential address and other contact details
- Information about your financial arrangements when you apply for a loan from your lender and will include information like the loan amount, security property and other relevant loan information or details of your existing loan where this is being refinanced by your lender

If you do not agree to provide this information, **First Title** will be unable to provide you with Title Insurance and where **First Title** is providing your lender with Title Insurance and related services, your lender may not be able to provide you with the finance or services you require. We retain your personal information between the time Title Insurance is sought and in the case of your lender acquiring Title Insurance, from collection up to the time we are advised of the discharge of your lender's mortgage or sale of your property - plus any additional time we are legally required to retain records.

We collect no sensitive information. Sensitive information includes information about your religious beliefs, political opinions, personal health information, ethnicity, criminal records or sexual preferences.

How do we generally collect your information?

Whenever it is possible to do so, we collect this information directly from you. This is usually done through application forms for Title Insurance, over the phone or even in person if you visit our office.

We also collect personal information from other parties. This usually occurs in the following examples (but may not be limited to the examples listed below):

- When you approach your lender and its agents for a loan and your lender needs a Title Insurance policy or certain other services for the benefit of the lender;
- Your representatives or agents (such as your legal adviser/conveyancer or your broker) who are acting for you in a purchase or refinance and have been instructed by you to obtain a Title Insurance policy for your benefit;
- Government agencies such as a state or territory land titles office when we do a search of the land title over your property in order to issue a Title Insurance policy.

The information we collect may also come to us through our website at www.firsttitle.com.au through the use of our eTitle portal.

To whom might we provide your personal information?

We may disclose the personal information we collect from you to other members of the **First Title** Group.

The Personal Information we collect from you may also be disclosed to **First Title's** service providers. Other than contracted Service Centres, First Title may appoint other service providers from time to time.

These service providers provide mortgage processing, registration, stamping, settlement and discharge services on **First Title's** behalf. Information may also be disclosed and exchanged with your lender, your existing lender in a refinance (being the lender whose mortgage is being refinanced), your legal adviser or representative, mortgage broker, financial adviser, executor, administrator, trustee or attorney or to other third parties such as **First Title's** reinsurers, accountants, auditors and regulators where it is required or allowed by law, or where you have otherwise consented.

We will always use best endeavours to limit the information we disclose to third parties to only what is absolutely required in order for them to perform their services for us so we can then provide you or your lender with Title Insurance and related services (where relevant).

If there is a need for us to transfer information overseas for reinsurance, audit purposes, or mortgage processing and loan documentation services we will do it in accordance with the National Privacy Principles.

How may we use your personal information?

Other than issuing you or your lender with a title insurance policy and providing related services, we may use your personal information to market to you new products or services we offer. We will not however market these products and services if you inform us you do not wish to receive such material.

We may provide your personal information to affiliate **First Title** companies such as RP Data Pty Ltd and other affiliate companies from time to time so they can market their products to you. Again, we will not do this if you tell us not to.

If you don't want to receive marketing offers, please contact the Privacy Officer at:

The Privacy Officer
PO Box Q1465
QVB Post Office NSW 1230, or
privacy@firsttitle.com.au or,
Tel: 02 8235 4433

How can you obtain access to the personal information held about you or change information which you believe is incorrect?

Subject to the provisions of the Privacy Act, you may have access to personal information collected and held by **First Title**. You can access the information we have collected, if we have retained it, by contacting the Privacy Officer as per the details above. No fee is payable for access unless the information you are requesting involves **First Title** or its group of companies, affiliates or its agents spending a considerable amount of time or money in retrieving it for you, in which case we will let you know of the approximate costs in obtaining the information for you.

You may also ask us at any time to correct personal information held by us about you, which you believe is incorrect or out of date. We will use our best endeavours to attend to your request right away. If we disagree with your request, you may request we make a note in relation to that information noting you consider it is not accurate, complete or up-to-date.

Further, if you believe we have not protected your personal information adequately, have not dealt appropriately with your request for access or correction or would like further information about this privacy policy you should contact the privacy officer at the contact point noted above.

How do we maintain the accuracy of your personal information?

We make it a point to only collect personal information as and when we need it and directly from you if possible. This ensures the information we collect is complete, up-to-date and accurate as the time of collection . We also ask you to tell us as soon as your details change and you need your information updated.

How do we protect your personal information?

We take steps to ensure your personal information is protected.

Your personal information is only handled by employees of the **First Title** Group who have been directed to keep the information confidential and are bound to do so by virtue of their employment contracts. Where a service provider has access to your information, the service provider is bound by confidentiality provisions in its agreement with us to maintain the confidentiality of your personal information.

Our systems and processes are up-to-date and continually improved in line with industry standards to ensure security of your personal information. Our systems including our network systems have the appropriate firewalls, appropriate encryption technology and passwords to prevent unauthorised access to your information.

Our premises have security systems to prevent unauthorised entry.

What are your rights if we do not keep our privacy commitments?

We encourage you to approach us if you have any queries or comments in relation to our information-handling practices. If you feel we have not adequately answered your query and wish to make a complaint, we ask you to contact the Privacy Officer at **First Title**. If you are still unhappy, you could contact the Office of the Federal Privacy Commissioner on the privacy hotline: 1300 363 992 or review your rights etc by visiting the website at <http://www.privacy.gov.au/>.

Changes to our Privacy Policy

This privacy statement or policy is current as at 30th April 2010. From time to time we may make changes to our systems, procedures, processes and policies. This may affect how we handle your personal information. Where relevant, this privacy policy will be updated to reflect any changes. We will post an updated version of the policy on this website every time it is updated.

This policy applies only to the **First Title** Group as mentioned under the heading “About **First Title** and its Products and Services” and not to other companies' or organisations' websites to which **First Title** is linked or where these companies provide a link to their websites from **First Title's** website. Any external websites linked to **First Title's** website are not under the control of **First Title**, and we cannot accept responsibility for the conduct of companies linked to our website. We would suggest you to examine the terms and conditions of using other websites before disclosing your personal information.