



Privacy Policy

Cardiff Global Markets Pty Ltd

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VERSION CONTROL

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1	February 2018	Original document prepared and finalised in consultation with Sophie Grace Pty Ltd.

SECTION A – INTRODUCTION

1. INTRODUCTION

- 1.1 As part of Cardiff Global Markets Pty Ltd's ("**CGM**") process to ensure that it continues to maintain the highest levels of professional integrity and ethical conduct, CGM has adopted this Privacy Policy ("**Policy**") to manage personal information in an open and transparent manner.
- 1.2 The provisions of this Policy will assist CGM in complying with the requirements of the *Privacy Act 1988* (Cth) and the Australian Privacy Principles in protecting the personal information CGM holds about its clients.

2. WHEN DOES THIS POLICY APPLY?

- 2.1 This Policy applies to all representatives and employees of CGM at all times and the requirements remain in force on an ongoing basis.

3. GLOSSARY

TERM	DEFINITION
APP entity	means an agency or organisation as defined in section 6 of the Privacy Act 1988.
Australian law	means (a) an Act of the Commonwealth or of a State or Territory; or (b) regulations, or any other instrument, made under such an Act; or (c) a Norfolk Island enactment; or (d) a rule of common law or equity.
Collects	CGM collects personal information only if CGM collects the personal information for inclusion in a record or generally available publication.
Court/tribunal order	means an order, direction or other instrument made by: (a) a court; or (b) a tribunal; or (c) a judge (including a judge acting in a personal capacity) or a person acting as a judge; or (d) a magistrate (including a magistrate acting in a personal capacity) or a person acting as a magistrate; or (e) a member or an officer of a tribunal; and includes an order, direction or other instrument that is of an interim or interlocutory nature.
De-identified	personal information is <i>de-identified</i> if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.
Holds	CGM <i>holds</i> personal information if it has possession or control of a record that contains the personal information.
Identifier of an individual	means a number, letter or symbol, or a combination of any or all of those things, that is used to identify the individual or to verify the identity of the individual, but does not include: (a) the individual's name; or (b) the individual's ABN (within the meaning of the <i>A New Tax System (Australian Business Number) Act 1999</i>); or (c) anything else prescribed by the regulations.

Permitted general situation	As defined in s16A of the Privacy Act 1988
Permitted health situation	As defined in s16B of the Privacy Act 1988
Personal information means	means information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.
Sensitive information	means (a) information or an opinion about an individual's: (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual orientation or practices; or (ix) criminal record; that is also personal information; or (b) health information about an individual; or (c) genetic information about an individual that is not otherwise health information. (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or (e) biometric templates.

SECTION B – CONSIDERATION OF PERSONAL INFORMATION PRIVACY

4. PRIVACY STATEMENT

- 4.1 CGM's Managing Director must ensure that at all times the provisions of this policy are implemented in the day to day running of CGM.
- 4.2 Managing Director must ensure that at all times this Policy:
- (a) is current and reflects the latest applicable Australian laws; and
 - (b) contains the following information:
 - (i) the kinds of personal information that CGM collects and holds;
 - (ii) how CGM collects and holds personal information;
 - (iii) the purposes for which CGM collects, holds, uses and discloses personal information;
 - (iv) how an individual may complain about a breach of the Australian Privacy Principles, or other relevant legislation that binds CGM, and how CGM will deal with such a complaint;

- (v) whether CGM is likely to disclose personal information to overseas recipients;
- (vi) if CGM is likely to disclose personal information to overseas recipients, the countries in which such recipients are likely to be located if it is practicable to specify those countries in this policy.

4.3 CGM must ensure that the CGM's Privacy Statement is available free of charge and in such form as appropriate. CGM will make the Privacy Statement available on its website.

4.4 If the Privacy Statement is requested in a particular form, CGM will take such steps as are reasonable to provide the Privacy Statement in the form requested.

SECTION C – COLLECTION OF PERSONAL INFORMATION (SOLICITED PERSONAL INFORMATION)

5. PERSONAL INFORMATION (OTHER THAN SENSITIVE INFORMATION)

5.1 This Section C applies to the collection of personal information that is solicited by CGM.

5.2 CGM must not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of CGM's functions or activities.

5.3 CGM's functions or activities include:

- Provide general financial product advice for the following classes of financial products:
 - deposit and payment products limited to:
 - non-cash payment products;
 - Derivatives; and
 - foreign exchange contracts;
- deal in a financial product by:
 - issuing, applying for, acquiring, varying or disposing of a financial product on behalf of another person in respect of the following classes of products:
 - derivatives; and
 - foreign exchange contracts; and
 - applying for, acquiring, varying or disposing of a financial product on behalf of another person in respect of the following classes of products:
 - deposit and payment products limited to:
 - non-cash payment products;
 - derivatives; and
 - foreign exchange contracts; and
- make a market for the following financial products:
 - derivatives; and
 - foreign exchange contracts; and

to retail and wholesale clients.

6. SENSITIVE INFORMATION

6.1 CGM must not collect sensitive information about an individual unless:

- (a) the individual consents to the collection of the information and the information is reasonably necessary for one or more of CGM's functions or activities (as described in section 5.3); or
- (b) the collection of the information is required or authorised by or under an Australian law or a Court/Tribunal order; or
- (c) a permitted general situation exists in relation to the collection of the information by CGM; or
- (d) a permitted health situation exists in relation to the collection of the information by CGM.

7. MEANS OF COLLECTION

7.1 CGM must only collect personal information by lawful and fair means.

7.2 CGM must only collect personal information about an individual from the individual (rather than someone else), unless it is unreasonable or impracticable to do so or the individual has instructed CGM to liaise with someone else.

7.3 CGM will collect personal information from an individual when:

- (a) CGM's Application Form is completed;
- (b) a Client provides the information to CGM's representatives over the telephone or via email; or
- (c) a Client provides the information to CGM on the website.

8. INFORMATION COLLECTED BY CGM

8.1 The information CGM collects may include the following:

- (a) name;
- (b) date of birth;
- (c) postal or email address; or
- (d) phone numbers;
- (e) other information CGM considers necessary to their functions and activities.

9. PURPOSE OF COLLECTION

9.1 If an individual is acquiring or has acquired a product or service from CGM, the individual's personal information will be collected and held for the purposes of:

- (a) checking whether an individual is eligible for CGM's product or service;
- (b) providing the individual with CGM's product or service;
- (c) managing and administering CGM's product or service;

- (d) protecting against fraud, crime or other activity which may cause harm in relation to CGM's products or services;
- (e) complying with legislative and regulatory requirements in any jurisdiction;
- (f) to assist CGM in the running of its business;

9.2 CGM may also collect personal information for the purposes of letting an individual know about products or services that might better serve their needs or other opportunities in which they may be interested. Please refer to Section G for further information.

SECTION D – COLLECTION OF PERSONAL INFORMATION (UNSOLICITED PERSONAL INFORMATION)

10. DEALING WITH UNSOLICITED PERSONAL INFORMATION

10.1 If CGM:

- (a) receives personal information about an individual; and
- (b) the information is not solicited by CGM

CGM must, within a reasonable period after receiving the information, determine whether or not it was permitted to collect the information under Section C above.

10.2 CGM may use or disclose the personal information for the purposes of making the determination under paragraph 10.1.

10.3 If CGM:

- (a) determines that it could not have collected the personal information; and
- (b) the information is not contained in a Commonwealth record,

CGM must as soon as practicable, destroy the information or ensure that the information is de-identified, only if it is lawful and reasonable to do so.

SECTION E – NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION

11. NOTIFICATION OF COLLECTION

11.1 This section 11 applies to:

- (a) solicited information; and
- (b) unsolicited information to which section 10 does not apply.

11.2 CGM must notify the individual of the following matters in the Privacy Statement:

- (a) CGM's identity and contact details;
- (b) if CGM collects the personal information from a third party or the individual is not aware that CGM has collected the personal information, the fact that CGM so collects, or has collected the information and the circumstances of that collection;
- (c) if the collection of the personal information is required or authorised by or under an Australian law or a Court/Tribunal order, the fact that the collection is so required or authorised (including the details of the law or court);

- (d) the purposes for which CGM collects the personal information;
- (e) the main consequences (if any) for the individual if the information is not collected by CGM;
- (f) any other entities to which CGM usually discloses personal information of the kind collected by CGM;
- (g) that CGM's Privacy Statement and this Privacy Policy contains information about how the individual may access the personal information about the individual that is held by CGM and seek correction of such information;
- (h) that CGM's Privacy Statement contains information about how the individual may complain about a breach of the Australian Privacy Principles and how CGM will deal with such a complaint;
- (i) whether CGM will disclose the personal information to overseas recipients; and
- (j) if CGM discloses the personal information to overseas recipients – the countries in which such recipients will be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

SECTION F – USE OR DISCLOSURE OF PERSONAL INFORMATION

12. USE OR DISCLOSURE

12.1 Where CGM holds personal information about an individual that was collected for a particular purpose (“the primary purpose”), CGM must not use or disclose the information for another purpose (“the secondary purpose”) unless:

- (a) the individual has consented to the use or disclosure of the information; or
- (b) the individual would reasonably expect CGM to use or disclose the information for the secondary purpose and the secondary purpose is:
 - (i) directly related to the primary purpose (if the information is sensitive information); or
 - (ii) related to the primary purpose (if the information is *not* sensitive information);
- (c) the use or disclosure of the information is required or authorised by or under an Australian law or a Court/Tribunal order; or
- (d) a permitted general situation exists in relation to the use or disclosure of the information by CGM; or
- (e) CGM reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

12.2 Where CGM uses or discloses personal information in accordance with section 12.1(e), CGM will keep a copy of this disclosure (eg: the email or letter used to do so).

12.3 This section 12 does not apply to:

- (a) personal information for the purposes of direct marketing; or
- (b) government related identifiers.

12.4 If CGM collects personal information from a related body corporate, this section 12 applies as if CGM's primary purpose for the collection was the primary purpose for which the related body corporate collected the information.

13. WHO DOES CGM DISCLOSE PERSONAL INFORMATION TO?

13.1 CGM may disclose personal information collected from clients and prospective clients to the following:

- (a) organisations involved in providing, managing or administering CGM's product or service such as third party suppliers, e.g. printers, posting services, and our advisers;
- (b) organisations involved in maintaining, reviewing and developing CGM's business systems, procedures and infrastructure, including testing or upgrading CGM's computer systems;
- (c) organisations involved in a corporate re-organisation;
- (d) organisations involved in the payments system, including financial institutions, merchants and payment organisations;
- (e) organisations involved in product planning and development;
- (f) other organisations, who jointly with CGM's, provide its products or services;
- (g) authorised representatives who provide CGM's products or services on its behalf;
- (h) the individual's representatives, including your legal advisers;
- (i) debt collectors;
- (j) CGM's financial advisers, legal advisers or auditors;
- (k) fraud bureaus or other organisations to identify, investigate or prevent fraud or other misconduct;
- (l) external dispute resolution schemes;
- (m) regulatory bodies, government agencies and law enforcement bodies in any jurisdiction.

SECTION G – DIRECT MARKETING

14. DIRECT MARKETING

14.1 CGM must not use or disclose the personal information it holds about an individual for the purpose of direct marketing.

15. EXCEPTION – PERSONAL INFORMATION OTHER THAN SENSITIVE INFORMATION

15.1 CGM may use or disclose personal information (other than sensitive information) about an individual for the purposes of direct marketing if:

- (a) CGM collected the information from the individual; and the individual would reasonably expect CGM to use or disclose the information for that purpose; or
- (b) CGM has collected the information from a third party; and either:

- (i) CGM has obtained the individual's consent to the use or disclose the information for the purpose of direct marketing; or
 - (ii) it is impracticable for CGM to obtain the individual's consent; and
- (c) in each direct marketing communication with the individual CGM:
- (i) includes a prominent statement that the individual may make such a request; or
 - (ii) directs the individual's attention to the fact that the individual may make such a request; and
- (d) the individual has not made such a request.

16. EXCEPTION – SENSITIVE INFORMATION

16.1 CGM may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

17. REQUESTS TO STOP DIRECT MARKETING

17.1 Where CGM uses or discloses personal information about an individual for the purposes of direct marketing by CGM or facilitating direct marketing by another organisation, the individual may request:

- (a) that CGM no longer provide them with direct marketing communications;
- (b) that CGM does not use or disclose the individual's personal information for the purpose of facilitating direct marketing by another organisation;
- (c) that CGM provides the source of the personal information.

17.2 Where CGM receives a request from an individual under section 17.1, CGM will:

- (a) give effect to the request under section 17.1(a) or 17.1(b) within a reasonable period after the request is made and free of charge; and
- (b) notify the individual of the source of the information, if the individual requests it, unless it is impracticable or unreasonable to do so.

17.3 This Section G does not apply to the extent that the following laws apply:

- (a) the Do Not Call Register Act 2006;
- (b) the Spam Act 2003; or
- (c) any other Act of the Commonwealth of Australia.

SECTION H – CROSS BORDER DISCLOSURE OF PERSONAL INFORMATION

18. DISCLOSING PERSONAL INFORMATION TO CROSS BORDER RECIPIENTS

18.1 Where CGM discloses personal information about an individual to a recipient who is not in Australia and who is not CGM or the individual, CGM must ensure that the overseas recipient does not breach the Australian Privacy Principles (with the exception of APP1).

18.2 The countries we may disclose an individual's personal information to include:

- (a) People's Republic of China.

18.3 Section 18.1 does not apply where:

- (a) CGM reasonably believes that:
 - (i) information is subject to 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; and
 - (ii) there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or
- (b) both of the following apply:
 - (i) CGM has informed the individual that if they consent to the disclosure of information CGM will not take reasonable steps to ensure the overseas recipient does not breach the Australian Privacy Principles; and
 - (ii) after being so informed, the individual consents to disclosure;
- (c) the disclosure of the information is required or authorised by or under an Australian law or a Court/Tribunal order; or
- (d) 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 by CGM.

SECTION I – ADOPTION, USE OR DISCLOSURE OF GOVERNMENT IDENTIFIERS

19. ADOPTION OF GOVERNMENT RELATED IDENTIFIERS

19.1 CGM must not adopt a government related identifier of an individual as its own identifier unless:

- (a) CGM is required or authorised by or under an Australian law or a Court/Tribunal order to do so; or
- (b) the identifier, CGM and the circumstances of the adoption are prescribed by regulations.

20. USE OR DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS

20.1 Before using or disclosing a government related identifier of an individual, CGM must ensure that such use or disclosure is:

- (a) reasonably necessary for CGM to verify the identity of the individual for the purposes of the organisation's activities or functions; or
- (b) reasonably necessary for the organisation to fulfil its obligations to an agency or a State or Territory authority; or
- (c) required or authorised by or under an Australian law or a Court/Tribunal order; or
- (d) 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

- (e) reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (f) the identifier, CGM and the circumstances of the adoption are prescribed by regulations.

SECTION J – INTEGRITY OF PERSONAL INFORMATION

21. QUALITY OF PERSONAL INFORMATION

21.1 CGM will ensure that the personal information it collects and the personal information it uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

22. SECURITY OF PERSONAL INFORMATION

22.1 CGM will ensure that it protects any personal information it holds from misuse, interference, loss, unauthorised access, modification and disclosure.

22.2 CGM will take reasonable steps to destroy or de-identify any personal information it holds where:

- (a) CGM no longer needs the personal information for any purpose for which the information may be used or disclosed by CGM;
- (b) the information is not contained in a Commonwealth record;
- (c) CGM is not required to retain that information under an Australian law, or a Court/Tribunal order.

23. STORAGE OF PERSONAL INFORMATION

23.1 CGM stores personal information in different ways, including:

- (a) hard copy on site at CGMs head office in Sydney; and
- (b) electronically secure data centres which are located in Australia and owned by either CGM or external service providers.

23.2 In order to ensure CGM protects any personal information it holds from misuse, interference, loss, unauthorised access, modification and disclosure, CGM implements the following procedure/system:

- (i) access to information systems is controlled through identity and access management;
- (ii) employees are bound by internal information securities policies and are required to keep information secure;
- (iii) all employees are required to complete training about information security; and
- (iv) CGM regulatory monitors and reviews its compliance with internal policies and industry best practice.

SECTION K – ACCESS TO, AND CORRECTION OF, PERSONAL INFORMATION

24. ACCESS

- 24.1 CGM must give an individual access to the personal information it holds about the individual if so requested by the individual.
- 24.2 CGM must respond to any request for access to personal information within a reasonable period after the request is made.
- 24.3 CGM must give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so and must take such steps as are reasonable in the circumstances to give access in a way that meets the needs of CGM and the individual.
- 24.4 CGM must not charge an individual for making a request, and must not impose excessive charges for the individual to access their personal information.

25. EXCEPTIONS

- 25.1 CGM is not required to give an individual access to their personal information if:
- (a) CGM reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
 - (b) giving access would have an unreasonable impact on the privacy of other individuals; or
 - (c) the request for access is frivolous or vexatious; or
 - (d) the information relates to existing or anticipated legal proceedings between CGM and the individual, and would not be accessible by the process of discovery in those proceedings; or
 - (e) giving access would reveal intentions of CGM in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - (f) giving access would be unlawful; or
 - (g) denying access is required or authorised by or under an Australian law or a Court/Tribunal order; or
 - (h) CGM has reason that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
 - (i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
 - (j) giving access would reveal evaluative information generated within CGM in connection with a commercially sensitive decision-making process.

26. REFUSAL TO GIVE ACCESS

- 26.1 If CGM refuses to give access in accordance with section 24 or to give access in the manner requested by the individual, CGM will give the individual a written notice that sets out:
- (a) the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and

- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

26.2 Where CGM refuses to give access under section 25.1(j) CGM may include an explanation of the commercially sensitive decision in its written notice of the reasons for denial.

SECTION L – CORRECTION OF PERSONAL INFORMATION

27. CORRECTION OF INFORMATION

27.1 CGM must take reasonable steps to correct all personal information, having regard to the purpose for which the information is held where:

- (a) CGM is satisfied the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- (b) the individual requests CGM corrects the information.

27.2 Where CGM corrects personal information about an individual that CGM previously disclosed to another APP entity and the individual requests CGM to notify the other APP entity of the correction, CGM must take reasonable steps to give that notification, unless it is impracticable or unlawful to do so.

28. REFUSAL TO CORRECT INFORMATION

28.1 If CGM refuses to correct personal information as requested by the individual, CGM will give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

29. REQUEST FROM A CLIENT TO ASSOCIATE A STATEMENT WITH THEIR INFORMATION

29.1 If:

- (a) CGM refuses to correct personal information as requested by the individual; and
- (b) the individual requests that CGM associate a statement noting that the information is inaccurate, out of date, incomplete, irrelevant or misleading, with the individual's information,

CGM must take such steps as are reasonable in the circumstances to associate the statement (as described in section 29.1(b)) with the individual's personal information. The statement should be associated with the information in such a way that will make the statement apparent to users of the information.

30. DEALING WITH REQUESTS

30.1 CGM must:

- (a) respond to requests under this Section L within a reasonable period after the request is made; and

- (b) must not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information.

SECTION M – MISCELLANEOUS

31. POLICY BREACHES

- 31.1 Breaches of this Policy may lead to disciplinary action being taken against the relevant party, including dismissal in serious cases and may also result in prosecution under the law where that act is illegal. This may include re-assessment of bonus qualification, termination of employment and/or fines (in accordance with the Privacy Act 1988 (Cth)).
- 31.2 Staff are trained internally on compliance and their regulatory obligation to CGM. They are encouraged to respond appropriately to, and report all breaches of the law and other incidents of non-compliance, including CGM's policies, and seek guidance if they are unsure.
- 31.3 Staff must report breaches of this Policy directly to the Compliance Officer.

32. RETENTION OF FORMS

- 32.1 The Compliance Officer will retain the completed forms for seven (7) years in accordance with CGM's Document Retention Policy. The completed forms are retained for future reference and review.
- 32.2 As part of their training, all staff are made aware of the need to practice thorough and up to date record keeping, not only as a way of meeting CGM's compliance obligations, but as a way of minimising risk.

Issued by Cardiff Global Markets Pty Ltd

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