

# PRIVACY POLICY

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## 1. PRIVACY POLICY STATEMENT

- 1.1. This privacy statement is made on behalf of Ava Capital Markets Australia Pty Ltd (ACN 143 340 907 AFSL 406684). All references to “AVA”, “we”, “us” or “our” in this policy are references to Ava Capital Markets Australia Pty Ltd.
- 1.2. AVA is committed to protecting your privacy and to compliance with the Australian Privacy Principles contained in the Privacy Act 1988 (Cth). If you have any questions relating to this privacy statement or your privacy rights please contact us.
- 1.3. This Privacy Statement sets out the policy of AVA for management of personal information. We are committed to ensuring the privacy of your information and recognise that you, as a customer, are concerned about your privacy and about the confidentiality and security of information that AVA may hold about you.
- 1.4. This Policy is designed to inform customers of –
  - 1.4.1. The AVA Privacy Policy;
  - 1.4.2. What information we collect and the purposes for which we collect it;
  - 1.4.3. Use and disclosure of information collected;
  - 1.4.4. Security of your personal information;
  - 1.4.5. Gaining access to information we hold about you;
  - 1.4.6. What to do if you believe the information we hold about you is inaccurate;
  - 1.4.7. Complaints in relation to privacy; and
  - 1.4.8. How to contact us.

## 2. PERSONAL INFORMATION

- 2.1. Personal information is information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. AVA will also collect any personal information necessary for the purposes of complying with the Anti-Money Laundering and Counter-Terrorism Financing Act 2006.
- 2.2. The information we collect from you will depend on what services we provide to you and may include the following:
  - 2.2.1. your name, address and contact details;
  - 2.2.2. your e-mail address;

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- 2.2.3. your tax file number;
- 2.2.4. Bank account details; and
- 2.2.5. Identification and verification information.

## 3. OPEN AND TRANSPARENT MANAGEMENT OF PERSONAL INFORMATION

- 3.1. AVA seeks to ensure that personal information we hold about an individual is managed in an open and transparent manner. We have implemented procedures to ensure compliance with the Australian Privacy Principles and any applicable codes, and to deal with any complaints relating to our compliance therewith.
- 3.2. AVA has a clear and up-to-date privacy policy outlining our management of personal information, including details regarding the kind of personal information we collect and hold; how and why we collect and hold this information, and how an individual may access and seek correction of the information we hold about them. We further provide details regarding our complaints handling process, our policy on disclosure of information to overseas recipients (and if so, which countries).

## 4. COLLECTION OF PERSONAL INFORMATION

- 4.1. This policy details how AVA adheres to the Australian Privacy Principles regarding the collection of solicited personal information. AVA only collects personal information directly from individuals, which is reasonably necessary for the provision of our services, and only by lawful and fair means. Information is generally sought through our account application forms, in which the purpose is articulated. Accordingly, we will always ensure you are apprised of our purpose in collecting information, and your right to gain access to such information. If you do not provide the information requested, we may be unable to provide you with our services.
- 4.2. Please note that generally we will only use the personal information (e.g. postal address, e-mail address, telephone numbers, facsimile number, date of birth, bank account details, TFN, details related to the provision of verification and identification documentation) we collect for the main purposes disclosed at the time of collection such as to provide financial services.
- 4.3. We also collect demographic information when you open an account, including, birth date, education, occupation, etc. We also assess your trading experience, your approximate annual income and approximate net worth to assess your financial position.
- 4.4. Where possible we will collect the information directly from you via our account application form. We may also collect information about you from our web site but this information will

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only identify who you are if you provide us with your details (eg. if you e-mail your contact details to us). When you visit our web site our web server collects the following types of information for statistical purposes:

- 4.4.1. your Internet service provider's address;
  - 4.4.2. the number of users who visit the web site;
  - 4.4.3. the date and time of each visit;
  - 4.4.4. the pages accessed and the documents downloaded;
  - 4.4.5. the type of browser used.
- 4.5. No attempt is made to identify individual users from this information.
- 4.6. The AVA web site contains links to the web sites of third parties. If you access those third party web sites they may collect information about you. AVA does not collect information about you from the third parties. You will need to contact them to ascertain their privacy standards.

## 5. COOKIES

- 5.1. A cookie is a small text file placed on your computer hard drive by a web page server. Cookies may be accessed later by our web server. Cookies store information about your use of our web site. Cookies also allow us to provide you with more personalised service when using our web site.
- 5.2. AVA uses cookies to:
- 5.2.1. determine whether you have previously used the AVA web site;
  - 5.2.2. identify the pages you have accessed; and
  - 5.2.3. facilitate administration of the site and for security purposes.
- 5.3. Most web browsers are set to accept cookies but you may configure your browser not to accept cookies. If you set your browser to reject cookies you may not be able to make full use of the AVA web site.
- 5.4. We may share Web site usage information about visitors to the Web site with reputable advertising companies for targeting our Internet banner advertisements on this site and other sites. For this purpose, pixel tags (also called clear gifs or web beacons) may be used to note the pages you have visited. The information collected by the advertising company through the use of these pixel tags is not personally identifiable.
- 5.5. To administer and improve our Web site, we may use a third party to track and analyse usage and statistical volume information, including page requests, form requests, and click paths.

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The third party may use cookies to track behavior and may set cookies on behalf of us. These cookies do not contain any personally identifiable information.

## 6. E-MAIL ADDRESS

- 6.1. If you provide us with your e-mail address during a visit to our web site it will only be used for the purpose for which you provided it to us. It will not be added to a mailing list without your consent unless the mailing list is related to the purpose for which you provided your e-mail address to us. We may use your e-mail address, for example, to provide you with information about a particular service or respond to a message you have sent to us.
- 6.2. If you subscribe to one of our services and provide your e-mail address to us so that we may communicate with you through e-mail, we may also use your e-mail address to advise you of upgrades and changes to those services.

## 7. UNSOLICITED PERSONAL INFORMATION

Where we receive personal information about an individual which is unsolicited by us and not required for the provision of our services, we will destroy the information (provided it is lawful and reasonable for us to do so).

## 8. NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION

When we obtain personal information about you, we ensure that you have our contact details and that you are aware of the collection of information and our purposes for doing so. As per above, we are unable to provide certain services if the requested information is not provided. We do not disclose your information to third parties, unless they are related entities or services providers, in which case they are required to conform to our procedures.

## 9. USE AND DISCLOSURE OF PERSONAL INFORMATION

- 9.1. AVA collects and holds personal information about an individual for the purpose of providing financial services. We collect this information with your consent as per our application form or other documentation, for the primary purpose disclosed to you at the time of collection.
- 9.2. However, in some cases AVA will use or disclose personal information for secondary purposes (any purpose other than a primary purpose). Personal information obtained to provide

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financial services may be applied to secondary purposes if the secondary purpose is related to the primary purpose of collection and the person concerned would reasonably expect the personal information to be used or disclosed for such secondary purpose.

- 9.3. In some cases we may ask you to consent to any collection, use or disclosure of your personal information. Your consent will usually be required in writing but we may accept verbal consent in certain circumstances. We may also disclose your personal information where it is required or authorised by law.
- 9.4. We may use your personal information to:
  - 9.4.1. process your account application;
  - 9.4.2. respond to any specific requests you may make of us;
  - 9.4.3. notify you of any products that may be of interest to you;
  - 9.4.4. audit and monitor the services we provide to you;
  - 9.4.5. update your personal files; and
  - 9.4.6. enable us to meet our obligations under law, for example, the Anti-Money Laundering and Counter Terrorism Financing Act 2006 (Cth) and Australian taxation laws.
- 9.5. We may disclose your personal information to:
  - 9.5.1. our agents, contractors or third party service providers to enable them to provide administrative and other support services to us;
  - 9.5.2. our affiliates, if the information is required to provide the product or service you have requested, or to provide you with an opportunity to participate in their products or services; and
  - 9.5.3. where the disclosure is required by law, for example to government agencies and regulatory bodies as part of our statutory obligations, or for law enforcement purposes.
- 9.6. To help us improve our services to you, we may engage another business to help us to carry out certain internal functions such as account processing, fulfillment, client service, client satisfaction surveys or other data collection activities relevant to our business. We may also provide a party with client information from our database to help us to analyse and identify client needs and notify clients of product and service offerings. Use of the information shared is strictly limited to the performance of the task we request and for no other purpose.
- 9.7. AVA requires any party that has access to personal information to conform to our privacy standards.
- 9.8. You may direct us not to disclose your personal information to certain non-affiliated third parties. To opt out of sharing personal information with non-affiliated third parties, please

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contact a client service representative. An opt out election made by one account owner of a joint account is applicable to all account owners of the joint account. An opt-out election must be made for each separate account you hold with us.

## 10. DIRECT MARKETING

- 10.1. AVA will only use personal information obtained for the provision of financial services, for the secondary purpose of direct marketing where:
  - 10.1.1. AVA collected the personal information from the individual; and
  - 10.1.2. The individual would reasonably expect AVA to use or disclose the information for the purpose of direct marketing; and
  - 10.1.3. AVA provides a simple means through which an individual can request to not receive marketing communications; and
  - 10.1.4. The individual has NOT requested such communications cease.
- 10.2. Often the law requires us to advise you of certain changes to products/ services or regulations. You will continue to receive this information from us even if you choose not to receive direct marketing information from us. We will not disclose your information to any outside parties for the purpose of allowing them to directly market to you.

## 11. CROSS BORDER DISCLOSURE/SENSITIVE INFORMATION/USE OF GOVERNMENT IDENTIFIERS/ANONYMITY & PSUEDONYMITY

- 11.1. AVA does not, for the purposes of the Privacy Act, collect sensitive information. Wherever lawful and practicable, individuals may deal anonymously with AVA but given the nature of our services, it is unlikely that this will be a viable option. AVA does not use official identifiers (e.g. tax file numbers) to identify individuals. An individual's name or Australian Business Number is not an identifier for the purposes of the Privacy Act and hence may be used to identify individuals.
- 11.2. AVA does share/transfer personal information to its parent company overseas.

## 12. QUALITY OF PERSONAL INFORMATION

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- 12.1. AVA takes all reasonable steps to ensure the personal information held about individuals is accurate, up-to-date and complete. We verify personal information at the point of collection. The accuracy of records is also maintained by regular mail-out of statements.
- 12.2. AVA encourage you to help us by telling us immediately if you change your contact details (such as your phone number, street address or email address) or if any of your details need to be corrected or updated. A person wishing to update their personal information may contact our staff or the Privacy Officer on the contact details shown within this document.

## 13. ACCESS TO PERSONAL INFORMATION

- 13.1. Where a person requests access to their personal information, our policy is, subject to certain conditions (as outlined below) to permit access. AVA will correct personal information where that information is found to be inaccurate, incomplete or out of date. We will not charge you a fee for your access request but may charge you the reasonable cost of processing your request.
- 13.2. If a person wishes to access their personal information or correct it, they should contact the Privacy Officer, and we will seek to provide such information within a reasonable period of time, and in the manner so requested (where reasonable to do so).
- 13.3. AVA may not always be able to give you access to all the personal information we hold about you. If this is the case, we will provide a written explanation of the reasons for our refusal, together with details of our complaints process for if you wish to challenge the decision.
- 13.4. We may not be able to give you access to information in the following circumstances:
  - 13.4.1. Where we reasonably believe this may pose a serious threat to the life, health or safety of any individual or to public health/safety;
  - 13.4.2. Which would unreasonably impact the privacy of another individual;
  - 13.4.3. Where such request is reasonably considered to be frivolous or vexatious;
  - 13.4.4. Which relates to existing or anticipated legal proceedings which would otherwise not be accessible in the discovery process relating to such proceedings;
  - 13.4.5. Which would reveal our intentions and thereby prejudice our negotiations with you;
  - 13.4.6. Which would be unlawful;
  - 13.4.7. Which is prohibited by law or a court/tribunal order;
  - 13.4.8. Which relates to suspected unlawful activity or serious misconduct, where access would likely prejudice the taking of appropriate action in relation thereto;

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- 13.4.9. Where enforcement activities conducted by or on behalf of an enforcement body may be prejudiced; or
- 13.4.10. Where access would reveal details regarding a commercially sensitive decision-making process.

## 14. CORRECTION OF PERSONAL INFORMATION

- 14.1. Where AVA believes information we hold about an individual is inaccurate, out-of-date, incomplete, irrelevant or misleading, OR an individual requests us to correct information held about them, AVA will take all reasonable steps to correct such information in a reasonable time frame. No fees are payable for such requests. If you request us to similarly advise a relevant third party of such correction, we will facilitate that notification unless impracticable or unlawful for us to do so.
- 14.2. If AVA intends to refuse to comply with your correction request, we will notify you in writing of our reasons for such refusal, and the complaints process you may avail if you wish to challenge that decision. You may also request that we associate the personal information we hold with a statement regarding your view of its inaccuracy.

## 15. SECURITY OF PERSONAL INFORMATION

- 15.1. We take reasonable steps and precautions to keep personal information secure from loss, misuse, and interference, and from unauthorised access, modification or disclosure
- 15.2. If you use the Internet to communicate with us, you should be aware that there are inherent risks in transmitting information over the Internet. AVA does not have control over information while in transit over the Internet and we cannot guarantee its security.
- 15.3. Where information is no longer required to be held or retained by AVA for any purpose or legal obligation, we will take all reasonable steps to destroy or de-identify the information accordingly.

## 16. PRIVACY COMPLAINTS

If you have a complaint relating to our compliance with privacy laws or our treatment of your personal information, please contact our Privacy Officer at [complaints@avatrade.com](mailto:complaints@avatrade.com). We will investigate your complaint and endeavour to resolve the issue to your satisfaction. If you are not satisfied with the outcome of your complaint, you have the right to lodge a complaint with the Office of the Australian Information Commissioner by telephoning 1300 363 992 or visiting their website at [www.oaic.gov.au](http://www.oaic.gov.au)