

Privacy Notice



Document Details

Document Owner:
Author:

Olive Financial Markets Pty Ltd
Olive Financial Markets Pty Ltd/Justin
Richmond/Ashurst/Polczynski Robinson Lawyers
Privacy and Confidentiality Guidelines

Document Number:

Approved By:

Olive Financial Markets Pty Ltd Executive Team,

Any questions or suggestions about this document?

Justin Richmond

Document Master Located

Sync.com (Olive Documents)

Issue Details

Version	3.0
Status	Final
Issue Date	8 July 2014
Revised	June 2020

TABLE OF CONTENTS

About This Document	4
Who should read this document.....	4
Associated documents / resources.....	4
OFM Financial Markets' Privacy Notice	5
1. About this Notice	5
2. Consent	5
3. Sources of personal information.....	5
4. Unsolicited personal information	6
5. Types of personal information we collect	6
6. Fair and lawful processing.....	8
7. Purposes of collection and holding.....	9
8. Use and Disclosure	9
9. Recording of Telephone Calls	10
10. Direct Marketing	11
11. Storage of data and overseas disclosure	11
12. Data Security	12
13. Your rights in relation to the personal information we collect.....	12
14. Openness	13
15. Complaints Handling	13
16. How long we will hold your personal data for	14
17. How to contact us	14

About This Document

Who should read this document

Read this document if any of the following apply to you.

- You are a member of Olive Financial Markets Pty Ltd (**OFM**)
- You are a member of the Risk and Compliance Committee (**RCC**)
- You are a member of the External Audit Committee (**EAC**)
- You are a member of the Conflicts of Interest Committee (**CIC**)
- You are a member of the Internal Audit Committee (**IAC**)
- You want an overview of the Olive Financial Markets Pty Ltd
- You are specified as having duties or responsibilities under this program or the matters in it are relevant to your duties or responsibilities:
 - i. Director
 - ii. CEO
 - iii. COO
 - iv. Compliance and Operations Staff
 - v. Risk Manager

Associated documents / resources

This policy should be read in conjunction with the following:

1. Privacy Act 1988
2. Australian Privacy Principles (APP)
3. ASIC regulatory guides on Ch 7 of the Corporations Act, including Regulatory Guide 104 *AFS licensing: Meeting the general obligations* (RG 104) and Regulatory Guide 105 *AFS licensing: Organisational competence* (RG 105)
4. The Australian Privacy Principles (APP) guidelines outline the mandatory requirements of the APPs, how we'll interpret the APPs, and matters we may take into account when exercising our functions and powers under the Privacy Act 1988 (Privacy Act).
5. Both the APPs and the APP guidelines apply to any organisation or agency the Privacy Act covers.

OFM Financial Markets' Privacy Notice

1. About this Notice

The purpose of this Privacy Notice ("**Notice**") is to make you aware of how we will use your personal information and the measures and processes we have put in place in order to ensure that we comply with applicable data protection laws (including the European General Data Protection Regulation ("**GDPR**") and the *Privacy Act 1998* (Cth) ("**Privacy Act**").

This Notice is given by OFM Financial Markets (**OFM**) Pty Ltd (ABN 46 145 551 739; AFSL 390 906) and OFM Services Pty Ltd (ABN 34 627 002 288; CAR 1266118) its related bodies corporate, and their appointed authorised representatives and financial advisers (when acting on their behalf), (together and separately ("**we**", "**us**" and "**our**"). In relation to the personal information where we make decisions on how your information is used in the context of providing you with services, including access to this website, we are a controller for the purposes of the GDPR.

This Notice explains how we handle personal information relating to individuals, [whether or not they are customers] ("**you**" or "**your**"), in compliance with our obligations under applicable data protection laws.

If you provide personal information to us about someone else, you must ensure that you are entitled to disclose that information to us. You should also take reasonable steps to ensure the individual concerned is aware of how we collect, use and disclose personal information for the purposes described in this Privacy Notice.

2. Consent

By electing to acquire our services, you will be deemed to consent to us using your personal information in a manner consistent with this Privacy Notice, including (if applicable) monitoring your use of our website.

3. Sources of personal information

We collect personal information about individuals directly from that individual unless it is unreasonable or impracticable for us to do so. We obtain personal information from you:

- (a) **through your interactions with us and our services**, such as when you request information or call us, when you apply for services, when you send us emails and when you attend meetings with us;
- (b) **through your system/device**, for example, our servers, logs and other technologies

automatically collect your system/device and usage information; and

- (c) through cookies and similar technologies.

We also collect information from third parties such as:

- (a) Credit Reporting Bodies (**CRBs**) in compliance with our legal and/or regulatory obligations; and
- (b) other third parties that are permitted to disclose your personal information to us where such personal information is required in order for us to comply with our legal obligations, such as, ID verification checks.

4. Unsolicited personal information

If we collect any unsolicited personal information, we must determine whether we could have collected the information under APP3 of the *Australian Privacy Principles (APP)*. If not, we must promptly destroy or de-identify the information. Otherwise we may hold the information, and afford it the same protection as APP personal information.

5. Types of personal information we collect

We only collect personal information to the extent that this is reasonably necessary for one or more of our functions or activities. The personal information we collect may include:

- (a) information that is used to identify you, such as your name, your age or date of birth, your current and past addresses and copies of your identification documents (including a copy of a passport, national ID card or such other documentation as required by local laws);
- (b) information that is used to contact you such as your mailing or street address, email address, and phone number(s);
- (c) personal and sensitive information that product issuers may require in order to deliver you their product, such as your financial information, your health or insurance related information, information about your assets and liabilities and employment information;
- (d) your Tax File Number (**TFN**);
- (e) your electronic device or connection details, such as your device ID, device type, geo-location information, computer and connection information, statistics on page views, traffic to and from the sites, ad data, IP address and standard web log information;

Privacy Notice

- (f) details of the products and services we have provided to you or that you have enquired about, including any additional information necessary to deliver those products and services and respond to your enquiries;
- (g) any additional information relating to you that you provide to us directly through our website or app or indirectly through your use of our website or app or online presence or through other websites or accounts from which you permit us to collect information;
- (h) information you provide to us through customer surveys; and
- (i) any other personal or sensitive information that may be required to facilitate your dealings with us.

If we request your TFN, we are doing so as agent for your new superannuation scheme under the *Superannuation Industry (Supervision) Act 1993*. (It is not an offence to decline to provide your TFN. However, if you fail to provide your TFN to your superannuation scheme or retirement product issuer, you may become subject to a "no-TFN" tax rate on employer contributions of 31.5%, as well as the mandated 15% tax rate on superannuation.)

Personal information may include "special categories of personal data". These are personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union memberships, and genetic data, data concerning health or data concerning sex life or sexual orientation. It is unlikely that we will process such information about you other than data relating to your racial or ethnic origin. In respect of such processing you expressly consent to it. If we collect and/or otherwise process any other types of the foregoing information we will obtain your express consent to do so.

In certain circumstances it may be necessary for you to provide us with your personal information, for example, to enable us to provide services to you or to comply with our legal obligations. In other circumstances, it will be at your discretion whether you provide us with personal information or not. However, failure to supply any of the personal information we may request may mean that we are unable to maintain or provide services or products to you. Your personal information will only be processed to the extent that it is necessary for the specific purposes notified to you.

We make every effort to maintain the accuracy and completeness of your personal information which we store and to ensure all of your personal information is up to date. However, you can assist us with this by promptly contacting us if there are any changes to your personal information. We shall not be responsible for any losses you suffer arising from any inaccurate, inauthentic, deficient or incomplete personal information that you provide to us.

6. Fair and lawful processing

We will usually only process your personal information where:

- (a) the processing is necessary to comply with our legal obligations including:
 - (i) to carry out money laundering, financial, verification of identity and credit checks and for fraud and crime prevention and detection purposes;
 - (ii) to comply with our legal and regulatory obligations and requests anywhere in the world, including reporting to and/or being audited by national and international regulatory bodies; and
 - (iii) to comply with court orders and exercise and/ or defend our legal rights, as otherwise permitted or required by any applicable law or regulation; or
- (b) the processing is necessary for the performance of a contract to which you are party, or in order to take steps at your request prior to entering into such contract; or
- (c) the processing is necessary for our legitimate interests or the legitimate interests of others (except where such interests are overridden by the interests or rights of your employees, agents and contractors and those of your associated entities requiring the protection of their personal data) including:
 - (i) for monitoring and assessing compliance with OFM's policies and standards;
 - (ii) for promotional and marketing materials and activities;
 - (iii) to comply with court orders and exercise and/ or defend our legal rights, as otherwise permitted or required by any applicable law or regulation; or
 - (iv) for administrative purposes in relation to the security and access of our systems, offices, platforms and secured websites and applications;
 - (v) to contact you about the services and products we offer; or
- (d) you confirm that your employees, agents and contractors and those of your associated entities consent to the processing of their personal information on the basis set out in this Notice including in relation to the processing of personal information relating to racial or ethnic origin.

7. Purposes of collection and holding

Purposes for which we may collect personal information (other than as required by law) include, but are not limited to:

- (a) to enable you to access and use financial products and services that we may offer or arrange;
- (b) to operate, protect, improve and optimise our website, app, business and our users' experience, such as to perform analytics, conduct research and for advertising and marketing;
- (c) to send you service, support and administrative messages, reminders, technical notices, updates, security alerts, and information requested by you;
- (d) to send you marketing and promotional messages and other information that may be of interest to you, including information sent by, or on behalf of, our business partners that we think you may find interesting;
- (e) to administer rewards, surveys, contests, or other promotional activities or events sponsored or managed by us or our business partners;
- (f) to establish your identity and verify that you are who or what you claim to be for the purposes of our functions or activities, such as for the performance of a contract to which you are party; and
- (g) to comply with our legal obligations, resolve any disputes that we may have with any of our users, and enforce our agreements with third parties.

8. Use and Disclosure

We do not and will not sell, rent or trade your personal information. We may disclose your personal information to our related entities either in Australia or abroad, including the United Kingdom, Singapore and elsewhere in the world from time to time. We will take reasonable steps to ensure that all personal information disclosed to such overseas recipients will be handled by those recipients in accordance with this Privacy Notice.

We will only disclose your personal information for the purposes connected with the primary purpose of collection, or a reasonably related secondary purpose which we believe you should reasonably expect. Secondary purposes might include disclosure to maintenance personnel or other third party contractors (including outsourced and cloud service providers) who may be

unable to avoid accessing personal information in the course of providing technical or other support services to us. Examples of disclosures may include disclosures to:

- (a) our employees and related bodies corporate;
- (b) third party suppliers and service providers (including providers for the operation of our websites and/or our business or in connection with providing our products and services to you);
- (c) professional advisers, dealers and agents, trade leaders, portfolio managers or contractors;
- (d) our existing or potential agents, business partners or partners;
- (e) anyone to whom our assets or businesses (or any part of them) may be, or are transferred;
- (f) specific third parties authorised by you to receive information held by us;
- (g) financial institutions and other similar organisations that we deal with in the course of our business activities, or those that are nominated by you;
- (h) any organisation at your request or any persons acting on your behalf, including your financial adviser, broker, superannuation fund, solicitor or accountant;
- (i) trusted business partners or partners who work on behalf of or with us under confidentiality agreements (however, these entities do not have any independent right to use or share this information);
- (j) introducing brokers with whom we have a mutual relationship and who have introduced you to us;
- (k) any other entities where you have otherwise consented; and/or
- (l) other persons, including government agencies, regulatory bodies and law enforcement agencies, or as required, authorised or permitted by law.

9. Recording of Telephone Calls

We may record telephone calls you make to our customer helplines to check for mistakes, train staff, prevent, detect, investigate and prosecute fraud and to assist with disputes. We do this in the interests of offering a good service to our customers and to comply with our legal obligations.

If you do not agree with your telephone conversation being recorded we recommend that you contact us using another form of communication, such as email or through the Trading Platform help function.

10. Direct marketing

We will not use your personal information for the purposes of direct marketing to you unless:

- (a) you have consented to receive direct marketing materials; or
- (b) we believe you may be interested in the material bases on services you have previously enquired about or which we currently provide to you; or
- (c) you would reasonably expect us to use your personal details for this purpose.

You can withdraw your consent to direct marketing or request that we stop sending you direct marketing communications at any time, either by clicking on the unsubscribe link in the relevant email communication or by emailing us at support@olivefinancialmarkets.com.au

Please note also that even if you have requested not to receive further direct marketing communications, we may continue to provide you with information about changes to our terms and conditions for the supply of goods or services, questionnaires and other factual information. This form of communication is not regarded as "direct marketing" under applicable data protection laws.

11. Storage of data and overseas disclosure

Typically, we will store personal information in Australia, and on cloud hosted applications, some of which may be located in jurisdictions which do not offer the same protection as your home country.

By providing your personal information to us, you agree to this processing. We will ensure that we have adequate safeguards in place so that your personal information is treated securely and in accordance with applicable law and regulation and with our policies and standards. If you would like a copy of the safeguards we have put in place please contact us at support@Olivefinancialmarkets.com.au

Your personal information may also be transferred overseas when the third parties with whom we may share it (as described in this Notice) are located overseas.

In addition, it is possible that we, or our subcontractors, will utilise cloud technology in connection

with the storage of personal information, and it is possible that this may result in offshore storage.

It is not practicable for us to specify in advance the location of every service provider which whom we deal. It is possible that information will be transferred to a jurisdiction where you will be not be able to seek redress under the Privacy Act and that does not have an equivalent level of data protection as Australia. If you have concerns regarding the transfer of your personal information overseas, please contact us at support@Olivefinancialmarkets.com.au

12. Data Security

We take reasonable steps to protect the personal information we hold against loss, unauthorised access, use, modification or disclosure, and against other misuse.

When using our website you should be aware that no data transmission over the Internet can be guaranteed as totally secure. Although we strive to protect such information, we do not warrant the security of any information that you transmit to us over the Internet and you do so at your own risk.

When no longer required, all personal information is destroyed or de-identified in a secure manner.

13. Your rights in relation to the personal information we collect

If you wish to **update, modify/correct** or **delete** any of your personal information that we process, to **access** your personal information, **receive a copy** of the personal data we have collect from you, or if you would like us to **stop processing** any of your personal information which we process, to the extent you are entitled to do so under applicable law, you can make such a request by writing to us at the address set out in section 15 below.

We will respond to your request within the time prescribed by applicable law. If such changes are made pursuant to your request(s) this may affect our ability to continue to provide our services to you and in such circumstances we reserve the right to terminate our agreement on notice to you. We take reasonable steps to ensure that personal information we collect is accurate, current and complete.

We will provide you with access to your personal information held by us unless we are permitted under the Privacy Act to refuse to provide you with such access.

There is no set fee for requesting access to your personal information, but we may require you to meet our reasonable costs in actually providing you with access where permitted to do request

such fees in accordance with applicable laws.

If we refuse to give you your personal information on a permitted ground, or refuse to correct your personal information, we will give you written notice with our reasons and information about how to complain.

14. Openness

From time to time, we may change this Notice on how we handle personal information or the types of personal information which we hold. Any changes to this Notice will be published on our website. You may obtain a free copy of our current Notice from our website or by contacting us on the details below. It is your responsibility to check the website from time to time in order to determine whether there have been any changes.

15. Complaints Handling

If you have a complaint about the way in which we have handled a privacy issue, you may contact us at: support@olivefinancialmarkets.com.au or via another option below.

If you are not satisfied with the process of making a complaint to our Privacy Officer you may make a complaint to the Office of the Australian Information Commissioner at:

GPO Box 5218 Sydney NSW 2001

Email: enquiries@oaic.gov.au

Telephone: 1300 363 992

You may alternatively contact our External Disputes Resolution scheme, which is the **Australian Financial Complaints Authority (AFCA)** by post at GPO Box 3, Melbourne VIC 8007, by accessing its website at www.afca.org.au, or by phone at 1800 931 678.

In the European Economic Area, the relevant supervisory authority is the one in the country or territory where:

- you are resident
- you work, or
- the alleged infringement took place

A list of National Data Protection Authorities in the European Economic Area can be found here: http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm.

16. How Long We Will Hold Your Personal Data For

We will only retain your personal information for as long as necessary to fulfil the purpose for which it was collected or to comply with legal, regulatory or internal policy requirements. However, if you wish to have your personal information removed from our databases, you can make such a request by writing to the address set out below in section 17. Subject to any legal or regulatory requirements, we will then delete this information (to the extent technically practicable).

17. How to Contact Us

If you have any questions or concerns about our Privacy Notice our practices, or you require information, or wish to make a complaint, please contact us at:

Email: support@olivefinancialmarkets.com.au

Address: Olive Financial Markets, Level 6, 50 Appel Street, Surfers Paradise, QLD
4217

This Privacy Notice was last updated on June 2020 and is subject to change.