

# PRIVACY POLICY

**FAIR  MARKETS**

**FairMarkets Trading PTY LTD**

**ACN: 159 166 739**

**AFSL: 424122**

**Last Updated: 30 July 2018**

## Privacy Policy

This Policy applies to FairMarkets Trading Pty Ltd (ACN: 159 166 739) and any holding companies, other subsidiaries or related entities of FairMarkets, all of which are referred to as “FairMarkets”, “we”, “our”, or “us”. The Policy extends to and covers all operations and functions of FairMarkets.

At FairMarkets, we are committed to ensuring the confidentiality and security of the personal information supplied by individuals. FairMarkets is bound by the Australian Privacy Principles (‘APPs’) contained in the Privacy Act 1988 (Cth) (‘Privacy Act’). FairMarkets has appointed a Privacy Officer, who oversees the Privacy Policy, and ensures that FairMarkets’ management of personal information is in accordance with this Policy and with the Privacy Act.

FairMarkets also has obligations under the General Protection Regulation 2016/2017 (the “**GDPR**”) applicable in the European Union, including the UK until any UK data protection legislation replaces or adopts the GDPR once in force or applicable. For the purpose of the GDPR FairMarkets Pty Ltd is a data controller.

FairMarkets’ Privacy Policy Statement will be reviewed from time to time to take account of new laws and technology, changes to our operations and practices and to make sure it remains appropriate to the changing environment.

The word “individual” refers to a customer, client, trustee or any other person with whom we come into contact. All contractors, sub-contractors, vendors, service providers, customers, agents or any other third parties that have access to and/or utilise personal information collected and/or held by FairMarkets must abide by this Privacy Policy.

“Personal Information” is information or an opinion relating to an individual, which can be used to identify that individual. Some personal information, which we collect, is “sensitive information”. “Sensitive information” includes information relating to a

person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences and criminal record, which is also personal information, and also includes health information about an individual.

### *1. How we collect personal information*

As the provider of financial services, we may collect sensitive information about an individual's personal circumstances and financial details such as their bank account details, and credit history, which may potentially identify the individual and/or contains an opinion about the individual.

Our ability to provide individuals with our products and services is sometimes dependent on us obtaining certain personal information about the individual.

The Personal Information we collect (or receive) about you may include your:

- (a) Name and address;
- (b) Date of birth;
- (c) Email address;
- (d) Username, password;
- (e) Your IP address;
- (f) Your phone numbers (which could be your home, work or mobile number);
- (g) Credit card details;

- (h) Information relating to an individual's source of wealth;
- (i) Occupation;
- (j) Bank account details, including institution name, branch, account name, bank identifier;
- (k) Bank account number or IBAN; and/or
- (l) Information relating to your trading experience.

We generally collect personal and/or sensitive information from individuals by the following methods:

- 1.1 directly from applications, questionnaires and/or forms completed by individuals (via our websites), which include surveys or special offers, when individuals wish to use our services, purchase our products or apply for a position in our organisation;
- 1.2 from information disclosed to us by an individual on the phone, or by sending us correspondence (by letter, fax or email) or contact us in person; and
- 1.3 from a variety of third party sources, including our business contacts credit reference and credit checking agencies, and financial institutions.

The above list is not exhaustive.

In some circumstances we may be provided with personal information about an individual from somebody else, for example a referral from another person. We will take reasonable steps to inform the individual that it holds the personal information and the purpose for which it holds the personal information.

The *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) and *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007* (No. 1) (“AML/CTF”) require us to collect certain identification information about you. We will collect personal information from third parties in respect of AML/CTF checks which are required to be carried out, under AML/CTF Legislation. This requires that we collect and store the identification documents such as:

- (a) your passport;
- (b) driver’s licence;
- (c) national identity card (if applicable);
- (d) utility bills;
- (e) trust deed;
- (f) a credit check on the individual; or
- (g) other information which we consider necessary to our functions and activities.

We must not collect sensitive information unless the individual has consented, or it is required by law, or in other special specified circumstances.

Having provided consent, you are able to withdraw it at any time. To withdraw consent, please contact our office. Please note that withdrawing your consent may lead to us no longer being able to provide you with the product or service you enjoy given that, as mentioned above, it is impracticable for us to treat some customers differently.

If the personal information we request is not provided, we may not be able to provide individuals with the benefit of our services, or meet an individual’s needs appropriately.

## *2. Incomplete or Inaccurate Information*

We may not be able to provide you with the products or services you are seeking if you provide incomplete or inaccurate information.

## *3. Why do we collect personal information?*

We may process your personal data for one or more lawful bases of processing (“**Lawful Basis**”) depending on the specific purpose for which we are using your data.

We may process your personal data for the purpose of:

- (a) dealing with your inquiries and requests, including contacting you where necessary. *Lawful Basis:* your consent or performance of our contract with you;
- (b) notifying you about important changes or developments to our Websites, our Applications or to our products or services (e.g. changes of features or enhancements). *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (c) carrying out our obligations arising from any contracts connected to you. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (d) providing and personalising our services, enhancing customer experience and tailoring our services to you. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;

- (e) providing you access to all parts or features of our Website, our Application or our services. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (f) where applicable, processing your payments. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (g) administering your registration and customer accounts records. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (h) preventing, detecting and investigating potentially prohibited or illegal activities, and enforcing our Terms and Conditions of Service. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (i) improving and developing our Website, our Application or our products and services, as well as collecting feedback from you about our Website, our Apps, and other activities. For example:
  - a. we may need to gauge whether a new product, website feature or App is likely to appeal to a large proportion of our customer base. And if not, we will want to know why; or
  - b. occasionally we may invite you to review a website or App. If we do, it is possible that we will use independent research and feedback providers to act on our behalf. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (j) ensuring we have adequate security measures and services so you can safely access our Websites and our Application. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;

- (k) complying with all the applicable laws and regulations. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (l) debt recovery or debt tracing, crime, fraud and money laundering compliance. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (m) recruitment purposes if you have applied for a position with us including to contact you to discuss a role with us and to assess your suitability. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (n) monitoring how people use our Websites and Application to see if they are being abused or threatened. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests; and
- (o) testing new systems and processes as we roll them out (but generally only in anonymous form) to make sure they work correctly and meet the standards we set for ourselves. *Lawful Basis:* processing is necessary for our legitimate interests.

We may take steps to verify the data we collect including verifying identification provided with a government or third-party database.

We may place a cookie on your device when you access our Website or our Application. These cookies will let us know when you have accessed our Websites or downloaded or used our Application.

You may ask us to provide you with information about our services or our privacy policy by sending us an e-mail to [support@fair.markets](mailto:support@fair.markets).

#### *4. Information we may collect*

The personal and sensitive information we collect generally consists of name, address, date of birth, gender, marital status, occupation, account details, contact details (including telephone, facsimile and e-mail) and financial information.

We are required by law to identify you if you are opening a new account or adding a new signatory to an existing account. Anti-money laundering laws require us to sight and record details of certain documents (i.e. photographic and non-photographic documents) in order to meet the standards, set under those laws.

We may take steps to verify the information we collect; for example, a birth certificate provided as identification may be verified with records held by the Registry of Births, Deaths and Marriages to protect against impersonation.

#### *5. About whom do we collect personal information?*

The type of information we may collect and hold includes (but is not limited to) personal information about:

- \* individuals;
- \* third parties;
- \* prospective employees; and
- \* other people with whom we come into contact.

#### *6. Dealing with unsolicited personal information*

If we receive personal information that is not solicited by us, we will only retain it, if we determine that it is reasonably necessary for one or more of our functions or activities and that you have consented to the information being collected or given the absence of your consent that it was impracticable or unreasonable for us to obtain it under the circumstances.

If these conditions are not met, we will destroy or de-identify the information.

If such unsolicited information is sensitive information we will obtain your consent to retain it regardless of what the circumstances are.

#### *7. How might we use and disclose personal information?*

When we refer to “use “of personal information, we mean use within our organisation for the purposes outlined above. When we use the word “disclose” we mean providing the information to persons outside of our organisation.

We may use and disclose personal information for the primary purposes for which it is collected, and also for reasonably expected secondary purposes which are related to the primary purpose and in other circumstances authorised by the Privacy Act. Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the individual agrees otherwise, or where certain other limited circumstances apply (e.g., where required by law).

We may use and disclose personal information for the following purposes:

- to conduct our business of providing our products and services to clients;
- to register and handle product warranties, and product warranty claims;

- to enter into contracts with sub-contractors to conduct our business;
- to assess applications by individuals to provide them with our services;
- to communicate with individuals, by providing them from time to time with information contained in newsletters, emails or brochures;
- to comply with our legal obligations; and
- to help us manage and enhance our services.

When you enter provide your contact details as part of a survey or market research questionnaire, we may ask for your name, address, and e-mail address so we can conduct the survey and thereby enhance our services. We may ask for other information to enable us to improve our websites or to send you special offers. In these instances, we will usually provide you with an opportunity to opt out from receiving any information after providing your details.

We do not disclose personal information we collect to others for the purpose of allowing them to direct market their products and services. We do not use or disclose sensitive information for direct marketing purposes.

We may engage other people to perform services for us, this may involve those people handling personal information that we possess. In these situations, we prohibit that person from using personal information about you except for the specific purpose for which we supply it.

We may disclose personal and/or sensitive information to:

- third parties, including (but not limited to) any entities or organisations handling any claims;

- consultants we engage to assist individuals;
- consultants we engage to manage our business;
- third party service providers;
- organisations involved in a transfer or sale of all or part of our assets or business (including accounts and trade receivables);
- our lawyers;
- our accountants;
- our compliance consultants;
- regulatory authorities, including the Australian Securities and Investment Commission (ASIC); and
- anyone else to whom the individual authorises us to disclose it.

We may also collect personal and/or sensitive information from these organisations and individuals, and deal with that information in accordance with this Policy.

FairMarkets trains its employees and advisers who handle personal information to respect the confidentiality of customer information and the privacy of individuals. FairMarkets regards breaches of your privacy very seriously and will impose appropriate penalties for breach of this Policy, which may, in certain circumstances, include dismissal.

*Disclosure required by law*

We may be required to disclose customer information by law e.g. under Court Orders or Statutory Notices pursuant to taxation or social security laws or under laws relating to sanctions, anti-money laundering or counter terrorism financing.

### *Direct marketing*

We will only use or disclose the personal information we hold about you for the purpose of direct marketing if we have received the information from you and you have not requested not to receive such information.

Direct marketing means that we should use your personal information to provide you with information on our products and services that may interest you.

If you wish to opt-out of receiving marketing information altogether, you can:

- call us on +61 2 8607 8364; or
- write to us at [support@fair.markets](mailto:support@fair.markets)

### *8. Sending information overseas?*

We will only disclose your personal information to a recipient who is not in Australia and who is not our entity after we ensure that:

- the overseas recipient does not breach the Australian Privacy Principles;  
or
- you will be able to access to take action to enforce the protection of a law or binding scheme that has the effect of protecting the information in

a way that is at least substantially similar to the way in which the Australian Privacy Principles protect the information; or

- you have consented to the disclosure after we expressly you that there is no guarantee that the overseas recipient will not breach the Australian Privacy Principles; or
- the disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A (1) Privacy Act) exists in relation to the disclosure of the information.

For the purposes of the GDPR the data we collect may be transferred to, and stored at, a destination outside the European Economic Area (“**EEA**”). It may also be processed by staff operating outside the EEA including Australia and the United States. Such staff may be engaged in, amongst other things, the fulfillment of your request, the processing of your payment details and the provision of support services. By submitting your personal data, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy.

### *9. Management of personal information*

The Privacy Act requires us to take all reasonable steps to protect the security of personal information. Safeguarding the privacy of your information is important to us, whether you interact with us personally, by phone, mail, over the internet or other electronic medium.

We hold personal information in a combination of secure computer storage facilities and paper based files and other records, and take steps to protect the personal information we hold from misuse, loss, unauthorized access, modification or disclosure.

We may need to maintain records for a significant period of time. However, when we consider information is no longer needed, we will remove any details that will identify you or we will securely destroy the records.

### *10. Identifiers*

We will not use identifiers assigned by the Government, such as a tax file number, Medicare number or provider number, for our own file recording purposes unless required or authorized to do so by or under Australian law, regulation or court/tribunal order.

Before using or disclosing a government related identifier of an individual, we will ensure that such use or disclosure is:

- reasonably necessary for us to verify your identity for the purposes of our activities or functions; or
- reasonably necessary for us to fulfil its obligations to a government agency or a State or Territory authority; or
- required or authorised by or under an Australian law, regulation or a court/tribunal order; or
- within a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A (1) Privacy Act); or

- reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

#### *11. How do we keep personal information accurate and up-to-date?*

We take reasonable steps to ensure that the personal information it holds is accurate, complete and up-to-date. We encourage individuals to contact us in order to update any personal information we hold about them. Our contact details are set out at the end of this document.

#### *12. Access to personal information*

Under the Privacy Act, you have the right to obtain a copy of any personal information which FairMarkets holds about you and to advise FairMarkets of any perceived inaccuracy.

To make a request, you will need to complete an application form verifying your identity and specifying what information you require. We will acknowledge your request within 14 days and respond promptly to it or if that deadline cannot be met owing to exceptional circumstances, your request will be dealt with within 30 days.

If we refuse to provide the information, we will provide reasons for the refusal and inform the individual of any exceptions relied upon under the Privacy Act.

If you want to make a general enquiry about FairMarkets' privacy policy, change your personal information, lodge a complaint or obtain an application form for access to your personal information, please contact us using the details at the end of this document.

We will require identity verification and to specify what information is required. An administrative fee for search and photocopying costs may be charged for providing access. We will advise of the likely cost in advance.

If we refuse to give access to the personal information or to give access in the manner requested by you, we will give you a written notice setting out the reasons for the refusal, the mechanisms available to complain and any other relevant matter.

Additionally, we will endeavor to give access in a way that meets both yours and our needs.

### *13. Correction of personal information*

We will correct all personal information that we believe to be inaccurate, out of date, incomplete, irrelevant or misleading given the purpose for which that information is held or if you request us to correct the information.

If we correct your personal information that we previously disclosed to another APP entity you can request us to notify the other APP entity of the correction. Following such a request, we will give that notification unless it is impracticable or unlawful to do so.

If we refuse to correct the personal information as requested by you, we will give you a written notice setting out the reasons for the refusal, the mechanisms available to complain and any other relevant matter.

If we refuse to correct the personal information as requested by you, you can request us to associate with the information a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading. We will then associate the statement in such a way that will make the statement apparent to users of the information.

#### *14. Updates to this Policy*

FairMarkets' Privacy Policy will be reviewed from time to time to take account of new laws and technology, changes to our operations and practices and to make sure it remains appropriate to the changing environment.

#### *15. Data Retention*

We will only retain your personal data for as long as you have consented to it or when it is necessary to us to provide you with our services or fulfil the purposes we collect it for you, including for the purposes of satisfying any legal, accounting or reporting or regulatory requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

#### *16. Responsibilities*

It is the responsibility of management to inform employees and other relevant parties that this Privacy Policy is maintained and enforced. Management must ensure that they periodically advise FairMarkets' employees and other relevant parties of any changes to the Privacy Policy in a timely manner. It is the responsibility of all employees and other relevant parties to ensure that they understand and adhere to

this Privacy Policy. Ignorance of the existence of the Privacy Policy will not be an acceptable excuse for non-compliance.

### *17. Privacy Training*

All new employees must be provided with timely and appropriate access to FairMarkets' Privacy Policy. All employees must be provided with opportunities to attend appropriate and periodic Privacy awareness training and must ensure that they understand the Privacy related issues that could adversely affect FairMarkets' position if not properly adhered to.

### *18. Non-compliance and disciplinary actions*

Any FairMarkets employee or relevant third party that identifies, knows about, or suspects a Privacy breach must immediately report the matter to the Privacy Officer. Employees or other relevant parties that contravene or do not comply with FairMarkets' Privacy Policy may be subject to disciplinary action.

### *19. Incidents/Complaints Handling*

If an individual has a privacy complaint, he or she is required to send it in writing to the Privacy Officer.

FairMarkets has an effective incidents/complaints handling process in place to manage privacy risks and issues. The incidents/complaints handling process involves:

- identifying (and addressing) any systemic/ongoing compliance problems;
- increasing consumer confidence in FairMarkets' privacy procedures; and
- helping to build and preserve FairMarkets' reputation and business.

FairMarkets has a positive obligation under the *Privacy Amendment (Notifiable Data Breaches) Bill 2016* to notify you and the Office of the Australian Information commissioner in the unlikely event that your personal information has been (i) lost or stolen; (ii) accessed without your authorization; or (iii) there has been an inadvertent disclose of personal information.

#### *21. Contractual arrangements with third parties*

We must ensure that all contractual arrangements with third parties adequately address privacy issues.

Each third party is aware of this Privacy Policy, and has informed us that they have implemented policies in relation to the management of personal information in accordance with the Privacy Act, including:

- regulating the collection, use and disclosure of personal information;
- de-identifying personal information wherever possible;
- ensuring that personal information is kept securely, protected from loss or misuse, with access to it only by authorised employees or agents of the related organisations; and

- ensuring that personal information is only disclosed to organisations which are approved by FairMarkets.

The third parties specifically agree only to use personal information for the purposes consented to by FairMarkets or by the individual concerned.

## *22. Websites*

FairMarkets' websites (www.FairMarkets) contain links to other websites whose operator may or may not adhere to a privacy policy or be governed by the APPs. FairMarkets has no control over the privacy practices of sites that are linked to its sites via hyperlinks or banner advertising. Please take care at all times to check whose site you are visiting.

When an individual accesses our websites, our websites uses cookies which allow us to identify the individual's browser. Cookies do not identify the individual – they simply allow us to track usage patterns so that we can measure the level of interest in various areas of its site. All browsers allow individuals to be notified when they receive a cookie and elect whether to accept it.

We may also use third parties to analyse traffic at our web sites, which may involve the use of cookies. Information collected through such analysis is anonymous. Our websites' privacy policy can be accessed by clicking on the privacy link located on the homepage of each of our websites.

## *23. Enquiries*

If you have any questions about privacy-related issues, please contact the FairMarkets Privacy Officer:

The Privacy Officer, FairMarkets

Level 10, 20 Martin Place

SYDNEY NSW 2000

Phone: +61 2 8607 8364

Email: [support@fair.markets](mailto:support@fair.markets)