

## **FINCLEAR SERVICES PRIVACY POLICY AND CLIENT STATEMENT**

This policy applies to information collected by FinClear Services Pty Ltd and its related bodies corporate (including FinClear Services Nominees Pty Ltd) ("FinClear Services", "we" or "us"). It outlines how we collect and use personal information that we hold about you in accordance with the Privacy Act.

### **What personal information is collected?**

We collect personal information that is reasonably necessary for us to provide you with a service. This includes personal information that we are required to collect under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) to identify you and verify your identity. If you do not provide the information that we ask for, we may not be able to provide the products or services you have requested.

We may collect information such as your name, address, phone number, email address, tax file number, bank account details, other information that may be required for identification purposes, information about your investments and transactions and other information related to the services we provide.

### **How personal information is collected?**

We will generally collect your personal information from your financial adviser or stockbroker in the course of you applying to open an account with your financial adviser or stockbroker and FinClear Services and transacting on that account. By using FinClear Services you consent to FinClear Services collecting your information from your financial adviser or stockbroker or other person or entity who provides services to you. We may also collect information directly from you, such as when you provide the information by phone, email or in an application form or when you deal with us as a key contact or employee of a client or counterparty of FinClear Services.

### **Use and disclosure of your personal information**

FinClear Services may use your personal information for the primary purpose of providing securities trading and settlement services to you, as well as for related purposes such as:

- to verify your identity or transactions which you may enter into with us;
- to administer and manage the provision of our products and services;
- to provide you with offers of other FinClear Services products or services;
- to comply with laws and regulatory requirements, including complying with any request made by a governmental authority or regulator, such as in connection with legal proceedings or the prevention or detection of fraud and crime;
- to comply with FinClear Services' risk management policies and procedures;
- conducting due diligence as part of a pre-employment screening or acceptance of your account with FinClear Services; or
- another purpose related to the primary purpose.

For the purposes we have described, we may disclose your personal information:

- to our suppliers (including service and content providers), contract and service providers, professional advisers, dealers and agents;
- to government agencies or individuals responsible for the investigation and resolution of disputes or complaints covering your use of our services and facilities including for example ASIC, AUSTRAC or the OAIC;
- other parties involved in the administration of your investments including stock exchanges, product issuers, investment registries or mailing houses;
- anyone to whom our assets or business (or any part of it) is transferred (or offered to be transferred, subject to confidentiality provisions);
- other entities in the wider FinClear Services group; or
- where you have otherwise consented or as otherwise required or authorised by law.

### **Access and correction and updating personal information**

You can request access to the personal information that we hold about you by contacting us using the contact details at the end of this statement. Generally, we will provide you with access to

personal information that we hold about you within a reasonable time of a request, unless an exception applies under the Privacy Act. If you believe the personal information that we hold about you is inaccurate, incomplete or out-of-date, you can seek the correction of that personal information by contacting us using the contact details at the end of this statement. If we disagree with you about the accuracy, completeness or currency of our records, you have the right to request that we note your disagreement in our records. You should keep us informed of any changes to your information by notifying us in writing (which may be through your financial adviser or stockbroker). We may also ask you to review, confirm and advise of us changes to your personal information.

### **Storage and security of information**

FinClear Services stores personal information in a combination of computer storage facilities, paper-based files and other records. We will take reasonable steps to protect personal information from loss, misuse, unauthorised access, modification or disclosure.

### **Cross-border disclosure of personal information**

We may transfer personal information to unaffiliated service providers in locations beyond Australia (including, but not limited to, the United States)) in the course of using or disclosing it for one of the purposes referred to above or storing that information. When transferring personal information to foreign jurisdictions, FinClear may take steps to ensure the overseas recipient of the information does not breach the Australian Privacy Principles in relation to the information. However, FinClear may be unable to ensure the overseas recipient does not breach the Australian Privacy Principles in relation to your information. This may mean for information sent overseas you do not have the protections of or any redress under the Privacy Act or in the foreign jurisdiction for any breach. The overseas recipient may not be subject to privacy obligations equivalent those under the Privacy Act and could be compelled by foreign law to make disclosure of the information. By using FinClear services you consent to FinClear making the disclosure to overseas recipients on this basis.

### **FinClear Services and GDPR**

FinClear Services is a wholly owned subsidiary of FinClear Holdings Pty Ltd. Privacy laws in Europe have changed with the introduction by the European Union of its General Data Protection Regulation (GDPR). For more information please see our European Union General Data Protection Regulation Privacy Statement (**GDPR Privacy Statement**) at <https://finclear.com.au/how-to-forms/>

The GDPR Privacy Statement includes more details about the types of personal information collected including:

- the categories of personal information processed;
- the lawful basis for such processing;
- the organizations with which personal information is shared;
- international transfers of personal information; and
- how long personal information is retained.

### **Complaints**

You can make a complaint about the way we have handled your personal information (including if you think we have breached the Privacy Act) to our Privacy Officer in writing, by mail or fax to the address or fax number set out at the end of this statement. When you contact us, include your email address, name, address and telephone number and clearly describe your complaint. Our Privacy Officer will investigate the complaint and respond to you promptly. If you consider that we have failed to resolve the complaint satisfactorily, and you are an individual located in Australia, you can complain to the Office of the Australian Information Commissioner.

### **Changes to this policy**

This statement is subject to change from time to time as FinClear Services considers necessary. We will publish material changes by making them available to you through your financial adviser or stockbroker or elsewhere updating the statement in the places it is published including in our standard forms and documents.

### **Contact details**

You can contact us by:

**Post:** FINCLEAR SERVICES PTY LTD  
Privacy Officer  
GPO Box 5343  
Sydney NSW 2001

**Email:** [compliance@finclearservices.com.au](mailto:compliance@finclearservices.com.au)

When you contact us, include your email address, name, address and telephone number and clearly describe the reason why you are contacting us.