



Privacy Policy - Australia

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1. Introduction

CLSA Australia Pty Ltd ('CLSA APL') recognises the importance of the personal information (as defined in Australian Privacy Act 1988) we hold about you or any natural persons' personal information provided by you and the trust they place in us.

By explaining our Privacy Policy ("Policy") to you, we hope that you will better understand how we keep personal information private and secure while using it to provide services and products. Each of you and the natural person shall be referred to as the "data subject" in this Policy.

We are committed to safeguarding data subject's personal information in accordance with the requirements of the Australian Privacy Act 1988, Privacy Regulation 2013, Australian Privacy Principles contain in the Australian Privacy Act 1988 and the Australian Notifiable Data Breaches scheme and any other applicable personal information protection rules or laws, which all regulate the way individual's personal information is handled ("personal information protection laws").

In general, we will not use or disclose such information collected about the data subject otherwise than for the purposes set out in this Policy, for a purpose you would reasonably expect, a purpose required or permitted by law, or a purpose otherwise disclosed to, or authorised by you.

Where you provide us with the personal information of a natural person, you confirm that such natural person has consented to our collection of his/her personal information for the purposes and such natural person has been informed of, and has accepted, the provisions of this Policy.

2. Scope

This Policy applies to the Australian operations of the CLSA group unless specifically stated otherwise and captures all employees, contractors and other authorised third parties who have access to any personal information held by or on behalf of the CLSA APL.

3. Personal Information

CLSA APL collects information, which is essential to provide financial services or products to its clients.

Most of the personal information collected, and outlined in this Policy are regulatory requirements, for example, CLSA APL must evidence we have confirmed the identify of our clients in accordance with the Australian Anti-Money Laundering and Counter Terrorism Financing Act ('AML/CFT Act').

To ensure financial services are effectively provided, the following types of standard personal information may be collected from the data subject:

- name;
- address;
- date of birth;
- gender;
- nationality;
- residency status;
- telephone number;
- e-mail address;
- financial information;
- tax file number;
- employment history;
- education history;
- information contained in identity document, such as a passport number and drivers licence number;
- information necessary to make or receive payments to or from you or necessary to effect security transactions on your behalf; and/or
- any other information as required to comply with the applicable regulations or laws or required to provide the services.

3.1. Sensitive Information

In certain circumstances, we may also need to collect personal information which is sensitive. This may include information about data subject's:

- racial or ethnic origin;
- political opinion or membership of political association;
- religious or philosophical beliefs;
- health;
- membership of professional or trade associations or trade union; and
- criminal record.

4. Collection of Personal Information

Authorised employees from CLSAP APL or any of our related entities within the CLSA group are authorised to collect personal information. No department or individual within CLSAP APL may process personal information for any reason other than for the lawful purposes for which it was collected and is being processed. Circumstances where we will collect personal information directly from you include, when you:

- apply for a product or a service;
- update your personal information or another person's personal information held by us;
- deal with us as a key contact or employee of an institutional client;
- deal with us as a key contact or employee of a non-client relationship such as vendors;
- deal with us over the telephone or in person;

5. Use of Personal Information

Generally, the CLSA group collects uses and discloses personal information for the following purposes:

- Processing applications for account opening purposes
- Account maintenance and operational duties relating to your account(s)

- Providing services and products to you (including the services and products of external providers) from time to time and dealing with all matters relating to the services and products;
- Processing of transactions
- Managing your relationship with CLSA APL and/or administration of your account(s) with us including those of your underlying clients
- Carrying out your instructions or responding to your enquiries or feedback;
- Conducting identity and/or credit checks, and carrying out customer due diligence and other checks and screening and ongoing monitoring that may be required under any applicable law, regulation or directive or internal policies and procedures of CLSA APL (including but not limited to those designed to combat bribery and corrupt practices, money laundering, terrorist financing and financial crime);
- Preventing, detecting and investigating any fraud, misconduct or unlawful activities whether or not requested by any relevant governmental or regulatory authorities, and analysing and managing commercial risks;
- (unless you have indicated your preference to opt out) providing you with marketing, advertising and promotional information, materials and/or documents relating to banking, investment, credit and/or financial products and/or services that CLSA APL may be selling, marketing, offering or promoting, whether such products or services exist now or are created in the future;
- Complying with all applicable laws, regulations, rules directives, orders, instructions and requests from any governmental, tax, law enforcement or other authorities (whether local or foreign) etc.
- Developing new services and/or products and updating you on our products and services from time to time;
- Managing our infrastructure and business operations and employees and complying with our policies and procedures that may be required by applicable laws and regulations including those relating to risk control, compliance, security, audit, finance and accounting, human resources, systems and business continuity;
- Addressing or investigating an complaints, claims or disputes;
- Carrying out research, planning and statistical analysis;
- organising promotional events;
- Provision of financial services; and
- Enforcing our legal and/or contractual rights against you including, but not limited to, recovering any and all amounts owed to us or any members of the CLSA group.

6. Storage of Personal Information

Your personal information may be held within our (or our service providers):

- premises in paper records;
- computer systems including email, servers, hard drives and applications;
- data storage systems; and
- in certain circumstances, in sound recordings of your telephone discussions with CLSA APL.

7. Accessing your Information

If at any time any data subject would like to request access and/or make corrections to the personal information we are holding about such data subject, you are welcome to ask us in a form or manner which identifies the nature of the personal information requested.

Requests can be made to your CLSA APL business contact or the Privacy Officer for the Australian operation of CLSA APL as follows:

Email: Compliance.Australia@clsa.com

Mail: The Privacy Officer
CLSA Australia Pty Ltd
Level 35, Grosvenor Place
Sydney NSW 2000

Tel: +61 2 8571 4200

Generally, we will provide you with access to the personal information we hold about the data subject within a reasonable time. Under certain circumstances however, we may not be able to provide data subject with access to the personal information we hold about such data subject. This includes where:

- it would have an unreasonable impact on the privacy of another individual;
- the request is frivolous or vexatious
- information relates to legal proceedings;
- the information would reveal a commercially sensitive decision-making process; or
- we are prevented by law from disclosing the information, or providing access would prejudice certain investigations.

Unless we are unable to do so, we will inform you of the reason(s) for refusing access.

We may charge a fee for providing access to data subject's personal information

8. Retention of Personal Information

Personal information will be held for as long as it is necessary to fulfil the purpose for which it was collected or as required by applicable laws. The maximum retention period for personal information is seven years.

9. Disclosure, Sharing and Transfer of Personal Information

Subject to the provisions of applicable laws in each region the CLSA group operates in, data subject's personal information may be disclosed or transferred to or shared with or retained by the following:

- Related entity of the CLSA group;
- Any third party service provider;
- Our professional advisors (including our lawyers) and agents or third parties necessary for us performing/providing services to you (including our executing brokers, clearing houses and settlement agents);
- Our auditors;
- Any person to whom disclosure is permitted or required by law or any court order;
- Any local or foreign government agency, regulatory authority who have jurisdiction over CLSA APL; and/or
- Any successors and assigns, whether located in or outside the relevant jurisdiction

To the extent that we may need to transfer personal information outside our jurisdiction, we shall do so in accordance with the personal information protection laws.

10. Security of Personal Information

CLSA APL will take reasonable steps to protect the personal information it holds from interference, misuse and loss and from unauthorised access, modification or disclosure. In line with our internal authorisation and access policies, employees only have access to information on a need to know basis.

To the extent permitted by law, CLSA APL will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used and disclosed under this Policy except in circumstances where CLSA APL is required or authorised to retain such personal information (including as a result of the operation of tax, financial services or other applicable law).

11. Consent

By interacting with CLSA APL and submitting information to us or signing up for any financial services for financial products offered by us you agree and consent to:

- CLSA APL collecting, using, disclosing and sharing your personal information as stated under this Policy
- Disclosing and sharing such personal information to the CLSA group's authorised service providers and relevant third parties

You further agree and undertake to CLSA APL that, each data subject acknowledges and consents to the transfer of his/her personal information to other members of the CLSA group, our third party service providers, our professional advisers, agents and to any other person, body, agency, organization or entity referred under this Policy, whether located in or outside our jurisdiction for the purposes listed under this Policy. If any data subject do not wish for us to continue to use their personal information provided by you to us for any of the purposes at any time in the future, you must notify us in writing addressed to the Data Protection Officer to withdraw your consent. Depending on the circumstances, data subject's withdrawal of consent may result in CLSA APL's inability to provide you with the services and/or products that we have been offering to you, and consequently, may result in the termination of your relationship and/or accounts with us.

Under relevant circumstances where the personal information protection laws permits us to collect, use, process, transfer or disclose the personal information of the data subject without his/her consent, such permission or rights granted by the law shall continue to apply notwithstanding anything herein to the contrary.

12. Updates to the Data Protection Policy

CLSA APL may from time to time update this Policy to ensure that it is consistent with our future developments, industry trends and/or any changes in legal or regulatory requirements. Such changes will be posted on our web-site.

Your continued use of our service will be taken as acceptance of the updated Policy.

13. Third Party Websites

Our corporate web site may contain links to other web-sites. Please note that we are not responsible for the privacy practices of such other web sites and you are advised to read the privacy statement of each web site you visit which may collect your personal information.

14. Complaints

If you wish to make a complaint about our collection, use or disclosure of your personal information, you should contact your CLSA APL contact or our Privacy Officer in writing.

We will make every effort to resolve your complaint internally within a reasonable time.

If we do not resolve your complaint to your satisfaction:

You may contact the Office of the Information Commissioner by calling them on 1300 363 992; writing to them at GPO Box 5218 Sydney NSW 2001; emailing them at enquiries@oaic.gov.au or visiting their website at www.oaic.gov.au.

15. Notifiable Data Breaches

In 2017 the Notifiable Data Breaches ('NDB') regime in Australia was established under Part IIIC of the *Privacy Act 1988* ('Privacy Act'). As such from 22 February 2018, the new Part IIIC will be implemented where data breaches must be reported. Under this scheme, a data breach is known as an Eligible Data Breach.

The NDB scheme outlines requirements for Australian entities such as CLSA APL in its response to data breaches. Should a data breach occur and is likely to result in 'serious harm' CLSA APL must notify the Office of the Australian Information Commissioner ('OAIC') within 72 hours.

15.1 What is an Eligible Data Breach?

An eligible data breach arises when the following three criteria are satisfied:

- **Data Breach** – this occurs when there is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information that CLSA APL holds.
- **Serious Harm** – the data breach is likely to result in serious harm to one or more individuals
- **Remedial Action** – CLSA APL has not been able to prevent the likely risk of serious harm with remedial action.

15.2 What is a Data Breach?

The first step to determine if an eligible data breach has occurred involves considering whether there has been a Data Breach being:

- Unauthorised access to; or
- Unauthorised disclosure of personal information, or a loss of personal information

The main categories of Data Breaches under the NDB scheme are described below:

Unauthorised access

This is where personal information that CLSA APL holds on your behalf has been accessed by someone who is not permitted to have access. This includes unauthorised access by an employee of the CLSA group, or a contractor as well as unauthorised access by an external third party (such as by hacking). The CLSA group have specific I.T. Security teams and controls to monitor this.

Unauthorised disclosure

This occurs when CLSA APL, (whether intentionally or unintentionally) makes data subject's personal information accessible or visible to others outside of the CLSA group (e.g. an employee of CLSA APL accidentally publishes a confidential data file containing personal information of clients on the internet).

Loss of personal information

This refers to the accidental or inadvertent loss of data subject's personal information held by CLSA APL. (E.g. an employee of CLSA APL leaves personal information, unsecured computer equipment, or portable storage devices containing our client's personal information on public transport).

15.3 Serious Harm

Whereas 'serious harm' is not defined in the Privacy Act in the context of a data breach the OAIC have described it as any of the following:

- Serious physical, psychological, emotional, financial or reputational harm

15.4 Types of Personal Information and Serious Harm

Some types of personal information may be more likely to cause an individual serious harm if compromised. Examples of the types of information that may increase the risk of serious harm if there is a data breach include:

- 'Sensitive information' such as details about an individual's health
- Documents commonly used for fraud (e.g. Medicare card, driver licence, passport details)
- Financial information

15.5 Reporting a Data Breach

If CLSA APL has reasonable grounds to believe it has experienced an eligible data breach, it must promptly notify affected persons and the OAIC about the breach by submitting an Eligible Data Breach Statement within 72 hours.

The statement must include the following information:

- The date, or date range of the unauthorised access or disclosure
- The date CLSA APL detected the data breach
- The circumstances of the data breach
- Who has obtained or is likely to have obtained access to the information
- Relevant information about the steps CLSA APL has taken to contain or remediate the personal information breach

15.6 OAIC Form for lodging Statements to the Commissioner

The OAIC has an on-line form for entities to lodge eligible data breach statements under section 26WK of the Privacy Act. The form is located at:

<https://forms.uat.business.gov.au/smartforms/servlet/SmartForm.html?formCode=OAIC-NDB>