



# PRIVACY

## SUBMISSION 1

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## Contents

Introduction .....	2
Overview of Gumtree Australia .....	2
Privacy Policy .....	2
Management of Information .....	2
Procedures for Information Handling .....	3
Australian Privacy Principles (APP's) .....	3
Recommended Changes .....	4
Distribution .....	5
Summary.....	5

## Introduction

This document contains an in-depth look at the policies of Gumtree Australia and how they relate to Australian Law and Privacy Principles. It contains recommendations at the end for what could be improved, and how the improvements could be implemented.

## Overview of Gumtree Australia

Gumtree Australia is a service that allows users to post classified ads, offering for sale various goods and services. In addition to their website, the service may be used via a mobile phone application. Users must create an account in order to post an advertisement and questions may be asked by the potential buyer with the internal Gumtree messaging system.

## Privacy Policy

Gumtree's Privacy Policy can be found in their under their Legal section at the bottom of the main landing screen. The policy itself clearly appears to be aimed towards the end users; both buyers and sellers. It covers what information may be collected by Gumtree, what they do to protect the information, and when they might disclose your information.

## Management of Information

There is very little information on how and where your information is stored within the company policies. There is no mention of where the servers are, or who owns them. There is also no mention of who has access to your information stated within the policies.

What is mentioned in the privacy policy are the safeguards in place for the storage of information, and these include firewalls, data encryption, physical access controls to data centres and information access authorisation controls.

It is not made clear who, specifically has access to your information, but it does state that your data is shared with "related companies". Precisely what Gumtree mean when they say "related companies" within the policies is vague, however it definitely includes EBay.

The detail Gumtree provides for how your information is stored, maintained and managed is minimal at best, it only covers basic server security measures, without much detail. The system security has appropriate data integrity measures in place; however the remaining issue that I see is that it is not stated who has access to the data within the company, or

even potentially outside the company. I think the lack of information should raise some data integrity concerns for their users.

## Procedures for Information Handling

The policy does state that you can see, review and change information by signing in to your account, although the **specific procedure is not outlined within the privacy policy**. They do state that they will honour your right to access, modify or delete personal information.

## Australian Privacy Principles (APP's)

APP	Applies to Gumtree	Policy shortfalls requirements	Policy exceeds requirements
1	Applies	Yes  Does not specify if it is likely to disclose personal information to overseas recipients.  Disclosure policy is vague.	No
2	Applies	No	No
3	Applies	No  But avenues of data collection seem excessive.	No
4	Applies	Yes  Does not contain any policy related to this	No
5	Applies	Yes  Does not contain any policy related to this	No
6	Applies	No  Technically no shortfall,	No

		though because the data collection is to “Improve and personalize services” this vague term will allow Gumtree to disclose information	
7	Applies	No  No shortfall, option given to opt out.	No
8	Applies	Yes  Does not state what steps are taken to ensure overseas recipient does not breach APP’s	No
9	Applies	Yes  Does not specify any policy for this	No
10	Applies	No	No
11	Applies	No  There are appropriate security measures in place and information no longer needed is disposed of	No
12	Applies	Yes  Does not provide obvious way to retrieve personal information	No
13	Applies	No	No

## Recommended Changes

Various changes to Gumtrees policies and procedures need to be implemented in order to comply with the current Australian Privacy Principles.

They need to update their privacy policy to reflect;

- Who the third part recipients of your information are.
- What they will do with unsolicited information.
- Their responsibility to notify you of any data collection that was not covered in the Terms of Use.
- Procedures for ensuring Australian Privacy Principle compliance with overseas recipients.
- Their policy regarding government identifiers.
- How someone can access all their personal information that is being held.

These changes will need to be implemented with following procedures for;

- Notification of data collection
- Notification and handling of unsolicited information
- Data handling for overseas recipients
- Storage and use of government identifiers
- Retrieval of personal information
- Scheduled legislative checks to stay current with the law

## Distribution

The new policy will need to be emailed to and reviewed by the company's stakeholders. After a given amount of time, a follow up email will be sent to ascertain that the updated policies were understood, and to see if anyone has anything they would like to add.

Scheduled meetings with company management and legal division need to be performed to update every one of any changes to law, and to see how the current privacy model is working within the organization.

## Summary

I found the privacy policy for Gumtree Australia to be lacking implementation detail as well as information regarding your data, with specific concerns about who has access to your data. Under the all-pervasive goal of "Improving and personalizing services" like so many other companies today, Gumtree may disclose your information with third parties, as long as the primary goal remains the same.

Currently their policy does not adhere to all of the thirteen Australian Privacy Principles and it has some fairly large gaps to fill before it would be considered compliant with the APP's.