



PRIVACY POLICY

Definitions:

1. References to 'We', 'Our' and 'Us' in this policy refer to Keam Standen Limited, Lawyers.
2. Reference to 'You' and 'Your' in this document refer to clients of Keam Standen Limited, as well as other people and entities we are required to collect personal information about for legal purposes, such as onboarding named beneficiaries of trusts as required by AML Legislation. 'You' and 'Your' may refer to companies, trusts or other legal entities that You control or that we set up on Your behalf.

Policy:

3. We collect personal information from You, including information about Your:
 - full legal name (including previous names and/or aliases)
 - date of birth
 - contact information
 - billing or purchase information (this may include bank account details)
 - Your source of wealth
 - citizenship and residency information
4. We collect Your personal information in order to:
 - provide Our legal services to You
 - meet Our obligations as trustee where one of Our trustee companies are involved as trustee
 - administer information disclosure requirements under the Trusts Act 2019
 - apply for IRD numbers on Your behalf
 - comply with the legal requirements (including but not limited to):
 - Anti-Money Laundering and Countering the Financing of Terrorism Act 2009 ("AML/CFT"), including verifying your identity using external databases
 - Lawyers and Conveyancers Act 2006
 - Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 ("the Lawyers Conduct and Client Care Rules")
 - Overseas Investment Act 2005
 - Common Reporting Standards (CRS)
 - Foreign Account Tax Compliance Act (FATCA)
 - Trust account requirements of The New Zealand Law Society
 - Income Tax Act 2007
 - Court ordered discovery
 - register ownership (including with Land Information New Zealand ("LINZ"))
 - set up legal entities
 - update government run databases (including the New Zealand Companies Register, and Personal Property Securities Register)
 - make and receive payments
 - meet the requirements of Our trust account's bank (Westpac) when funds are to be held on interest bearing deposit by Us on Your behalf

5. Besides our staff, we share this information with (and only to the extent that the information is required to comply with the requirements of the relevant organisation):
- Internal Affairs and the Financial Intelligence Unit of the New Zealand Police in order to comply with Our obligations under AML Legislation, CRS and FATCA
 - IRD in order to apply for IRD numbers, advise IRD of changes to entities, and comply with Our obligations under CRS and FATCA
 - LINZ for the purposes of registering transfers of titles or other instruments
 - Your local council and water service provider where property transactions are involved. This may be sent through the SalesDirect or LINZ platform
 - We will only share Your information with other entities such as Your accountant, bank or real estate agent after obtaining Your consent
 - Where You as the client have more than one controlling person such as company or trust, the consent of one controlling person is deemed consent on behalf of Your entity to release information regarding the entity. Where information relates to an individual associated with an entity (for example, as director, shareholder or trustee), We will require the consent of that individual prior to sharing their information
 - Our professional indemnity insurance providers
 - Our external identity verifications services (such as Centrix)
 - The New Zealand Law Society in relation to trust account audits or complaints
 - Land Information New Zealand in relation to their audits
 - Your bank if it requires information
 - Credit rating agencies if You default in Your obligations to us
 - The New Zealand Transport agency in relation to the sale of motor vehicles
6. We may share information with other law firms or individuals if Your instructions authorise or imply that we are instructed to do so. Nothing in this policy prevents you from instructing us to provide information to third parties at any time.
7. Providing some information is optional, but withholding information may affect our ability to advise You comprehensively. However if You choose not to provide Us with identification, proof of address and source of wealth/income information, We will be unable to provide Our services to You in most instances because of AML/CFT requirements.
8. We keep Your information safe by storing it securely and by abiding by confidentiality obligations in the Lawyers Conduct and Client Care Rules. We will take reasonable steps to protect information stored by Us on Our premises (such as locked premises) or electronically (such as the use of anti-malware and anti virus programs). However We cannot be responsible for unforeseeable third party breaches of Our privacy policy.
9. We are legally required to keep Your information:
- for at least ten years in relation to physical and electronic files pertaining to legal work We have undertaken for You, at which point We will then arrange to securely destroy it by destroying Our physical and electronic files
 - indefinitely in relation to names, dates of birth, contact details and names of matters for work we have undertaken for You – this is a legal requirement for the purposes of conflict of interest checks
 - indefinitely in relation to deeds that We hold on Your behalf. You may arrange to uplift any physical deeds that We hold on Your behalf at any time by completing Our authority to uplift process
 - indefinitely where one of Our trustee companies is a trustee of Your Trust
 - Indefinitely if in Our reasonable opinion or that of Our insurers there is a good reason why Your information may be needed in the future

10. You have the right to 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 wrong. If You would like to ask for a copy of Your information, have it corrected, or you wish to raise any other privacy related concern with Us please contact Us at office@keam.co.nz, or 07 577 9959, or PO Box 998 Tauranga 3144.
11. We have put in place a privacy breach plan to deal with any breaches of Your privacy. We will contact You and the Office of the Privacy Commissioner to advise of any serious breach of this policy and if in Our opinion an offence has been committed We will lay a complaint with the New Zealand Police. We will investigate the cause of any breach of Your privacy to ensure it does not happen again.
12. The Director of Our firm will have the power to appoint a Privacy Officer to deal with privacy matters. The Practice Manager, Delwyn Denize is the current Privacy Officer.

Last updated May 2021