



## **Privacy Policy**

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Version 2

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## 1. Terms used in this Privacy Policy

**'FinEx'** means FinEx Execution Limited ABN 560 061 751 102, AFSL 246 842.

**'You'** and **'your'** refer to the individual whose information we collect and hold for our purposes.

**'Securities'** means shares, bonds, bank bills, convertible notes, units in managed investment schemes, related derivatives and other equity or debt financial products whether listed or unlisted.

## 2. Introduction

This policy sets out how FinEx will deal with personal information and addresses FinEx's obligations arising from the *Privacy Act 1988* and the 13 Australia Privacy Principles (**APPs**) from Schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* which amended the *Privacy Act 1988*.

Under the legislation, an organisation must set out in a document clearly expressed policies on its management of personal information and must make the document available to anyone who asks for it.

This document is FinEx's Privacy Policy and sets out, amongst other things, the following information:

- how FinEx collects and holds personal information;
- the purposes for which FinEx collects, holds, uses and discloses personal information;
- the kinds of personal information FinEx collects and holds;
- how does FinEx handle a request for access to personal information;
- does FinEx usually disclose information to the other organisations or people;
- overseas disclosure;
- personal information security;
- correcting personal information that is incorrect;
- how do I make further enquiries or complaints about a breach of privacy;

### What is 'personal information'?

Under the *Privacy Act* 'personal information' is

*'information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identify is apparent, or can reasonably be ascertained, from the information or opinion.'*

## 3. How FinEx collects your Personal Information

Personal information about you will usually be collected by your nominated Financial Adviser / Financial Planner (**Nominated Adviser**) who has arranged for FinEx to provide stockbroking services including transaction execution and related back office services to you. The information collected by your Nominated Adviser is then passed on to FinEx.

## 4. The Purpose for which FinEx collects, holds, uses and discloses your personal information

To provide financial services to you, we need to request and retain some personal information. This allows us to set up accounts, administer your accounts and arrange for our third-party clearer to settle and clear the financial market transactions that have been executed on your behalf. Your personal information may also be used to provide you information related to your account and transactions.

FinEx may also use your personal information for any secondary related purposes in circumstances where you would reasonably expect this to be the case (e.g. portfolio reviews, mail-outs of research, newsletters or direct marketing material that may be of interest to you). Where you require us to buy or sell foreign securities we may send information overseas to Stockbrokers and Custodians appointed by FinEx, who are required to comply with at least the same standards of Privacy. If you do not consent to your personal information being used as described above or if you do not provide the personal information requested, this may affect our ability to provide any or some stockbroking services to you. Your information must be accurate, complete and up to date. To assist us with this, please notify your Nominated Adviser if any details you have provided change.

We may also use your personal details to communicate with you about products and services and comply with relevant laws. We consider all information about our clients to be private and confidential.

## **5. The kinds of personal information FinEx collects and holds**

The nature of personal information collected by your Nominated Adviser and maintained by FinEx generally comprises name, address, contact details (including phone numbers, fax and e-mail address) and banking details. FinEx may also hold the following information about you:

- Occupation;
- Tax file number, where you have provided it to us;
- Information relevant to your financial situation, including your salary, other sources of income, levels of debt and living expenses;
- Your financial objectives, financial needs, and your attitude to investment risk;
- Your employer's name and address;
- The names and addresses of your dependants or beneficiaries; and
- Other information that you have given us.

## **6. How does FinEx handle a request for access to personal information?**

Under the National Privacy Principles, you are generally entitled to access the information we hold about you. Where you are entitled to access, the time within which we are required to give you access will depend on the type of information requested. If you do require access to the personal information we hold about you, please make that request through your Nominated Adviser. If we can, we will answer your question immediately. Sometimes, we will ask that you put your request (via your Nominated Adviser) in writing, for example, where you want copies of material or access to older information or files which are not current or it is necessary for us to retain a record of your request. We may also ask you to identify yourself to our satisfaction. In some circumstances, we may charge a fee for giving you access, which will vary but will be based on our costs (internal and external) in locating the information and the form of access you require. If we propose to charge a fee for giving access, we will give you an estimate of the fee so you can confirm that you still want us to give you access to the information. We do not impose any charge for lodging a request for access. If we are entitled under the National Privacy Principles to refuse to give you access, we will tell you and provide reasons.

## **7. Does FinEx usually disclose information to other organisations or people?**

We will not disclose information about you unless:

- we are required by law or other regulations (e.g. ASIC, ASX, the Courts and the Australian Tax Office have the power to order us to disclose information about your account/s);
- we are authorised by law (e.g. to protect our interests or where we have a duty to the public to disclose); or
- you have consented to the disclosure of the information about you.

As part of us providing stockbroking services we will be required to disclose your personal information to:

- Our third-party clearing and settlement agent who may in turn provide it to the Securities Clearing House (**CHESS**), share registries, financial institutions, service providers (such as software providers, delivery companies and mail houses) and, where applicable, margin lenders;
- Underwriters or corporate advisers where you are applying for securities in an initial public offering or new issue;
- Where relevant, your executor, administrator, trustee, guardian or attorney; and
- Entities we use for printing reports, newsletters and other services we provide to you.

We may also check your credit worthiness with:

- Credit reference agencies (i.e. The Stockbrokers Mutual Reference Society Limited);
- Your bank or other financial institutions for direct credit or debits; and/or
- Stockbrokers and Custodians for the purpose of completing transactions in foreign securities.

In all circumstances where contractors and agents may become aware of personal information, confidentiality arrangements apply. Personal information may only be used by our agents and contractors for our purposes.

We do not sell mailing lists.

## **8. Overseas Disclosure**

We may store your information on “the Cloud” or other types of networked or electronic storage. As electronic or networked storage can be accessed from various countries via an internet connection, it’s not always practicable to know in which country your information may be held. If your information is stored in this way, disclosures may occur in countries other than those listed.

Under a foreign law, overseas organisations (such as overseas brokers we use to buy and sell foreign securities on your behalf) may be required to disclose information we share with them. In those instances, we will not be responsible for that disclosure.

## **9. Personal information security**

FinEx recognises how important the privacy of your personal information is to you and undertakes to store such information in a secure place. We will protect personal information from misuse and loss, and destroy or permanently de-identify personal information we no longer need. Please note that even if we are no longer providing services to you we are obliged due to legislative and regulatory requirements to retain your personal information in a form, which does identify you for a period of up to 7 years. Your personal information is stored in our and our third-party clearer’s back office system, which is protected by company logins and passwords and can only be accessed by the relevant staff within FinEx.

## **10. Correcting personal information that is incorrect**

If the personal information we hold about you is wrong, please tell us (through your Nominated Adviser). We want our records to be accurate, complete and up to date. Unless we disagree with you about the accuracy or completeness of a record, we will generally correct it on request, (or suggest alternative arrangements for updating our records). If we disagree with you, we will give you our reasons.

**11. How do I make further enquiries or complain about a breach of privacy?**

If you require more information about the way FinEx manages personal information or wish to make a complaint about the holding of your personal information or a breach of your privacy, please contact FinEx (see below for details) and ask to speak to the FinEx Privacy Officer. If we are unable to satisfactorily resolve your concerns you can contact the Office of the Australian Information Commissioner (**OAIC**).

**12. How can I contact FinEx?**

- Call Us: 1800 649 518
- Email Us: [info@finclear.com.au](mailto:info@finclear.com.au)
- Write to Us:  
The Privacy Officer,  
Level 3, 533 Little  
Lonsdale Street  
Melbourne VIC 3000

**13. Changes to this Privacy Policy**

We reserve the right to review and amend this Privacy Policy from time to time and to notify you by posting an updated version on our website ([www.finclear.com.au](http://www.finclear.com.au)).