

## **Respecting your Privacy and the Australian Privacy Principles effective 12<sup>th</sup> March 2014**

The privacy of your personal information is important to us at First Class Capital Holdings Pty Limited ACN 161 018 355 ("**First Class Capital**" or "**FCC**"). We are committed to respecting your right to privacy and to protecting your personal information. We are bound by the Australian Privacy Principles "APP" in the Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Commonwealth) and any other applicable laws and codes affecting your personal information.

The entities which are bound by the Privacy Policy are First Class Capital Holdings Pty Ltd, First Class Operations Pty Ltd, First Class Funds Management Pty Ltd, First Class Securities Pty Ltd, First Class Capital Pty Ltd, Transact Payments Pty Ltd collectively FCC.

### **About this Privacy Policy**

This Privacy Policy outlines how we manage your personal information. Further, it describes the nature of the personal information held, the purposes for which it is held and the manner in which it is collected and disclosed.

Our Privacy Policy applies to all your dealings with us whether through one of our franchisees, other FCC organisations or via our websites. However, depending on the FCC organisation with which you deal, further privacy information may apply in addition to the matters discussed in this (see, for example, Our Websites below).

We encourage you to check our websites regularly for any updates to our Privacy Policy.

### **Collecting your personal information**

If you are acquiring or have acquired a product or service from an FCC organisation, it will collect and hold your personal information for the purposes of:

- providing you with the relevant product or service (including assessing your application and identifying you)
- managing and administering the product or service protecting against fraud.

FCC organisations may also collect your personal information for the purpose of informing you of FCC products and services that may better serve your financial, business and lifestyle needs, or to notify you of promotions or other opportunities in which you may be interested.

The information collected may include your name, postal or email address, date of birth, financial details, information about your use of our products and services, , or other information the organisation considers necessary.

We will, if it is reasonable or practicable to do so, collect your personal information from you. This may happen when you fill out a product or service application or an administrative form (e.g. a change of address form), or when you give us personal information over the telephone, or through an FCC organisation's website.

In certain cases we may collect your personal information from third parties. For example, we may need to collect personal information from a credit reporting body, your representative (such as a

legal adviser), your financial adviser, any publicly available sources of information, or from any of the other organisations identified below under "Using and Disclosing Your Personal Information". The personal information is securely stored by a 3rd party storage provider.

### **Using and Disclosing your Personal Information**

In line with modern business practices common to many financial institutions, and pursuant to your specific needs (such as where you have a financial adviser) we may disclose your personal information to the organisations described below. Where your personal information is disclosed we will seek to ensure that the information is held, used or disclosed consistent with the Australian Privacy Principles, any other applicable privacy laws and codes.

### **The relevant organisations are those**

- involved in providing, managing or administering your product or service such as third party suppliers, other FCC organisations, loyalty and reward program partners, printers, posting services, call centres, and our franchisees
- FCC organisations that wish to inform you of their products or services that might better serve your financial, business and lifestyle needs, or to notify you of promotions or other opportunities in which you may be interested, except where you tell us not to
- who are your franchisees and their service providers
- involved in maintaining, reviewing and developing our business systems, procedures and infrastructure including testing or upgrading our computer systems
- involved in a corporate re-organisation
- involved in a transfer of all or part of the assets or business of an FCC organisation
- involved in the payments system including financial institutions, merchants and payment organisations
- involved in product planning and development
- which are your representatives including your legal advisers
- as required or authorised by law, such as under the *Anti-Money or Laundering and Counter Terrorism Financing Act 2006* (Cth) where you have given your consent.

### **In addition, for FCC organisations offering**

- Finance products or services - other organisations to which personal information is usually disclosed are card producers, card schemes, credit and fraud reporting agencies, debt collection agencies, your guarantors, organisations involved in valuing, surveying, or registering a security property or which otherwise have an interest in such property, purchasers of debt portfolios, underwriters, re-insurers and other organisations involved in our normal business practices (such as securitisation)
- Trustee or custodial services - other organisations to which personal information is usually disclosed are superannuation and managed funds organisations, their advisers and other organisations involved in our normal business practices
- Other organisations to which personal information is usually disclosed are fraud detection agencies and other organisations involved in our normal business practices.

Your personal information may also be disclosed to other organisations involved in our normal business practices (such as securitisation) and used in connection with such purposes as outlined above.

Because we operate throughout Australia and overseas, some of these uses and disclosures may occur outside your State or Territory and/or outside of Australia, we will ensure the recipient complies with the Australian Privacy Principles and our privacy policy. In some circumstances we may need to obtain your consent before the recipient receives any personal information.

### **Marketing our products and services**

We may use or disclose your personal information to let you know about, and develop, products and services from across FCC that may better serve your financial, business and lifestyle needs, or to notify you of promotions or other opportunities in which you may be of interest to you. For example, we may do this after an initial marketing contact. You can contact us at any time if you no longer wish us to do so (see Contacting Us below).

### **Keeping your personal information accurate and up-to-date**

We aim to make sure that the personal information we collect, use or disclose is accurate, complete and up-to-date and take reasonable steps to make sure this is the case. In this way we can ensure that we provide you with a better service.

If you believe your personal information is not accurate, not complete or not up to date, please contact us (see Contacting Us below).

### **Protecting your personal information**

Records of your personal information are kept in several forms including both paper and electronic form. The security of your personal information is important to us and we take all reasonable precautions to protect it from unauthorised access, modification or disclosure and from loss or misuse. These precautions include:

- confidentiality requirements for our employees
- document storage security policies
- security measures for systems access
- providing a discreet environment for confidential discussions
- only allowing access to personal information where the individual seeking access has satisfied our identification requirements
- access control for our buildings
- the security measures described below under Our Websites.

If FCC receives any personal information which we did not solicit the information, FCC will determine whether or not we could have collected the information if we had reasonably solicited the information. If not, we will take reasonable steps destroy this information.

## **Complaints Handling**

Any Complaints are required to be submitted in writing to FCC, as required by S40(1A) of the Privacy Act.

On receipt of a complaint by a company, business or individual, it must relate to an act or practice of FCC and we must:

- within 7 days after the complaint is made, acknowledge receipt of the complaint
- investigate the matter via the FCC's Disputes & Complaints Resolution Policy, make a decision and advise the company, business or individual within 30 days.
- set out the decision and indicate if you are dissatisfied with FCC's response, you can refer the complaint to the Office of Australian Information Commissioner [www.oaic.gov.au](http://www.oaic.gov.au)

## **Arranging Credit**

The information FCC collects about you for the purposes of arranging or providing credit may include any of the following at any time;

- Commercial and Consumer credit information from a Credit Reporting Body
- Customer Identification by a Credit Reporting Body
- Financial Information

## **Credit Obligations**

If you fail to meet your credit obligations or commit a serious credit infringement, FCC may undertake the following:

- Disclose repayment history information to a Credit Reporting Body.
- Issue prescribed notices under Credit Reporting Privacy Code advising payments which have become overdue more than 60 days.
- Issue prescribed notices under Credit Reporting Privacy Code a payment default has occurred with FCC advising a Credit Reporting Body.
- Engage Collections Agencies and or Legal Counsel to collect payments which have become overdue.
- Request a Credit Reporting Body not to disclose information about you if you believe you are a victim of fraud.

## **Your privacy on the Internet**

### **Our Websites**

We take care to ensure that the personal information you give us on our websites is protected, with electronic security systems in place, including the use of firewalls and data encryption. Depending on the FCC organisation with which you deal, user identifiers, passwords or other access codes may also be used to control access to your personal information. Please refer to the website of those FCC organisations with which you transact electronically for more information on our website specific privacy and security procedures.

## **Links to Other Sites**

You may be able to access external websites by clicking on links we have provided. Those 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 standards, policies and procedures.

## **Gaining access to your personal information**

You can gain access to your personal information subject to some exceptions allowed by law. Factors affecting a right to access include:

- access would pose a serious threat to the life or health of any individual
- access would have an unreasonable impact on the privacy of others
- a frivolous or vexatious request
- the information relates to a commercially sensitive decision making process
- access would be unlawful
- access would prejudice enforcement activities relating to criminal activities and other breaches of law, public revenue, a security function or negotiations with you
- legal dispute resolution proceedings
- denying access is required or authorised by or under law

We will detail the reasons to you, if we deny access.

Contact us to get a form requesting access or to correct your personal information (see Contacting Us below). In some cases we may be able to deal with your request over the telephone or in person.

## **Using Government Identifiers**

Although in certain circumstances we are required to collect government identifiers such as your Medicare number or drivers licence details, 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.

## **Your sensitive 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 a professional or trade association, membership of a trade union, details of health, disability, sexual orientation, or criminal record.

This is subject to some exceptions including when:

- the collection is required by law
- has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to FCC's functions or activities has been, is being, or may be engaged in the information is necessary for the establishment, exercise or defence of a legal claim.

### **Resolving your privacy issues**

If you have any issues you wish to raise with the FCC, or would like to discuss any issues about our Privacy Policy, then you are able to do so by Contacting Us using our contact details at the end of this document.

### **Unsubmitted on-line applications.**

If you start but do not submit an on-line application, FCC may contact me/us using any of the contact details you supply, to offer help completing it. If you do not submit the on-line application, the information in it will be kept by FCC for a period of time before being destroyed.

### **Contacting Us**

At First Class Capital we care about your privacy and your trust is important to us.

Should you have any queries or concerns about your privacy, please provide full details the nature of your concerns by contacting the First Class Capital Privacy Officer, care of any of the following details:

Phone: +1800 307 903

Fax: +61 2 8458 0704

Email: [privacy@firstclasscapital.com.au](mailto:privacy@firstclasscapital.com.au)

Post: Privacy Officer, PO Box H173, Australia Square Sydney 1215