

Merricks Capital

Privacy Policy

December 2020

Privacy Policy

Your rights in relation to privacy

The privacy of personal information is important to Merricks Capital Pty Ltd (ABN 45 126 528 005). Merricks Capital is committed to protecting the privacy of an individual's personal information. This Policy sets out how Merricks Capital aims to protect the privacy of your personal information, your rights in relation to your personal information managed by us and the way Merricks Capital collects, holds, uses and discloses your personal information. In handling your personal information, we comply with the Australian Privacy Principles set out in the *Privacy Act 1988* (Cth) (**Privacy Act**).

What kinds of personal information does Merricks Capital collect?

Personal information is information or an opinion about an identified, or reasonably identifiable, individual. During the provision of its services, Merricks Capital may collect your personal information. The personal information the Merricks Capital collects depends on, and is specific to, the products and services you engage us to provide. Generally, the kinds of personal information we collect includes:

- Your name, address, telephone number, email address and date of birth;
- Other identification verification information, including photographic information, from documents including your birth certificate, passport, driver's license, pension card, citizenship certificate, tax notice assessment, Medicare card and utilities notices;
- Financial information about your assets, occupation and income, account balances, bank account details, account activities, trust arrangements, payment history and transactions with us and third parties;
- Tax information including your tax file number, tax returns and related information;
- Professional and business information about your membership of a professional association, partnerships, directorships, business names and trust arrangements.

Merricks Capital is also required to collect and verify identification information as required by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth). In some circumstances, we may also hold other personal information provided by you.

As part of the Merricks Capital recruitment process for employees and contractors, we may collect and hold the following kinds of personal information about you: your name, contact details, date of birth, citizenship, employment references, civil, credit and criminal records, regulatory accreditation, media, directorship, property ownership and driver's licence information, education and employment history. In the employment context, we may also collect and hold your TFN, financial information and banking details.

How does Merricks Capital collect personal information?

Generally, Merricks Capital collects your personal information directly from you, through:

- completion of an application or other form either online or in hard copy;
- provision of original, or copies of, documentation whether delivered in person, by post or electronically;
- direct communication via meetings or telephone meetings and exchanges;
- recordings of conversations (in which case you will be informed of such recording prior to the recording commencing);
- email, or other electronic, correspondence or via the Merricks Capital website; or
- receipt of mail which you have directed to be sent to Merricks Capital.

There may be occasions when Merricks Capital collects your personal information from other sources such as from an information services provider, publicly maintained record or third parties such as your family members or professional advisers where we are authorised to do so. Generally, Merricks Capital will only collect your personal information from sources other than you if it is unreasonable or impracticable to collect your personal information from you. Merricks Capital does not currently collect or store information on the use of its website.

Merricks Capital may also collect and store personal information from individuals who may be the director of, guarantor of, or related to, entities that are parties to transactions with Merricks Capital. The personal information is collected and stored only for the purposes of assessing and considering the proposed transaction with Merricks Capital.

Merricks Capital may also collect personal information for the purposes of accessing your personal credit report, particularly from persons who are the directors of entities or providing personal guarantees. The credit reporting system differentiates between

consumer credit (such as home loans and personal loans for personal use) and commercial credit (such as loans for business purposes). When you apply for commercial credit, including as a guarantor to a business loan, Merricks Capital may seek your permission to check your consumer credit report and this check may be listed on your consumer credit report. For more information about your credit report you should contact the Office of the Australian Information Commissioner or creditsmart.org.au.

Why does Merricks Capital need your personal information?

Merricks Capital collects, holds, uses and discloses your personal information where it is reasonably necessary for the purposes of providing its products and services to you, including

- Providing: investment products and services; products and services in accordance with any agreement you enter into with Merricks Capital;
- Identifying and informing you of products and services that may be of interest to you from Merricks Capital or other selected third parties; and
- Any legal requirements, including Merricks Capital's obligations under:
 - The Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth);
 - Applicable taxation law;
 - The Corporations Act 2001 (Cth);
 - The Australian Securities and Investments Commission Act 2001 (Cth); and
 - the Bankruptcy Act 1966 (Cth).

Where personal information is used or disclosed, Merricks Capital takes reasonable steps to ensure it is relevant to the purpose for which it is to be used or disclosed. You are under no obligation to provide your personal information but without certain personal information, Merricks Capital may not be able to provide the products or services you require.

To whom does Merricks Capital disclose our personal information?

Generally, Merricks Capital will only disclose your personal information for the purposes of providing its products and services to you. This may include disclosing your personal information to various entities within Merricks Capital and third parties where necessary to provide you with our products and services. These third parties may include government departments or other regulatory authorities and professional associations, our lawyers, auditors, financial market and clearing and settlement facility operators, lenders, credit providers (including lenders and credit providers who are participating in or directly funding the loan or other transaction that Merricks Capital is entering into), insurers and audit insurance providers, custodians, share registries, credit reporting agencies, certain software and IT providers, third parties engaged to perform administrative tasks, professional advisers or, if authorised by you, your staff, family members, and associated entities This disclosure is always on a confidential basis.

Merricks Capital may also disclose your personal information with your consent or if disclosure is required or authorised by law.

Overseas disclosure

We may disclose personal information to overseas recipients in order to provide our products and/or services and for administrative or other business management purposes. Recipients of such disclosures may be located in a number of jurisdictions including the United Kingdom, New Zealand, Belgium, Hong Kong, Singapore, Japan, South Africa and the United States of America. Before disclosing any personal information to an overseas recipient, Merricks Capital takes reasonable steps to ensure the overseas recipient complies with the Australian

Privacy Principles or is bound by a substantially similar privacy scheme unless you consent to the overseas disclosure or it is otherwise required or authorised by law.

Direct marketing

Merricks Capital may use and disclose your personal information in order to inform you of products and services that may be of interest to you. In the event you do not wish to receive such communications, you can opt-out by contacting our Privacy Officer on the contact details set out below or through any opt-out mechanism contained in a marketing communication to you.

Security of your personal information

Merricks Capital regards the security of personal information as very important and has implemented a range of measures to ensure the personal information it holds is protected from misuse, interference and loss and from unauthorised access, modification or disclosure. The protection measures in place include:

- Confidentiality requirements for employees;
- Confidentiality statements on all outgoing correspondence including email;
- Document storage security policies;
- Security measures including encryption, firewalls, site monitoring and intrusion detection;
- Providing a discreet environment for confidential discussions; and
- Only allowing access to personal information where the individual seeking access has satisfied Merricks Capital's identification requirements.

However, Merricks Capital cannot guarantee the security of personal information provided to us electronically via the Internet, email or text nor can it guarantee the safe delivery of personal information via ordinary post and as such any communication is made at your own risk. The security arrangements are reviewed and tested from time to time.

Can you access and correct the personal information that Merricks Capital holds about you?

Merricks Capital seeks to ensure personal information we hold is accurate, current, complete, relevant and not misleading. Under the Privacy Act, you have a right to access and seek correction of your personal information that we collect and hold.

If at any time you would like to access or correct the personal information that Merricks Capital holds about you, or you would like more information on information security or privacy please contact the Privacy Officer. Merricks Capital will grant access to the extent required or authorised by the Privacy Act or other law and take steps reasonable in the circumstances to correct personal information where necessary and appropriate. To obtain access or make a correction to your personal information we will have to verify your identity and may charge you an administration fee.

If Merricks Capital refuses your request to access or correct your personal information, we will provide you with written reasons for the refusal and details of complaint mechanisms. Merricks Capital will endeavour to respond to your request to access or correct your personal information within 30 days from your request.

How to contact us - further information, enquiries, or requests

For further information, enquiries or requests regarding your personal information, or if you would like to opt-out of receiving any promotional and marketing communications, please contact Merricks Capital's Privacy Officer.

Complaint handling processes

Please direct all privacy complaints to Merricks Capital's Privacy Officer.

The Privacy Officer, Merricks Capital, Level 18, 90 Collins Street, Melbourne VIC 3000

As the holder of an Australian Financial Services Licence (AFSL), Merricks Capital is a member of an external dispute resolution scheme, the Australian Financial Complaints Authority Limited (AFCA). AFCA may be able to assist with any complaints about privacy matters where it relates to the provision of financial services, financial products or advice under the Merricks Capital AFSL and FOS deems the matter to be within its terms of reference.

You can contact AFCA:

Australian Financial Complaints Authority Limited GPO Box 3 Melbourne VIC 3001;

toll free number: 1800 931 678;

facsimile: (03) 9613 6399;

e-mail: info@afca.org.au

website: www.afca.org.au

In the event that you are dissatisfied with the outcome of your complaint, you may refer the complaint to the Office of the Australian Information Commissioner (OAIC) on 1300 363 992. This privacy policy may be updated from time to time.