

# NWQ Capital Management Pty Ltd

## Privacy Policy

March 2018

## Privacy and Spam Policy

### NWQ Capital Management Pty Ltd's Commitment

NWQ Capital Management Pty Ltd (NWQ) is committed to providing you with the highest levels of client service. NWQ recognises that your privacy is very important to you. The Privacy Amendment (Enhancing Privacy Protection) Act sets out a number of Australian Privacy Principles (APPs). Our aim is to both support and ensure that NWQ comply with these principles. Further information on privacy in Australia may be obtained by visiting the website of the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au).

NWQ believes that this Privacy Policy discloses the purpose, and how the personal information you provide to NWQ and its representatives, is collected, used, held, disclosed and disseminated.

NWQ is required to meet particular legislative and regulatory requirements. The information that we seek to collect about you will depend on the products or services that we provide. If you provide inaccurate or incomplete information we may not be able to provide you with the services you requested.

We encourage you to check our website regularly for any updates to our Privacy Policy.

### Your Personal Information

When you apply for our products or services we may ask for identification information. This could include your name, address, contact details and date of birth. We may also collect your tax file number if we are authorised to collect it and if you choose to supply it.

### How NWQ Collects Personal Information

We collect personal information directly from you or from third parties once authorisation has been provided by you. You have a right to refuse NWQ authorisation to collect information from a third party.

### How NWQ Uses Your Personal Information

Primarily, your personal information is used in order to provide you with products or services. We may also use the information that is related to the primary purpose and it is reasonable for you to expect the information to be disclosed.

From time to time, we may provide you with direct marketing material. This will include articles and newsletters that may be of interest to you. We may only use sensitive information about you for direct marketing once we have obtained your consent.

We maintain details of the source of your personal information used for direct marketing and you have the right to request these details. We will endeavour to meet any requests within 2 weeks.

You will be given the opportunity to “opt out” from receiving communications from NWQ or from third parties that send communications to you. You may “opt out” from receiving these communications, such as newsletters, emails and other marketing and promotional materials, by clicking on an unsubscribe link at the end of an email. NWQ maintains details of the source of your personal information used for direct marketing and you have the right to request these details. We will endeavour to meet your request within two (2) weeks. A register is maintained for those individuals not wanting direct marketing material.

#### **When NWQ Discloses Your Personal Information\***

In line with modern business practices common to many financial institutions and to meet your specific needs we may disclose your personal information to the following organisations:

- superannuation fund trustees, insurance providers, fund managers and other product providers in order to manage or administer your product or service;
- compliance consultants;
- temporary staff to handle workloads during peak periods;
- mailing houses;
- your professional advisers, including your solicitor or accountant as authorised by you;
- information technology service providers;
- Government and regulatory authorities, as required or authorised by law
- another authorised representative of NWQ if necessary;
- a potential purchaser/organisation involved in the proposed sale of NWQ’s business for the purpose of due diligence, corporate re-organisation and transfer or all or part of the assets of the business. Disclosure will be made in confidence and it will be a condition of that disclosure that no personal information will be used or disclosed by them;
- a new owner of the business that will require the transfer of your personal information.

NWQ’s employees and the outsourcing companies/contractors are obliged to respect the confidentiality of any personal information held by NWQ.

The Corporations Act has provided the Australian Securities and Investments Commission with the authority to inspect certain personal information that is kept on NWQ’s files about you.

NWQ Capital Management Pty Ltd takes its obligations to protect your information seriously, this includes when NWQ operates throughout Australia and overseas, as part of its operations some uses and disclosures of your information may occur outside your State or Territory and/or outside of Australia. In some circumstances we may need to obtain your consent before disclosure of your information outside Australia occurs.

## **How NWQ Stores and Secures Your Personal Information**

NWQ keeps your personal information in your client files or electronically. These files are accessible to authorised personnel only and are appropriately secured and subject to confidentiality requirements.

Personal information will be treated as confidential information and sensitive information will be treated highly confidential.

It is a legislative requirement that NWQ keeps all personal information and records for a period of seven (7) years. Should you cease to be NWQ's client, NWQ will maintain your personal information on or off site in a secure manner for seven (7) years. After this period, the information will be destroyed.

## **Ensure Your Personal Information Is Correct**

NWQ takes all reasonable precautions to ensure that the personal information collected, used and disclosed is accurate, complete and up-to-date. To ensure NWQ can maintain this level of accuracy and completeness, it is recommended you:

- inform us of any errors in your personal information; and
- update us with any changes to your personal information as soon as possible.

## **Unsolicited Information**

NWQ does not usually collect unsolicited personal information. Where NWQ receives unsolicited personal information, it will be determined whether or not it would have been permissible to collect that personal information if it had been solicited. If NWQ determines that collection would not have been permissible, to the extent permitted by law, the personal information will be destroyed or de-identified as soon as practicable.

## **Access to Your Personal Information**

You have a right to access your personal information, subject to certain exceptions allowed by law. We ask that you provide your request for access in writing (for security reasons) and we will provide you with access to that personal information. Access to the requested personal information may include:

- providing you with copies;
- providing you with the opportunity for inspection; or
- providing you with a summary.

If charges are applicable in providing access to you, these charges will be disclosed to you prior to providing the information.

Some exceptions exist where NWQ will not provide you with access to your personal information if:

- providing access would pose a serious threat to the life or health of a person;
- providing access would have an unreasonable impact on the privacy of others;
- the request for access is frivolous or vexatious;
- the information is related to existing or anticipated legal proceedings between NWQ and the client and would not be discoverable in those proceedings;
- providing access would reveal NWQ's intentions in relation to negotiations with you in such a way as to prejudice those negotiations;
- providing access would be unlawful;
- denying access is required or authorised by or under law;
- providing access would be likely to prejudice certain operations by or on behalf of an enforcement body or an enforcement body requests that access not be provided on the grounds of national security.

Should we refuse you access to your personal information, a written explanation for that refusal will be provided.

### **Using Government Identifiers**

Although in certain circumstances NWQ is required to collect Government identifiers such as your tax file number, Medicare number or pension card number, NWQ does not use or disclose this information other than when required or authorised by law or unless you have voluntarily consented to disclose this information to any third party.

### **Dealing with NWQ Anonymously**

You can deal with NWQ anonymously or by using a pseudonym where it is lawful and practicable to do so. For example, if you telephone requesting our postal address.

### **Your Sensitive Information**

Without your consent NWQ will not collect information about you that reveals your racial or ethnic origin, political opinions, religious or philosophical beliefs or afflations, membership of professional or trade association, membership of a trade union, details of health, disability, sexual orientation, or criminal record.

This is subject to some exceptions including:

- the collection is required by law; and
- when the information is necessary for the establishment, exercise or defence of a legal claim.

### **NWQ's Website**

NWQ's website provides links to third party websites. The use of your information by these third party sites is not within NWQ's control and NWQ cannot accept responsibility for the conduct of these organisations. Other websites are not subject to NWQ's privacy standards. You will need to contact or review those websites directly to ascertain their privacy policies.

You may register with NWQ to receive newsletters and other information. By doing so, your name and email address will be collected and stored on NWQ's database. NWQ takes care to ensure that the personal information you provide on its website is protected. For example, NWQ's website has electronic security systems in place, including the use of firewalls and data encryption.

If you do not wish to receive any further information from NWQ, or you wish to update your registration details, please email your request. We will endeavour to meet your request within five (5) working days.

NWQ's website utilises cookies to provide you with a better user experience. Cookies also allow NWQ to identify your browser while you are using the site – the cookies do not identify you. If you do not wish to receive cookies, you can instruct your web browser to refuse these cookies.

### **Complaints Resolutions**

Please contact NWQ's Privacy Officer if you wish to complain about any breach or potential breach of your privacy rights. Your complaint will be responded to within seven (7) days. NWQ's Privacy Officer will investigate the issue and determine the steps to undertake to resolve your complaint. NWQ's Privacy Officer will contact you if any additional information from you is required and will notify you in writing of the determination. If you are not satisfied with the outcome of your complaint, you are entitled to contact the Office of the Australian Information Commissioner.

Privacy Officer  
Jonathan Horton  
Responsible Manager  
(P) +61 8 9485 4300  
(E) [jhorton@nwqcm.com](mailto:jhorton@nwqcm.com)  
(A) Level 4, 66 Kings Park Road  
West Perth, WA 6005

## **Spam Policy**

Spam is a generic term used to describe electronic 'junk mail' - unwanted messages sent to a person's email account or mobile phone. In Australia, spam is defined as 'unsolicited commercial electronic messages'.

'Electronic messaging' covers emails, instant messaging, SMS and other mobile phone messaging, but does not cover normal voice-to-voice communication by telephone.

NWQ complies with the provisions of the Spam Act when sending commercial electronic messages.

Equally importantly, NWQ makes sure that its practices are in accordance with the Australian Privacy Principles in all activities where NWQ deals with personal information. Personal information includes NWQ's clients contact details.

## **Internal Procedure for Dealing with Complaints**

The three key steps NWQ follows:

Consent – Only commercial electronic messages are sent with the addressee's consent – either express or inferred consent.

Identify – Electronic messages will include clear and accurate information about the person and the NWQ contact that is responsible for sending the commercial electronic message.

Unsubscribe – NWQ ensures that a functional unsubscribe facility is included in all its commercial electronic messages and deal with unsubscribe requests promptly.

## **Comply with the Law regarding Viral Messages**

NWQ ensures that Commercial Communications that include a Forwarding Facility contain a clear recommendation that the Recipient should only forward the Commercial Communication to persons with whom they have a relationship, where that relationship means that person could be said to have consented to receiving Commercial Communications.

## **Comply with the Age Sensitive Content of Commercial Communication**

Where the content of a Commercial Communications seeks to promote or inspire interaction with a product, service or event that is age sensitive, NWQ takes reasonable steps to ensure that such content is sent to Recipients who are legally entitled to use or participate in the product service or event.

### **Complaints Resolutions**

The Spam Act specifies that the person's consent has been withdrawn within five working days from the date that an unsubscribe request was sent (in the case of electronic unsubscribe messages) or delivered (in the case of unsubscribe messages sent by post or other means).

Please contact NWQ's Privacy Officer if you wish to complain about any breach or potential breach of your privacy rights. Your complaint will be responded to within 7 days.

If you are not satisfied with the outcome of your complaint, you are entitled to contact the Office of the Australian Information Commissioner or the Australian Communications Authority.

Privacy Officer  
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(P) +61 8 9485 4300  
(E) [jhorton@nwqcm.com](mailto:jhorton@nwqcm.com)  
(A) Level 4, 66 Kings Park Road  
West Perth, WA 6005