



# Privacy Policy

ISSUE DATE: 1 AUGUST 2016



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## GENERAL INFORMATION

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This Privacy Policy describes how OpenMarkets Australia Ltd, the facility and this website (OpenMarkets, we, us) handle and deal with your personal information in accordance with the Privacy Act 1988 (Cth), its amendments and the 13 Australian Privacy Principles (APPs). This policy is effective from 1 August 2016.

By providing us with your personal information, you consent to us using, disclosing and otherwise handling your personal information in accordance with this Privacy Policy as updated from time to time.

## COLLECTION OF PERSONAL INFORMATION

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To comply with our legal obligations including AML/CTF laws, we must collect certain information, supported by original or certified copies of relevant documents when you open an account. OpenMarkets collects and stores the following personal information in its digital database and physical storage (Personal Information):

- Your name;
- Your email address, phone numbers, physical contact information and information used to identify you;
- Date of birth;
- Nationalities;
- Occupation;
- Log-on and access data, statistics on use of the facility, traffic to and from OpenMarkets and your use of the OpenMarkets facility including the purchase of investments;
- Tax File Numbers(TFN) or an Australian Business Number (ABN)\* and tax status;
- Other information, including a user's IP address and log-on information and unique identifying information;
- Your financial details, such as the account details of your linked Cash Management Account (CMA), where required;
- Postal address where required; and
- Details of any investments purchased or sold by you by use of the facility.

This information is provided by members of the public (you, your) when applying for an account with OpenMarkets and obtained from your use of the OpenMarkets facility, as well as any other transactional activities that may be undertaken through OpenMarkets.

OpenMarkets also collects Personal Information from third parties that operate under a wholesale agreement, such as a financial adviser or planner.

You may choose not to provide all or some of the information requested though this may impact OpenMarket's ability to on an account and provide services.

If we are no longer authorised or required by law to do so, we will not retain your personal information for any purpose for which we may lawfully use or disclose it.

*\*OpenMarkets is authorised by the Australian taxation law to ask for your TFN or ABN if you are opening an account in the course of a business or enterprise by you. You are not required to provide your TFN and it's not an offence if you decide not to. However, if you do not provide it, any withholding tax required by law to be deducted will be deducted at the highest marginal rate (plus Medicare Levy where applicable). If you provide your TFN, you authorise the disclosure of it to third parties where doing so is in accordance with taxation law.*

## USE OF PERSONAL INFORMATION

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OpenMarkets uses Personal Information to:

- provide the facility;
- enforce OpenMarkets' Client Agreement and any disclosed policies;
- modify, reconfigure and improve the OpenMarkets facility;
- provide tailor made marketing and offers to you according to your use of the OpenMarkets facility; and
- to comply with any applicable laws or regulations.

## DISCLOSURE

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### 1. DISCLOSURE OF PERSONAL INFORMATION

OpenMarkets does not and will not sell or provide Personal Information to any third parties for marketing purposes or any other promotional purposes without your express consent. OpenMarkets may disclose Personal Information to comply with a lawful request, to enforce OpenMarkets' Client Agreement and enforce any disclosed policies or to ensure that the rights of other users of the OpenMarkets facility are not being violated. OpenMarkets may also share Personal Information with external service providers who are essential to the conduct of OpenMarkets' business and the facility.

Where, by use of the facility, you apply for a CMA or apply to purchase an investment from an approved provider, OpenMarkets will provide whatever Personal Information is required by the respective institution in order to process such application for an account or application to purchase an investment. By applying to open a CMA or by applying to purchase an investment you agree to Personal Information being provided to the respective providers. Please refer to the OpenMarket website for a listing of current providers.

If you are a client of a third party that operates under a wholesale agreement, such as a financial adviser or planner, confirmation of trading information is disclosed to your financial adviser or planner.

### 2. OVERSEAS DISCLOSURE

We may disclose your Personal Information for a permitted purpose as detailed above, to overseas recipients as a result of your instructions and to government authorities where required by law. This may involve the transfer of your Personal Information outside of Australia (including to countries where there may be less stringent data protection laws). Where this is the case, it is not possible to ensure that the overseas recipient does not breach the APPs in relation to your personal information. In providing us with your personal information, you consent to the possibility that your personal information may be transferred outside of Australia.

Regulatory requirements under the US Foreign Account Tax Compliance Act (FATCA) require OpenMarkets to disclose client information to the Australian Tax Office which is in turn disclosed to US authorities. In the event that you wish to trade on the US market, additional disclosure under FATCA may be required.

### 3. CORPORATE ENTITY STRUCTRE

If OpenMarkets is acquired by, merges with or sells part of its assets to another corporate entity OpenMarkets may share your Personal Information with the acquiring corporate entity. If this occurs, you shall be notified by email and by a notice on the OpenMarkets website. However, this Policy will continue to apply until such time as the acquiring corporate entity uploads a further privacy policy to the OpenMarkets website.

## MARKETING

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Where you, on the online application, tick the box agreeing to accept marketing material, you are agreeing to receive marketing and promotional emails from OpenMarkets unless and until you tell OpenMarkets that you prefer not to receive such emails. If you do not wish to receive any further marketing emails from OpenMarkets you may indicate your preference to unsubscribe by following the directions to do so provided at the foot of the email at any time.

## SECURITY

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### 1. YOUR OBLIGATIONS

You must not use the OpenMarkets services to obtain other persons' email addresses or contact details, to send spam to any person whatsoever or to otherwise breach OpenMarkets' Client Agreement. OpenMarkets may from time-to-time automatically or manually scan or filter email messages or other communications sent by you through the OpenMarkets services for any conduct that may breach OpenMarkets' Client Agreement and this Privacy Policy.

## 2. PROTECTION OF PERSONAL INFORMATION

The security of your Personal Information is a priority at OpenMarkets. OpenMarkets has implemented a number of measures that enhance the operating model, infrastructure and technology to afford you greater security over your assets and your Personal Information:

- Your securities are registered into your name and held securely on your Holder Identification Number (HIN).
- Your cash is kept in your personal linked CMA with an approved provider.
- OpenMarkets uses up to date digital tools such as data encryption, passwords and log-ins to protect your Personal Information against unauthorised access and or disclosure. OpenMarkets gives no guarantee or promise that such digital tools will always be effective against unauthorised access and or disclosure of your Personal Information.

When you open an account with OpenMarkets and when you transact on the facility your IP Address will be recorded in order to ensure the smooth running of the facility and to detect and prevent any unauthorized or fraudulent transactions on your OpenMarkets account.

## 3. COOKIES

OpenMarkets may use Cookies, which are small files or programs which are uploaded to your hard drive, on certain areas of the OpenMarkets website in order to:

- Recognise and remember you when you log in to the facility;
- To record referral information;
- To assess the performance of the OpenMarkets website; and
- To customise and improve OpenMarkets' services and to ensure online safety for users.

In addition, third party website operators that are linked to the services for advertising and other purposes may also use Cookies on their websites and read the Cookies that are associated with your account. You are free to decline to accept or share Cookies at any time. You acknowledge that declining to accept or share Cookies may impact on your access to the facility, to services offered by the facility and to the OpenMarkets website. Further, by declining Cookies from the OpenMarkets facility or from third party websites you will not be opting out of OpenMarkets' marketing services (please refer to the Marketing section of this Policy for further information).

## 4. PROTECTING YOUR ONLINE SECURITY

The issue of online fraud and identity theft is a constant and growing concern. OpenMarkets takes all steps possible to ensure your Personal Information and identity is secure. The specific nature of the threats and the techniques for stealing your personal information changes as rapidly as solutions to old threats are found. You can assist by keeping the following in mind:

- Keep informed of trends in fraud and identity theft.
- Monitor all financial activity including your brokerage account.
- Safeguard your personal details on and off-line.
- Always communicate with OpenMarkets regarding any matter that affects your account, whether it is an email address change or suspicious activity.

In order to be truly effective, any actions OpenMarkets takes to ensure your security must be made in conjunction with the actions you take. Safe computing habits also include offline actions, like shredding documents with personal details or informing businesses, including your broker or financial planner or adviser of any changes of address.

Best practices online include but are not limited to:

- Do not share your password or username with anyone. Keep your personal identification questions and responses private and secure.
- Change your password and your personal identification question and response, at minimum, every 30 to 60 days.
- Avoid accessing your account in public locations, such as Internet cafes or libraries.
- Always log off and close your browser after every online banking session and shut down your computer when not in use.
- Protect your computer through the use of anti-virus software, anti-malware/spyware software and firewalls. A new computer is pre-configured with factory settings. Running your computer with these defaults leaves you open to security breaches.

- Safe online practices ensure you protect your online interactions.

## ACCESSING AND CHANGING PERSONAL INFORMATION

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OpenMarkets takes reasonable steps to ensure Personal Information we collect, use or disclose is accurate, complete and up to date. You can access the Personal Information OpenMarkets holds on you by contacting our Client Services team using the details provided below. OpenMarkets will provide the information fairly, efficiently and in a format agreed with you.

If you identify that any of your Personal Information is incorrect, has changed or is out of date, you can request through OpenMarkets Client Services that such Personal Information be updated. When contacting OpenMarkets Client Services to effect such a change to your Personal Information may require you to undertake security steps in order to identify yourself before such changes can be effected.

There may be exceptional circumstances where OpenMarkets cannot provide you with access to, or options to update, your Personal Information because of reasons outlined in the APPs. In these cases OpenMarkets will advise you in writing why this cannot be undertaken, and will provide you with the information and mechanisms available to you should you want to lodge a complaint.

OpenMarkets Client Services

Level 2, 451 Little Bourke Street

Melbourne VIC 3000

Phone 1300 769 433 or +61 3 8199 7700

Email [service@openmarkets.com.au](mailto:service@openmarkets.com.au)

## PRIVACY COMPLAINTS

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If you believe OpenMarkets has breached this Privacy Policy or not adhered to the APPs you have the right to lodge a complaint. We have a formal complaints and dispute resolution process in place that is fair, efficient and accessible to everyone. To lodge a Privacy complaint, please contact the Privacy Officer using the details provided below. We will acknowledge your complaint within 10 business days of receipt and will endeavour to resolve the complaint within 30 days.

OpenMarkets Privacy Officer

Level 2, 451 Little Bourke Street

Melbourne VIC 3000

Email [privacyofficer@openmarkets.com.au](mailto:privacyofficer@openmarkets.com.au)

If OpenMarkets has not resolved the complaint within 30 days, or you are not satisfied with the response you receive from OpenMarkets, you may lodge a complaint with the Office of the Australian Information Commissioner at the following details:

Office of the Australian Information Commissioner

GPO Box 5218

Sydney NSW 2001

Phone 1300 363 992

Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Website <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>