

# Emerald Privacy Policy

*Last reviewed 18 June 2019*

## 1. INTRODUCTION

This Policy applies to Emerald Financial Group Pty Ltd (ABN 85 106 823 741), TradersCircle Pty Ltd (ABN 65 120 660 497), Trading Floor Online Pty Ltd (ABN 25 098 768 524) and any holding companies, other subsidiaries or related entities of Emerald Financial Group Pty Ltd, (all of which are referred to as 'Emerald', 'we', 'our', 'us'). The Policy extends to and covers all operations and functions of those organisations.

All third parties (including clients, suppliers, sub-contractors, or agents) that have access to or use personal information collected and held by Emerald must abide by this Privacy Policy. Emerald makes this Policy available free of charge and can be downloaded from its website [www.traderscircle.com.au](http://www.traderscircle.com.au).

This Policy outlines Emerald's obligations to manage and protect personal information. Emerald is bound by the Australian Privacy Principles ('APPs') and the *Privacy Act 1988* ('Privacy Act'). This Policy also outlines Emerald's practices, procedures and systems that ensure compliance with the Privacy Act and the APPs.

In this Privacy Policy:

- 'Disclosing' information means providing information to persons outside Emerald;
- '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 within Emerald for questions or complaints regarding Emerald'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, trade union or other professional or trade association membership, sexual preferences and criminal record, and also includes health information; and
- 'Use' of information means use of information within Emerald.

## 2. WHAT KIND OF PERSONAL INFORMATION DO WE COLLECT AND HOLD?

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

- name
- address
- phone numbers
- email addresses
- occupation
- bank account details
- drivers' licence details
- any other information that is relevant to the services that we provide.

## 3. HOW WE COLLECT PERSONAL INFORMATION

We generally collect personal information directly from the individual. For example, personal information will be collected when an individual opens an account with us, visits our website, or

sends us correspondence. 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 Privacy Policy.

Emerald 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.

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.

Emerald does not give individuals the option of dealing with them anonymously, or under a pseudonym. This is because it is impractical for Emerald to deal with individuals who are not identified.

#### **4. UNSOLICITED PERSONAL INFORMATION**

Emerald may receive unsolicited personal information about individuals. Emerald's employees are required to notify the Privacy Officer of all unsolicited personal information received by them. We destroy or de-identify all unsolicited personal information, unless the personal information is relevant to Emerald's purposes for collecting personal information

#### **5. ABOUT WHOM DO WE COLLECT PERSONAL INFORMATION?**

The personal information we may collect, and hold includes (but is not limited to) personal information about the following individuals:

- clients;
- potential clients;
- service providers or suppliers;
- prospective employees, employees and contractors; and
- other third parties with whom we come into contact.

#### **6. WEBSITE COLLECTION**

We collect personal information from our web sites when we receive emails and online forms. We may also use third parties to analyse traffic at that web site, which may involve the use of cookies. Information collected through such analysis is anonymous.

#### **7. WHY DOES EMERALD COLLECT AND HOLD PERSONAL INFORMATION?**

We may use and disclose the information we collect about an individual for the following purposes:

- to assist Emerald in providing a product or service to an individual, including portfolio, trading and education services;
  - to consider and assess an individual's request for a product or service;
  - to provide an individual with information about a product or service and invite an individual to marketing events;
  - to protect our business and other customers from fraudulent or unlawful activity;
  - to conduct our business and perform other management and administration tasks;
  - to consider any concerns or complaints an individual may have;
  - to manage any legal actions involving Emerald;
  - to comply with relevant laws, regulations and other legal obligations, including the *Anti-Money Laundering and Counter-Terrorism Act 2006* and *Corporations Act 2001*; and
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- to help us improve the products and services offered to our customers, and to enhance our overall business.

## **8. HOW MIGHT WE USE AND DISCLOSE PERSONAL INFORMATION?**

Emerald may use and disclose personal information for the primary purposes for which it is collected, for reasonably expected secondary purposes which are related to the primary purpose and in other circumstances authorised by the Privacy Act.

We use and disclose personal information for the purposes outlined in section 7 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 (e.g. if required by law).

We 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 the individual 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.

In relation to sensitive information held by us, wherever possible, Emerald will attempt to de-identify the information. We also undertake to take reasonable steps to delete all personal information about an individual when it is no longer needed.

## **9. TO WHOM MIGHT WE DISCLOSE PERSONAL INFORMATION?**

We may disclose personal information to:

- a related entity of Emerald;
- an agent, contractor or service provider we engage to carry out our functions and activities, such as our lawyers, accountants, trading platform providers and portfolio service providers;
- organisations involved in a transfer or sale of all or part of our assets or business;
- organisations involved in managing our payments, payment merchants and other financial institutions such as banks;
- regulatory bodies, government agencies, law enforcement bodies and courts; and
- anyone else to whom the individual authorises us to disclose it or as required by law.

We may also collect personal information from these organisations and individuals, which will be dealt in accordance with this Policy.

## **10. SENDING INFORMATION OVERSEAS**

We may disclose personal information to recipients that are located outside Australia in some circumstances. We use data storage providers. These providers operate internationally and therefore personal information may be sent to servers that are located overseas. It is impracticable for us to list the locations in which these servers may be located.

We will not send personal information to recipients outside of Australia unless:

- we have taken reasonable steps to ensure that the recipient does not breach the Privacy Act, or the APPs;
  - the recipient is subject to an information privacy scheme like the Privacy Act; or
  - the individual has consented to the disclosure.
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## **11. MANAGEMENT OF PERSONAL INFORMATION**

Emerald recognises how important the security of personal information is to clients. We will always seek to ensure that the personal information we collect, and hold is protected from misuse, loss, unauthorised access, modification or disclosure. Emerald employees must respect the confidentiality of the personal information we collect.

Personal information is generally held in client files. Information may also be held in a computer database. All paper files are stored in secure areas. Computer-based information is protected using access passwords.

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

- data ownership is clearly defined within Emerald;
- 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;
- unauthorised employees are barred from updating and editing personal information;
- all personal 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;
- Emerald has created procedures for the disposal of personal information; and
- personal information is overwritten to the extent possible when the information is no longer required.

Emerald 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.

Where we no longer require the personal information for a permitted purpose under the APPs, we will take reasonable steps to destroy it.

## **12. DIRECT MARKETING**

Emerald does not use personal information for the purposes of direct marketing, unless:

- the personal information does not include sensitive information; and
- the individual would reasonably expect us to use or disclose the information for the purpose of direct marketing; and
- we provide a simple way of opting out of direct marketing; and
- the individual has not requested to opt out of receiving direct marketing from us.

If the individual would not reasonably expect us to use or disclose the information for the purpose of direct marketing, we may only use or disclose that information for direct marketing if the individual has consented to the use or disclosure of the information for direct marketing or it is impracticable to obtain that consent.

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In relation to sensitive information, Emerald may only use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

Individuals have the right to request to opt out of direct marketing and we must give effect to the request within a reasonable period of time.

Individuals may also request that Emerald provides them with the source of their information. If such a request is made, Emerald must notify the individual of the source of the information free of charge within a reasonable period of time.

### **13. IDENTIFIERS**

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. Emerald endeavours to avoid data-matching, being the comparison of data collected and held for two or more separate purposes in order to identify common features in relation to individuals, as a basis for further investigation or action in relation to those individuals.

### **14. HOW DO WE KEEP PERSONAL INFORMATION ACCURATE AND UP TO DATE?**

Emerald is committed to ensuring that the personal information it collects, uses and discloses is relevant, accurate, complete and up to date.

We encourage individuals to contact us to update any personal information we hold about them. If we correct information that has previously been disclosed to another entity, we will notify the other entity within a reasonable period of the correction. Where we are satisfied information is inaccurate, we will take reasonable steps to correct the information within 30 days, unless you agree otherwise. We do not charge individuals for correcting the information.

### **15. YOU HAVE THE ABILITY TO GAIN ACCESS TO YOUR PERSONAL INFORMATION**

Subject to the exceptions set out in the Privacy Act, individuals may gain access to the personal information that we hold about them by contacting the Emerald Privacy Officer. We will provide access within 30 days of the individual's request. If we refuse to provide the information, we will provide reasons for the refusal.

An individual's request for access to his or her personal information will be dealt with by allowing the individual to look at his or her personal information at the offices of Emerald. We will require identity verification and specification of what information is required. An administrative fee for search and photocopying costs may be charged for providing access.

### **16. UPDATES TO THIS POLICY**

This Policy will be reviewed from time to time to take account of new laws and technology, and changes to our operations and the business environment. Changes to this policy will be reviewed by Emerald's Compliance Committee.

### **17. RESPONSIBILITIES**

It is the responsibility of management to inform employees and other relevant third parties about the Emerald Privacy Policy. Management must ensure that they advise Emerald's employees and other relevant third parties of any changes to the Privacy Policy.

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It is the responsibility of all employees and other relevant parties to ensure that they understand and comply with this Privacy Policy.

## **18. PRIVACY TRAINING**

All new employees are provided with timely and appropriate access to Emerald's Privacy Policy. All employees are provided with opportunities to attend privacy training, which covers Emerald's obligations under the Act and the APPs. Employees must ensure that they understand the Privacy related issues that could adversely affect Emerald and its customers if not properly adhered to.

## **19. NON-COMPLIANCE AND DISCIPLINARY ACTIONS**

Privacy breaches must be reported to management by employees and relevant third parties. Ignorance of the Emerald Privacy Policy will not be an acceptable excuse for non-compliance. Employees or other relevant third parties that do not comply with Emerald's Privacy Policy may be subject to disciplinary action.

## **20. INCIDENTS/COMPLAINTS HANDLING**

Emerald has an effective complaints handling process in place to manage privacy risks and issues.

The complaints handling process involves:

- identifying (and addressing) any systemic/ongoing compliance problems;
- increasing consumer confidence in Emerald's privacy procedures; and
- helping to build and preserve Emerald's reputation and business.

Individuals can make a complaint to Emerald about the treatment or handling of their personal information by lodging a complaint with the Privacy Officer. If you are unsatisfied with our response, you can contact the Office of the Australian Information Commission on the details set out below.

## **21. CONTRACTUAL ARRANGEMENTS WITH THIRD PARTIES**

Emerald must ensure that all contractual arrangements with third parties adequately address privacy issues. Emerald will make third parties aware of this Privacy Policy.

Third parties will be required to implement policies in relation to the management of an individual's personal information in accordance with the Privacy Act. These policies include:

- regulating the collection, use and disclosure of personal and sensitive information;
- de-identifying personal and sensitive information wherever possible;
- ensuring that personal and sensitive information is kept securely, with access to it only by authorised employees or agents of the third parties; and
- ensuring that the personal and sensitive information is only disclosed to organisations which are approved by Emerald.

## **22. ENQUIRIES**

If you have any questions about our privacy procedures, or if you wish to make a complaint about how we have dealt with your personal information you may lodge a complaint with us in any of the following ways:

- by telephoning – (03) 8080 5788  
by writing to – Emerald Financial Group Pty Ltd Privacy Officer, Level 7, 85 Queen Street  
Melbourne VIC 3000
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- by emailing – [admin@traderscircle.com.au](mailto:admin@traderscircle.com.au)

### **23. WHAT IF I AM NOT SATISFIED WITH THE RESPONSE?**

If you are not satisfied with the result of your complaint to Emerald, 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](mailto:enquiries@oaic.gov.au)
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