

PRIVACY POLICY



EIGHTCAP PTY LTD

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1 | OUR COMMITMENT

EightCap Pty Ltd ("EightCap", "8Cap", "we", "us", "our" or "ours" as appropriate) is committed to providing you with the highest levels of client service. We recognise that your privacy is very important to you and we respect the confidentiality of information and the privacy of individuals.

Your personal information will be treated strictly in accordance with the 'Australian Privacy Principles' in the *Privacy Act 1988 (Cth.)* and the 'Private Sector Amendments' contained in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth.)*.

Further information on privacy in Australia may be obtained by visiting the website or the Office of the *Federal Privacy Commissioner* at www.oaic.gov.au

We believe that this Privacy Policy discloses how the personal information you provide to us and our representatives, is collected, used, held, disclosed and disseminated. We are committed to being open and transparent about how we use your personal information. We encourage you to check our website regularly for any updates to our Privacy Policy.

2 | WHY WE COLLECT PERSONAL INFORMATION

We are required to meet particular legislative and regulatory requirements which requires us to collect certain personal information from you for the purposes of:

- ▶ providing you with the relevant product or service;
- ▶ managing and administering the product or service; and
- ▶ protecting against fraud

3 | YOUR PERSONAL INFORMATION

Due to government regulations and the nature of the products or services we provide, we are required to collect personal information about you which can include, but is not limited to, the below:

- ▶ name, address and telephone number(s);
- ▶ date of birth;
- ▶ email address;
- ▶ occupation and job title;
- ▶ transaction details associated with your trading through us;
- ▶ additional information provided to us and recorded via telephone;
- ▶ information you provided to us on client agreement forms;

- ▶ nominated bank account details;
- ▶ statement of assets and liabilities;
- ▶ information regarding guarantees of company accounts;
- ▶ tax file number;
- ▶ employer information; and
- ▶ voluntary information

Please note that you are not required by law to provide us with any of the personal information requested, however, without the information required, we may not be able to provide you with any of the services or assistance you have sought.

4 | HOW WE COLLECT PERSONAL INFORMATION

We collect personal information in a number of ways, including:

- ▶ directly from you, when you attend a face-to-face interview;

- ▶ directly from you, when you provide information through a data collection form;
- ▶ directly from you, when you provide information via the telephone; and
- ▶ directly from you, via an email or the internet

5 | HOW WE USE PERSONAL INFORMATION

Primarily, your personal information is used in order to:

- ▶ meet particular legislative and regulatory requirements;
- ▶ assist in providing services to you;
- ▶ assist with any calls you make to us;
- ▶ communicate relevant information to you; and
- ▶ assist in product development, marketing, planning, administration and credit control procedures

Please be noted that from time to time, we may provide you with direct marketing material. This will include emails, articles and newsletters that may be of interest to you.

If, at any time, you do not wish to receive this information any further, you may contact us with this request. We will endeavour to meet your request within one (1) week.

We also maintain a 'Register' for those individuals who do not wish to receive direct marketing material.

For any marketing you receive as a result of our use of cookies, please see the section dealing with cookies below. In particular, please note the information about how to manage your preferences both personally and with any social media websites.

6 | WHEN WE DISCLOSE PERSONAL INFORMATION AND WHO WE DISCLOSE IT TO

In line with modern business practices common to many financial institutions and to meet your specific needs we may disclose your personal information to the organisations described below.

The *Corporations Act 2001* has provided the **Australian Securities and Investments Commission** ("ASIC") with the authority to inspect certain personal information that is kept on our files about you.

We also collect information about you for the purpose of reporting to **AUSTRAC** under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

For the purposes set out above, we may disclose your personal information to organisations outside EightCap.

The organisations to which we disclose information may include:

- ▶ other product providers in order to manage or administer your product or service;
- ▶ compliance consultants in order to ensure that our representatives are meeting our compliance standards;
- ▶ mailing houses;
- ▶ your professional advisers, including your solicitor or accountant as authorised by you;
- ▶ information technology service providers to maintain, review, and develop our business systems, procedures and infrastructure, including testing and/or upgrading our computer systems;
- ▶ government and regulatory authorities and other organisations, as required or authorised by law, for example, to government or regulatory bodies for the purposes related to public health or safety, the prevention or detection of unlawful activities or to protect public revenue;
- ▶ another authorised representative of us if necessary;
- ▶ a potential purchaser/organisation involved in the proposed sale of our business for the purpose of due diligence, corporate re-organisation and transfer of all or part of our business assets;

- ▶ where you have given your consent including your legal advisers; and
- ▶ a new owner of our business that will require the transfer of your personal information

In addition, our employees and any outsourcing companies/contractors are obliged to respect the confidentiality of any personal information held by us.

We take our obligations to protect your information seriously, this includes when we operate throughout Australia and overseas, as part of our operations. Some uses and disclosures of your information may occur outside your State or Territory and/or outside of Australia. In some circumstances we may need to obtain your consent before this occurs.

We may take reasonable steps to require organisations, both within and outside of our group of companies, who handle or obtain personal information as service providers to us, acknowledge the confidentiality of this information, undertake to respect any individual's right to privacy and comply with either the *Australian Privacy Principles* or their local privacy regime and this policy.

Our ability to enforce the *Australian Privacy Principles* or any other contractual privacy obligation against overseas recipients and to take action in relation to any breach may be very limited and/or far less effective than it would be if such recipients were Australian based. As *Australian Privacy Principles* may not be enforceable against or apply to overseas regulation, we understand that you may choose not to disclose your personal information to us. However, if you choose not to provide the information we need to fulfil your request for a specific product or service, we may not be able to provide you with the requested product or service.

In the event of that we propose to sell the business, we may disclose your personal information to potential purchasers for the purpose of them conducting due diligence investigations. Disclosure will be made in confidence and it will be a condition of that disclosure that no personal information will be used or disclosed by them.

7 | SOLICITED PERSONAL INFORMATION

Without your consent we will not collect information about you that reveals your racial or ethnic origin, political opinions, religious or philosophical beliefs or affiliations, membership of professional or trade association, membership of a trade union, details of health, disability, sexual orientation, or criminal record.

It is our policy that sensitive information will be used and disclosed only for the purposes for which it was provided, unless the customer agrees otherwise or the use or disclosure of this information is allowed by law, or when the information is necessary for the establishment, exercise or defence of a legal claim.

8 | HOW WE STORE AND SECURE PERSONAL INFORMATION

We keep your personal information in your respective client file. These files are accessible to authorised personnel only and are appropriately secured out of hours. Your personal information may also be held on our computer database. All computer-based information is protected through the use of access passwords. Data is backed up regularly and stored securely off site.

Some other measures taken are:

- ▶ confidentiality requirements for our employees;
- ▶ security measures for system's access; and
- ▶ provision of a discreet environment for confidential discussions

Please note that personal information will be treated as confidential information and sensitive information will be treated as highly confidential.

It is a legislative requirement that we keep all personal information and records for a period of seven (7) years. Should you cease to be a client of ours, we will maintain your personal information on or off site in a secure manner for 7 years. After this, the information will be destroyed.

9 | ENSURE YOUR PERSONAL INFORMATION IS CORRECT AND UP TO DATE

We take all reasonable precautions to ensure that the personal information we collect, use and disclose is accurate, complete and up to date. To ensure we can maintain this level of accuracy and completeness, we recommend that you:

- inform us of any errors in your personal information as soon as possible; and
- update us with any changes to your personal information as soon as possible

We can generally update your customer information over the telephone, by email from your registered email address. Please note however that you may be asked to verify your personal details for security purposes before an amendment can be made. If you provide inaccurate or incomplete information, we may not be able to provide you with the products or services you are seeking.

10 | ACCESS TO YOUR PERSONAL INFORMATION

You have a right to access your personal information, subject to certain exceptions allowed by law. We ask that you provide your request for access in writing (for security reasons) and we will provide you with access to that personal information.

Access to the requested personal information may include:

- providing you with copies;
- providing you with the opportunity for inspection; or
- providing you with a summary

If charges are applicable in providing access to you, we will disclose these charges to you prior to providing you with the information.

You should note that some exceptions exist where we will not provide you with access to your personal information, if:

- providing access would pose a serious threat to the life or health of a person;
- providing access would have an unreasonable impact on the privacy of others;

- the request for access is frivolous or vexatious;
- the information is related to existing or anticipated legal proceedings between us and would not be discoverable in those proceedings;
- providing access would reveal our intentions in relation to negotiations with you in such a way as to prejudice those negotiations;
- providing access would be unlawful;
- denying access is required or authorised by or under law; and
- providing access would be likely to prejudice certain operations by or on behalf of an enforcement body or an enforcement body requests that access not be provided on the grounds of national security

Should we refuse you access to your personal information, we will provide you with a written explanation for that refusal.

11 | USE OF GOVERNMENT IDENTIFIERS

Although in certain circumstances we are required to collect government identifiers such as your tax file number, *Medicare* number or pension card number, we do not use or disclose this

information other than when required or authorised by law or unless you have voluntarily consented to disclose this information to any third party.

12 | DEALING WITH US ANONYMOUSLY

You can deal with us anonymously where it is lawful and practicable to do so. For example, if you telephone requesting our postal address.

Please be advised however, due to the nature of the services and products we provide, and regulatory requirements associated, we cannot offer an option allowing you to transact as client of ours on an anonymous basis.

13 | COMPLAINT RESOLUTION

Please contact our *Privacy Officer* if you wish to complain about any breach or potential breach of your privacy rights. Generally, your complaint will be responded to within seven (7) days. If you are not satisfied with the outcome of your complaint, you are entitled to contact the Office of the

Privacy Commissioner. Please note that we may also record telephone conversations between you and any person working for us. Such recordings, or transcripts from such recordings, may be used for training purposes and to assist with the resolve of any dispute between you and us.

14 | USE OF OUR WEBSITE

Please note that our website provides links to third party websites.

The use of your information by these third party sites is not within our control and we cannot accept responsibility for the conduct of these organisations. Other websites are not subject to our privacy standards, policies and procedures. You will need to contact or review those websites directly to ascertain their privacy stands, policies and procedures.

You may register with us to receive newsletters and other information. By doing so, your name and email address will be collected and stored on our database. We take care to ensure that the personal information you give us on our website is protected. For example, our website has electronic security systems in place, including the use of firewalls and data encryption. If you do not wish to receive any further information from us, or if you wish to update your registration details, please email your request through to us. We will endeavour to meet your request within five (5) working days.

Additionally, we may use cookie technology as part of our websites statistical reporting. A 'cookie' is a small piece of information sent by a website that is saved on your hard disk by your computer's browser. It holds information a site may need to personalize your experience and to gather web site

statistical data, such as which pages are visited, what is downloaded, the internet provider's domain name and country that our visitors come from and the addresses of sites visited immediately before, and after, coming to our site. However, none of this is associated with you as an individual. It is measured only in aggregate. The information in the cookies lets us trace your *click stream* activity (i.e. the paths taken by visitors to our site as they move from page to page). Please note that cookies do not capture your individual email address or any private information about you.

If you wish to browse without cookies, you can configure your browser to reject all cookies, or to notify you when a cookie is set (note that each browser is different, so you will need to check the *help* menu of your browser to learn how to change your cookie preferences).

Furthermore, we also use standard web server log files to help us count visitors and evaluate our site's technical capacity. We use this information to find out how many people visit our site, help us arrange the pages in the most user-friendly way, keep the site browser-friendly, and to make our pages more useful to our visitors. We record information on site traffic but not information on individual visitors to our site, so no information about you in particular will be kept or used.

15 | SPAM ACT

'Spam' is a generic term used to describe electronic junk mail or unwanted messages sent to a person's email account or mobile phone. In Australia, spam is defined as '*unsolicited commercial electronic messages*'.

'*Electronic messaging*' covers emails, instant messaging, SMS and other mobile phone messaging, but do not cover normal voice-to-voice communication by telephone.

We comply with the provisions of the *Spam Act* when sending commercial electronic messages. Equally importantly, we make sure that our practices are in accordance with the *National Privacy Principles* in all activities where they deal with personal information. Personal information includes our clients contact details.

16 | DO-NOT-CALL REGISTER

Unless you ask us by calling our registered number, not to contact you about our products or services and not to disclose your information to others for that purpose, by accessing our website, you consent to us to contact you via telephone while

you hold any product or receive any services from us notwithstanding registration at any time of your telephone number on the '*do-not-call*' register.

17 | INTERNAL COMMUNICATION PROCEDURE

The three key steps that we follow:

- (1) **Consent** – only commercial electronic messages are sent with the addressee's consent (either express or inferred consent).
- (2) **Identify** – electronic messages will include clear and accurate information about the person and the company

that is responsible for sending the commercial electronic message.

- (3) **Unsubscribe** – we ensure that a functional unsubscribe facility is included in all our commercial electronic messages and deal with unsubscribe requests promptly.

18 | YOUR CONSENT

Commercial messages will only be sent to you when you have given consent. This may be *express* consent – a direct indication that it is okay to send the message, or messages of

that nature or *inferred* consent based on our business or other relationship with you and your conduct.

19 | COMPLIANCE WITH VIRAL MESSAGES LAW

We ensure that commercial communications that include a forwarding facility contain a clear recommendation that the recipient should only forward the commercial communication

to persons with whom they have a relationship, where that relationship means that person could be said to have consented to receiving commercial communications.

20 | COMPLIANCE WITH AGE APPROPRIATE CONTENT

Where the content of a commercial communication seeks to promote or inspire interaction with a product, service or event that is age sensitive, we take reasonable steps to ensure that

such content is sent to recipients who are legally entitled to use or participate in the product service or event.

21 | HOW TO CONTACT US

Attention: Privacy Officer
Address: EightCap Pty Ltd
Level 19, 180 Lonsdale Street
Melbourne, VIC 3000, Australia
Telephone: (03) 8373 4800
Fax: (03) 9623 2201
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