



ACS Group

ACS Financial Pty Ltd ACN 062 448 122

ACS Mutual Limited ACN 162 909 346

ACS Capital Nominees Pty Ltd ACN 147 971 739

ACC Directorate ABN 65 004 617 467

Privacy Policy

22 February 2018

Version 5.0

ACS Group Privacy Policy

1. Introduction and Definitions

1.1. This Policy applies to ACC Directorate (ABN 65 004 617 467), ACS Financial Pty Ltd (ACN 062 448 122), ACS Mutual Limited (ACN 162 909 346) and ACS Capital Nominees Pty Ltd (ACN 147 971 739), in whatever capacity (as trustee and/or in their own right), and any subsidiary companies (**ACS Group, we, us, our**).

1.2. This Policy (which is available on request and published on **our** website at <http://www.acsfinancial.com.au/customer-support/>) extends to and covers all operations and functions of the **ACS Group** in Australia. At **ACS Group, we** are committed to ensuring the confidentiality and security of the personal information supplied to **us** by individuals. This Policy outlines **ACS Group's** practices, procedures and systems that ensure compliance with the Australian Privacy Principles, including the following procedures:

- **ACS Group** Privacy Statements;
- direct marketing (opt-out procedure) (section 8);
- sending information overseas (section 9);
- security procedure (section 10);
- procedure to correct personal information (section 12);
- access to information procedure (section 13); and
- disputes/complaints handling procedure (section 18).

1.3. **ACS Group** is bound by the Australian Privacy Principles (**APPs**), contained in the *Privacy Act 1988 (C'th)* (**Privacy Act**).

1.4. The word "individual" refers to a customer, client, trustee or any other person with whom **we** come into contact. All employees, contractors, sub-contractors, authorised representatives, vendors, service providers, customers, agents or any other third parties that have access to and/or utilise personal information collected and/or held by **ACS Group** must abide by this Privacy Policy.

1.5. Personal information is information or an opinion relating to an individual, which can be used to identify that individual. Some personal information, which **we** collect, is sensitive information.

1.6. In this Policy:

- 'Disclosing' information means providing information to persons outside **ACS Group**;
- 'Individual' means any persons whose personal information **we** collect, use or disclose.
- 'Personal information' means information or an opinion relating to an individual, which can be used to identify that individual;
- 'Privacy Officer' means the contact person of the **ACS Group** (who is the Compliance Officer – see section 22) for questions or complaints regarding **ACS Group's** handling of personal information;

- ‘Sensitive information’ is personal information that includes information relating to a person's racial or ethnic origin, political opinions, religion or affiliation, trade union or other professional or trade association membership, sexual preferences and criminal record, and also includes health information or financial details about an individual, including bank account details and credit history; and
- ‘Use’ of information means use of information within the **ACS Group**.
- **ACS Group** is bound by the Notifiable Data Breaches scheme under Part III C of the **Privacy Act 1988** and the Privacy Amendment (Notifiable Data Breaches) Act 2017.

2. What kind of personal information do we collect and hold?

2.1. **We** collect and hold the following kinds of personal information about individuals:

- name
- age
- date of birth
- address
- phone numbers
- email addresses
- occupation
- bank account details and other financial information
- drivers’ licence details
- passport
- tax file number
- any other information that is relevant to the services that **we** provide.

2.2. The personal information may also include information about the form of identification used in relation to an individual that is a party to a transaction (required by law in some instances), and information about a transaction in relation to an individual, including details of the amounts paid in or out of an individual’s account as well as delivery instructions.

2.3. The personal information may also include:

- employment details, employment history, qualifications and training history, family commitments and social security eligibility; and
- details of the individual’s current financial circumstances; and
- details of the individual’s driving record.

3. How we collect personal information

3.1. **We** generally collect personal information directly from the individual. For example, personal information will be collected when an individual completes an application, questionnaire or form to use **our** services, telephones or makes face to face contact with **us**, visits **our** website, or sends **us** correspondence.

3.2. Sometimes **we** may collect personal information about the individual from a third party. When **we** are provided with personal information from a third party, **we** will take reasonable steps to ensure that the individual is or has been made aware of the matters set

out in this Policy. In some circumstances **we** may be provided with personal information about an individual from somebody else, for example: a referral from another person, or if **we** are given information by your employer if you or they use **our** products or services, or from information that is publically available on websites, or from third party experts where they have obtained your consent to provide your personal information to other parties. The prior examples are not exhaustive.

- 3.3. The **ACS Group** will not collect sensitive information unless the individual has consented or an exemption under the **APPs** applies. These exceptions include if the collection is required or authorised by law or necessary to take appropriate action in relation to suspected unlawful activity or serious misconduct.
- 3.4. **Our** ability to provide individuals with **our** services is sometimes dependent on **us** obtaining certain personal information about the individual. If the personal information **we** request is not provided, **we** may not be able to provide customers with the benefit of **our** services, or meet an individual's needs appropriately.
- 3.5. **ACS Group** does not give individuals the option of dealing with them anonymously, or under a pseudonym. This is because it is impossible for **ACS Group** to provide its services to individuals who are not identified, and may contravene other laws.

4. **Why do we collect and hold personal information?**

4.1. **ACS Group** collects personal information for the following purposes:

- 4.1.1. to conduct **our** business of providing insurance broking and mutual protection services, premium funding services, vehicle finance broking services, commercial credit services, investment management services and advice, superannuation trustee and business development services, and other services to **our** clients;
- 4.1.2. to enter into contracts with contractors, sub-contractors, authorised representatives, vendors, service providers or other third parties (**consultants**) to conduct **our** business;
- 4.1.3. to assess applications by individuals to provide them with **our** services;
- 4.1.4. to provide an individual with information about a product or service and invite an individual to marketing events;
- 4.1.5. to protect **our** business and other customers from fraudulent or unlawful activity;
- 4.1.6. to conduct **our** business and perform other management and administration tasks;
- 4.1.7. to comply with **our** legal obligations; and
- 4.1.8. to help **us** manage and enhance **our** services.

5. **About whom do we collect personal information?**

5.1. The type of information **we** may collect and hold includes (but is not limited to) personal information about:

- 5.1.1. individuals;
- 5.1.2. third parties;
- 5.1.3. prospective employees, employees, and contractors; and
- 5.1.4. other people with whom **we** come into contact.

6. Unsolicited personal information

- 6.1. **ACS Group** employees are required to notify the Compliance Officer of all unsolicited personal information received by them.
- 6.2. If **we** receive unsolicited personal information, the Compliance Officer will determine, within a reasonable period of time, whether **we** could have collected the information ourselves, in accordance with this Policy. If this Policy does not authorise the collection of the unsolicited personal information, then the Compliance Officer will destroy that information.

7. How might we use and disclose personal information?

- 7.1. **We** may use and disclose personal information for the primary purposes for which it is collected, and also for reasonably expected secondary purposes which are related to the primary purpose and in other circumstances authorised by the **Privacy Act 1988**.
- 7.2. **We** use and disclose personal information for the purposes outlined in section 4 above. Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the individual agrees otherwise, or where certain other limited circumstances apply (eg, where required by law).
- 7.3. **We** may engage other people to perform services for **us** which may involve that person handling personal information **we** hold. In these situations, **we** prohibit that person from using personal information about you except for the specific purpose for which **we** supply it. **We** prohibit that person from using your information for the purposes of direct marketing their products or services.
- 7.4. **We** may disclose personal and/or sensitive information to:
 - 7.4.1. a related entity of **ACS Group**;
 - 7.4.2. an agent, contractor or service provider **we** engage to carry out **our** functions and activities, such as **our** lawyers, accountants, electronic identity verification services, credit reporting bureaus (for the purpose of obtaining credit reports), debt collectors or other advisors;
 - 7.4.3. organisations involved in a transfer or sale of all or part of **our** assets or business;
 - 7.4.4. organisations involved in managing **our** payments, payment merchants and other financial institutions such as banks;
 - 7.4.5. organisations involved in a transfer or sale of all or part of **our** assets or business;

- 7.4.6. organisations involved in managing **our** corporate risk and funding functions (eg securitisation);
 - 7.4.7. regulatory bodies, government agencies, law enforcement bodies and courts; and
 - 7.4.8. anyone else to whom the individual authorises **us** to disclose it or as required by law.
- 7.5. **We** also collect personal and/or sensitive information from these organisations and individuals, and deal with that information in accordance with this Policy.
- 7.6. In relation to credit providers, credit reporting agencies or any other such person or agency affecting credit, an individual can contact **our** Compliance Officer to request website and contact details for any credit provider or agency who has given and/or received personal and/or sensitive information to and/or from the **ACS Group** relating to that individual, so that the individual may access the credit provider or agency's privacy policy, obtain information about the management of personal and/or sensitive information and make a request to access, correct or not disclose the information held.

8. Direct marketing

- 8.1. **We** do not use personal information for the purposes of direct marketing unless:
- 8.1.1. the personal information does not include sensitive information; and
 - 8.1.2. the individual would reasonably expect **ACS Group** to use or disclose the information for the purpose of direct marketing; and
 - 8.1.3. **ACS Group** provides a simple way of opting out of direct marketing; and
 - 8.1.4. the individual has not requested to opt out of receiving direct marketing from **ACS Group** (or others).
- 8.2. If **ACS Group** collects personal information from an individual who would not reasonably expect **ACS Group** to use or disclose the information for the purpose of direct marketing, or collects personal information from someone other than the individual, **ACS Group** may use or disclose that information (other than sensitive information) for the purpose of direct marketing if:
- 8.2.1. either the individual has consented to the use or disclosure of the information for direct marketing or it is impracticable to obtain that consent; and
 - 8.2.2. **ACS Group** provides a simple way of opting out of direct marketing; and
 - 8.2.3. in each direct marketing communication, **ACS Group** includes a prominent statement that the individual may make a request to opt out of direct marketing or otherwise draws the individual's attention to the fact that he or she may make such a request; and
 - 8.2.4. the individual has not already requested to opt-out of direct marketing from **ACS Group**.

8.3. **ACS Group** notes that individuals have the right to request to opt out of direct marketing and **ACS Group** must give effect to the request within a reasonable period of time.

8.4. Individuals may also request that **ACS Group** provides them with the source of their information. If such a request is made, **ACS Group** must notify the individual of its source without any charge within a reasonable period of time, unless it is impracticable or unreasonable to do so.

9. Sending information overseas

9.1. **We** may disclose personal information to external service providers that are located outside Australia in some circumstances. These recipients may be located in the following countries:

9.1.1. United Kingdom; and/or

9.1.2. Luxembourg

9.1.3. Bermuda

9.2. **We** will not send personal information to recipients outside of Australia without:

9.2.1. taking reasonable steps to ensure that the recipient does not breach the **Privacy Act**, or the **APPs**;

9.2.2. ensuring the recipient is subject to an information privacy scheme similar to the **Privacy Act**; or

9.2.3. the individual has consented to the disclosure.

10. Management of personal information

10.1. The **APPs** require **us** to take all reasonable steps to protect the security of personal information. **Our** personnel are required to respect the confidentiality of personal information and the privacy of individuals. **We** will seek to ensure that individuals' personal information is protected from misuse, loss, unauthorised access, modification or disclosure.

10.2. **We** take reasonable steps to protect personal information held from misuse and loss and from unauthorised access, modification or disclosure, for example by use of physical security (locked filing systems and key-pass entry to building).

In relation to **our** computer-based information, **we** apply the following guidelines:

- data ownership is clearly defined within **ACS Group** policies and procedures, and contracts as required;
- passwords are routinely checked;
- **we** change employees' access capabilities when they are assigned to a new position;
- employees have restricted access to certain sections of the system;
- the system automatically logs and reviews all unauthorised access attempts;
- the system automatically limits the amount of personal information appearing on any one screen/page;

- unauthorised employees are barred from updating and editing personal information;
- all computers which contain personal information are secured, physically and electronically;
- data is encrypted during transmission over the network;
- print reporting of data containing personal information is limited;
- **ACS Group** has created procedures for the disposal of personal information; and
- personal information is deleted to the extent possible when the information is no longer required.

10.3. **ACS Group** performs all employment procedures, including application and termination processes, in a confidential manner. All individual job attributes, such as classification information and salaries, are confidential. .

10.4. In the event that an individual ceases to be a client of **ours**, the individual's personal information will be kept for a period of 7 years in accordance with legislative requirements, after which the information will be destroyed. Where **we** no longer require the personal information for a permitted purpose under the **APPs**, **we** will take reasonable steps to destroy it.

11. Identifiers

11.1. **We** will not use identifiers assigned by the Government, such as a tax file number, Medicare number or provider number, for **our** own file recording purposes, unless one of the exemptions in the **Privacy Act** applies.

12. How do we keep personal information accurate and up-to-date?

12.1. **We** take reasonable steps to ensure that the personal information **we** collect, use and disclose is relevant, accurate, complete and up-to-date.

12.2. **We** encourage individuals to contact **us** in order to update any personal information **we** hold about them. **Our** contact details are set out at the end of this Policy. If **we** correct information that has previously been disclosed to another entity, **ACS Group** will notify the other entity of the changes within a reasonable period of the correction, unless it is impracticable or unlawful to do so. **ACS Group** responds to requests to amend personal information within 30 days unless otherwise agreed, and does not charge individuals for correcting the information.

13. Access to personal information

13.1. Subject to the exceptions set out in the **Privacy Act**, individuals may gain access to the personal information which **we** hold about them by contacting **our** Compliance Officer. If **we** refuse to provide the information, **we** will provide reasons for the refusal. **We** will endeavour to respond to any request for access within 30 days of the request.

13.2. When an individual requests access to their personal information, which includes evaluative information created by **ACS Group** in connection with a commercially sensitive decision making process (as defined in **APP 12.3(j)**), a representative of **ACS Group** will meet the individual personally (where this is possible), and explain the evaluative information to the individual, without giving them a copy of it.

13.3. **We** will require identity verification and for an individual to specify what information is required. An administrative fee for search and photocopying costs may be charged for providing access. **We** will advise the likely cost in advance.

14. Updates to this Policy

14.1. This Policy is dated 22February 2018 and will be reviewed from time to time to take account of new laws and technology, changes to **our** operations and practices and the changing business environment. Changes are approved by the board and management of the relevant **ACS Group** entity.

15. Responsibilities

15.1. It is the responsibility of **ACS Group** management to inform employees and other relevant third parties about this Privacy Policy, and any changes to the Policy. Employees are required to ensure they understand and adhere to this Privacy Policy. Ignorance of the existence of the Privacy Policy will not be an acceptable excuse for non-compliance.

15.2. The Compliance Officer will notify the Executive Management of any privacy-related complaints, and other privacy issues.

16. Privacy Training

16.1. All new employees are provided with timely and appropriate access to **ACS Group's** Privacy Policy. All employees must be provided with opportunities to attend Privacy awareness training which covers **ACS Group's** obligations under the **Privacy Act** and the **APPs**. **ACS Group** staff must ensure that they understand the Privacy-related issues that could adversely affect **ACS Group** members and their clients if not properly adhered to.

17. Non-compliance and disciplinary actions

17.1. Any **ACS Group** employee or relevant third party that identifies, knows about or suspects a privacy breach must immediately report the matter to the Compliance Officer. Failure by employees or relevant third parties to comply with this Privacy Policy may result in disciplinary action.

18. Disputes/Incidents/Complaints Handling

18.1. **ACS Group** has effective disputes/incidents/complaints handling processes in place to manage privacy risks and issues. The complaints handling procedures are set out in the 'ACS Financial Dispute Handling Policy and Procedure' and the 'ACS Mutual Complaints Policy'. The disputes/incidents/complaints handling processes involve:

18.1.1. identifying (and addressing) any individual/systemic/ongoing compliance problems;

18.1.2. increasing consumer confidence in **ACS Group's** privacy procedures; and

18.1.3. helping to build and preserve **ACS Group's** reputation and business.

18.2. Individuals can make a complaint by writing to the Compliance Officer. The Complaints Process is published on *our* website at <http://www.acsfinancial.com.au/customer-support/>.

19. Contractual arrangements with third parties

- 19.1. **We** ensure that all contractual arrangements with third parties adequately address privacy issues.
- 19.2. Each third party is aware of and understands this Privacy Policy, and has implemented policies in relation to the management of personal information in accordance with the **Privacy Act** and as set out in this Privacy Policy, including:
 - 19.2.1. regulating the collection, use and disclosure of personal information;
 - 19.2.2. de-identifying personal information wherever possible;
 - 19.2.3. ensuring that personal information is kept securely, protected from loss or misuse, with access to it only by authorised employees or agents of the related organisations; and
 - 19.2.4. ensuring that personal information is only disclosed to organisations which are approved by **us**.
- 19.3. The third parties specifically agree only to use personal information for the purposes consented to by **ACS Group** or by the individual concerned.

20. Privacy Audits

- 20.1. **ACS Group** conducts periodic privacy audits in order to ascertain whether it has complied with its obligations under the **Privacy Act**, including:
 - 20.1.1. what sort of personal and/or sensitive information is collected and held;
 - 20.1.2. how that information is collected;
 - 20.1.3. what the reasons are for collection of that information;
 - 20.1.4. where and how that information is stored;
 - 20.1.5. how that information is secured;
 - 20.1.6. who has access to that information;
 - 20.1.7. whether that information is shared with anyone;
 - 20.1.8. whether the intended use of collection is communicated; and
 - 20.1.9. whether that information is current and necessary.

21. Website

- 21.1. **We** collect personal information from **our** web site (www.acsfinancial.com.au) when **we** receive emails and online forms.
- 21.2. **Our** website contains links to other websites whose operator may or may not adhere to a privacy policy or be governed by the **APPs**. Those operators may use cookies to allow them to identify an individual's browser.

21.3. **Our** website uses cookies which allow **us** to identify the individual's browser. Cookies do not identify the individual – they simply allow **us** to track usage patterns so that **we** can measure the level of interest in various areas of **our** site.

21.4. **We** may also use third parties to analyse traffic at **our** website, which may involve the use of cookies. Information collected through such analysis is anonymous. **Our** website privacy statement can be accessed at <http://www.acsfinancial.com.au/customer-support/> .

22. Enquiries

22.1. If you have any questions about privacy-related issues please contact the **ACS Group** Compliance Officer:

ACS Group Compliance Officer
ACS Financial Pty Ltd
Level 1, 917 Riversdale Road, Surrey Hills Victoria 3127
compliance@acsfinancial.com.au
1800 646 777

If you are not satisfied with the result of your complaint to **ACS Group** you can also refer your complaint to the Office of the Australian Information Commissioner.

You can contact the Office of the Australian Information Commissioner:

- by telephoning - 1300 363 992
- by writing to - Director of Complaints, Office of the Australian Information Commissioner, GPO Box 5218, SYDNEY NSW 2001
- by emailing - enquiries@oaic.gov.au