

Privacy Statement

Merricks Capital

August 2023



1. Your rights in relation to privacy

The privacy of personal information is important to Merricks Capital Pty Ltd (ABN 45 126 528 005, AFSL No. 391477, SEC No. 801-72326) (**Merricks Capital**). Merricks Capital is committed to protecting the privacy of an individual's personal information. This privacy statement (**Statement**) 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 (**APPs**) set out in the *Privacy Act 1988* (Cth) (**Privacy Act**).

This Statement does not constitute a contractual representation, promise, guarantee or warranty by Merricks Capital to you as to the manner in which Merricks Capital will or may collect, store, use, disclose, protect or otherwise handle your personal information.

Some matters are beyond the control of Merricks Capital, such as third party malicious or criminal attacks. This Statement applies to Merricks Capital and its related entities, such as its subsidiaries and their employees, who will use and process your personal information in the same way and to the same extent that Merricks Capital is permitted to under this Statement. These related entities comply with the same obligations that Merricks Capital has to protect your personal information under this Statement.

When you provide Merricks Capital with personal information, you consent to the use, disclosure and handling of your personal information in accordance with this Statement and any subsequent amendments.

2. What kinds of personal information does Merricks Capital collect?

Personal information is information or an opinion about an identified, or reasonably identifiable, individual, whether true or not and whether recorded in a material form or not. Some information may not be personal information when considered on its own, however, when combined with other information held by (or accessible) to Merricks Capital, it may become personal information.

During the provision of its services, Merricks Capital may collect your personal information. The personal information that 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;
- credit-related and 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; and
- 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.

Sensitive Information

The personal information collected by Merricks Capital may include sensitive information. Under the Privacy Act, sensitive information includes information or an opinion about such things as an individual's political opinions, membership of a political association or trade union or health information. Merricks Capital will not necessarily collect sensitive information from you, but if it does, it will only do so:

- for the primary purpose for which it was obtained;
- for a secondary purpose that is directly related to the primary purpose;
- with your consent; or
- where required or authorised by law.

3. How does Merricks Capital collect personal information?

Merricks Capital will collect personal information only by lawful and fair means and not in an unreasonably intrusive manner.

Collecting information from you

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.

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. This may include collecting personal information for the purposes of assessing your credit status, particularly in relation to persons providing personal guarantees for commercial credit facilities arranged by Merricks Capital. Merricks Capital differentiates between consumer credit (such as home loans and personal loans for personal use)(which Merricks Capital does not provide) 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. Where this is done, credit-related information collected about you may come from credit reporting bodies.

Collecting information from third parties

There may be occasions when Merricks Capital collects your personal information from other sources such as from an information services providers, 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. Where Merricks Capital collects such personal information, it will be held, used and disclosed by Merricks Capital in accordance with this Statement and any subsequent amendments.

Collecting information from visits to Merricks Capital's website

Merricks Capital may also collect information based on how you use its website, including through 'cookies', web beacons and other similar technologies. Cookies are small text files that are transferred to your computer's hard drive through your web browser to enable Merrick Capital's systems to recognise your browser and record non-personal information such as the date, time or duration of your visit and the pages accessed, for website administration, statistical and maintenance purposes (**Cookie Information**).

We use cookies to provide you with a more consistent experience across our services. No attempt is made by Merricks Capital to use Cookie Information to personally identify you. However, if Cookie Information is linked with personal information as set out above, this Cookie Information becomes personal information and will be treated in the same manner as the personal information to which it has been linked.

You can remove or reject cookies by adjusting the settings on your web browser. Please note that some parts of Merricks Capital's website may not function fully for users that disable cookies.

Unsolicited information

If Merricks Capital receives personal information that it has not requested and determines that the personal information received is not reasonably necessary to provide its services, Merricks Capital will take all lawful and reasonable steps (if any) to de-identify or destroy that personal information.

4. 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:
 - investment products and services; and

- 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
- complying with legal requirements under any of the following:
 - *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)*;
 - *Corporations Act 2001 (Cth)*;
 - *Australian Securities and Investments Commission Act 2001 (Cth)*;
 - *Bankruptcy Act 1966 (Cth)*; and
 - applicable taxation law.

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.

Credit-related information

Merricks Capital does not provide consumer credit and therefore generally does not collect or use credit-related personal information of consumers. However, Merricks Capital may hold, use or disclose your credit-related information so that it can assess applications for commercial credit purposes.

For example, Merricks Capital may hold, use or disclose your credit-related personal information to:

- process credit applications and manage the commercial credit that Merricks Capital provides;
- communicate with you regarding any credit provided by Merricks Capital to help avoid defaults;
- prevent or investigate any actual or suspected fraud, unlawful activity or misconduct; and
- comply with any relevant laws, regulations, codes of practice and court orders.

5. To whom does Merricks Capital disclose your personal information?

Merricks Capital does not sell, rent or trade personal information to, or with, third parties. Generally, Merricks Capital will only disclose your personal information to third parties in limited circumstances, including for the purposes of providing its products and services to you, various entities within Merricks Capital, third party customers or clients and third party services providers (such as data storage providers). These third parties may include government departments or other regulatory authorities and professional associations, our lawyers, auditors, tax advisors, other credit providers (including co-lenders who participate in or directly fund a commercial credit facility that is arranged by Merricks Capital), insurers and insurance providers, custodians, share registries, 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.

Third party links

Merricks Capital's website may contain certain links to other websites. Merricks Capital does not share your personal information with those websites and it is not responsible for the privacy practices applying in respect of those websites.

6. 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 outside of Australia. Before disclosing any personal information to an overseas recipient, Merricks Capital takes reasonable steps to ensure the overseas recipient complies with the APPs 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.

7. 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 Merricks Capital's Privacy Officer via the contact details set out below or through any opt-out mechanism contained in a marketing communication to you. Unless and until you opt-out, your consent to receive direct marketing communications from Merricks Capital and to the handling of your personal information for this purpose will continue.

8. 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.

Merricks Capital will take reasonable steps to permanently de-identify or responsibly destroy personal information if it is no longer needed for the purpose for which the information was used or disclosed.

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.

9. Change of control

If Merricks Capital sells, assigns or otherwise transfers part or the whole of its business, your personal information, which was collected by Merricks Capital, may be among the items transferred or sold to the extent that it is relevant to Merricks Capital's business, and you consent to such disclosure or transfer.

10. 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 if you would like to receive further details on information security or privacy, please contact Merricks Capital's Privacy Officer via the contact details set out below. 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.

11. 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 via the contact details set out below.

12. Complaint handling processes

If you have a complaint related to how Merricks Capital has managed your personal information, please contact Merricks Capital's Privacy Officer via the contact details below. Merricks Capital may ask you to place your concerns in writing so that its compliance staff can fully understand and investigate your complaint.

Merricks Capital will provide you with an estimated response timeframe in relation to your complaint. In any event, Merricks Capital will endeavour to respond to your complaint within 30 days.

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.

13. How to contact us

If you have any questions about this Statement or Merricks Capital's management of your personal information, please contact Merricks Capital at:

Attention: **The Privacy Officer - Merricks Capital**
Mail to: **Level 18, 90 Collins Street, Melbourne VIC 3000**

14. Changes to Merricks Capital's Privacy Statement and information handling practices

This Statement may be updated from time to time so we encourage you to review this Statement at regular intervals. If Merricks Capital changes this Statement, an updated version will be posted on Merricks Capital's website. By continuing to use Merricks Capital's services after that time, you will be deemed to have accepted any changes to Merricks Capital's Privacy Statement.