

PRIVACY POLICY

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INTRODUCTION

Protecting Your Privacy –

Protecting your privacy and the confidentiality of your personal information is fundamental to the way **EightCap Pty Ltd (EightCap)** does business. EightCap values the ongoing trust you have in it to protect your privacy.

This **Privacy Policy** explains how EightCap manages and protects your personal information, including information that EightCap collects during the course of providing a product or service to you and the information EightCap holds after your product or service is terminated (where it is required to hold this information or it is necessary for its functions). This Privacy Policy also applies to information that EightCap collects from third-parties including the information EightCap receives through the credit reporting system.

This Privacy Policy contains information about how you can access the information EightCap holds about you, how you can ask EightCap to correct your information and how you can make a complaint if you have concerns about how EightCap has managed your information.

How to Contact EightCap –

If you have any questions or would like more information about this Privacy Policy, you may contact EightCap directly on +61 3 8373 4800 at any time or email your question or request to customerservice@eightcap.com.

Privacy Framework –

EightCap is bound by the *Privacy Act* and the *13 Australian Privacy Principles (APPs)* set out in that Act. The APPs regulate the way that certain entities handle personal information.

COLLECTING YOUR PERSONAL INFORMATION

EightCap collects your personal information so that it can perform its various functions and activities effectively. EightCap also collects your personal information if the law requires EightCap to collect it.

If EightCap does not collect your personal information, it may not be able to deal with you, or provide you with a product or service. Due to the nature of the products and services EightCap provides and its associated regulatory obligations, EightCap does not have the option of allowing you to deal with it on an anonymous basis.

EightCap obtains most of the information directly from you, through application or other forms, and from maintaining records of information provided in the course of ongoing customer service. For example, you provide EightCap with your information when you open an account, fill in an application form, deal with EightCap over the phone, send EightCap a letter, or use its website(s).

If you apply for one of EightCap's products or services, EightCap may collect and hold information from you including (but is not limited to) your name, address, telephone number, email address, tax file number (TFN), date of birth, annual income and other financial details, employment details, credit history and your transaction history.

Collecting Information from Third-Parties –

EightCap may also collect information about you that is publicly available, including information from telephone directories, the electoral role or other websites.

There may be occasions when EightCap collects personal information about you from a third-party. For example, EightCap may collect personal information from:

- » *credit reporting bodies* – if EightCap requests a report about your credit history;
- » *other credit providers* – if EightCap requests information from them about the products they provide to you;
- » *organisations that EightCap has an arrangement with to jointly offer products and/or has an alliance with to share information for marketing purposes* – to provide you with products or services and/or to promote a product or service;
- » *related entities*;
- » *marketing companies* – if EightCap acquires contact information to tell people about EightCap's products and services that may interest them; and
- » *brokers and other parties who may have introduced you to EightCap.*

EightCap may also collect information about how you use EightCap's and other websites to help EightCap better tailor its services to you. For example, EightCap may do this when you click on a link from EightCap's website or visit a website which displays an EightCap's advertisement. Usually, the information EightCap collects in this way is general information only derived from cookies – such as the number of visitors to a site or statistics about how a site is browsed – and does not identify you. If EightCap does identify you with this information (for example, if you have been logged onto its online portal or service), any use of disclosure of that information will be in accordance with this Privacy Policy.

Collecting Sensitive Information –

Sensitive information is personal information about a person's racial or ethnic origin, political opinion, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, genetic information or health information.

EightCap will not collect, use or disclose sensitive information about you unless it needs the information for one of its functions or activities and EightCap has your consent (or EightCap is legally required to do so).

If you provide EightCap with personal information that it has not requested, then EightCap will endeavour to only retain the information that it is otherwise entitled to hold because of the products and services it provides. However, if this additional information is surplus to EightCap's requirements but is provided to EightCap in a manner where it is combined with information that EightCap is either required or entitled to retain then you acknowledge that this unsolicited information may be held by EightCap in the same manner as the balance of your personal information.

Collecting Information Required by Law –

EightCap may collect information from you because it is required or authorised by an Australian law or court or tribunal order to collect that information. EightCap will inform you if collection is required or authorised by law and provide you with details of the law, court or tribunal order.

For example, when you set up a trading account and make a fund deposit, EightCap is required under the *Anti-Money Laundering and Counter-Terrorism Financing Act* to collect certain information from you to prove your identity, such as your driver's licence or passport details. EightCap may collect information to verify your identity even in the limited circumstances where the collection is not yet required by law.

EightCap may also collect your Australian tax file number (TFN). EightCap will only collect your TFN to determine whether you are subject to withholding tax on any payments you receive and for no other purpose. If EightCap collects your TFN, it will handle your TFN in accordance with the *Privacy Act* and the *TFN Rule* issued by the Commissioner.

Likewise, EightCap may be required to ask about your tax residency status under taxation information sharing agreements the Australian Government has in place with other countries. For example, a tax treaty between Australian and the United States formed under US law (*Foreign Account Tax Compliance Act*) requires EightCap to ask account holders whether they are US citizens or US tax residents when they open an account. If you are a tax resident of another country, the relevant treaty or law may require EightCap to collect your relevant foreign tax identification number.

USING YOUR PERSONAL INFORMATION

EightCap may use and disclose personal information it collects about you for several purposes including:

- » to consider your request for a product or service;
- » to enable EightCap to provide a product or service;
- » to tell you about other products and services that may be of interest to you;
- » to assist in arrangements with other organisations in relation to a promotion or provision of a product or service;
- » to manage accounts or perform other administrative and operational tasks (including risk management, systems development and testing, credit scoring and staff training, collecting debts and market or customer satisfaction research);
- » to consider any concerns or complaints you raise against EightCap and/or to manage any legal action between you and EightCap;
- » to prevent or investigate any actual or suspected fraud, unlawful activity or misconduct;
- » to identify you or establish your tax status under any Australian or foreign legislation, regulation or treaty pursuant to an agreement with any tax authority; and
- » as required by relevant laws, regulations, codes of practice and external payment systems.

DISCLOSING YOUR PERSONAL INFORMATION

Depending on the product or service concerned and particular restrictions on sensitive information, when it is necessary, EightCap may need to disclose personal information about you to the following organisations:

- » related entities of EightCap in Australia, China and elsewhere in the world which provide financial and other services for EightCap;
- » service providers and specialist advisers who have been contracted to provide EightCap with administrative, financial, taxation, insurance, research or other services;
- » credit reporting or reference agencies;

- » if you were introduced to EightCap by a third-party, EightCap may disclose personal and account information about you to them, their related companies and licensee or authorised representatives;
- » credit providers, courts, tribunals and regulatory authorities as agreed or authorised by law;
- » anyone authorised by an individual, as specified by that individual or the contract.

Note the above is not a complete list of the organisations to which your information may be disclosed when using EightCap's services. In some circumstances, the nature of the product or service you request may require EightCap to disclose your information overseas and the countries to which it may disclose your information will depend on the particular circumstances.

When EightCap discloses your information (including cross-border disclosures), EightCap is required to take measures to ensure your information is treated in accordance with the standards that apply in Australia except in rare cases (for example, where EightCap is required by law to disclose your information overseas) or unless where EightCap obtains your consent not to take these measures. Please keep in mind that EightCap's ability to enforce the APPs or any other contractual privacy obligation against overseas recipients and to take action in relation to any breach may be very limited and/or far less effective than it would be if such recipients were Australian based.

Because the APPs may not apply or be enforceable against some overseas recipients, EightCap understands that you may choose not to disclose your personal information. However, if you choose not to provide the information EightCap needs to fulfil your request for a specific product or service, EightCap may not be able to provide you with the requested product or service.

YOUR CONSENT IS IMPORTANT

EightCap requires your consent to use and/or disclose your information in particular ways. For example, EightCap needs your consent if it needs to use your information for a purpose that is not related to the purpose for which EightCap collected your information in the first place.

Depending on the circumstances, the consent may be *express* (for example, you expressly agree to the specific use of your information by ticking a box) or *implied* by some action you take or do not take (for example, your agreement is implied by the fact that you have agreed to your product terms and conditions which contains information about the use or disclosure).

MARKETING & PRIVACY

As part of its service to you, EightCap may use personal information it has collected about you to let you know about products and services or promotions and other opportunities in which you may be interested.

EightCap may contact you from time to time to let you know about new or existing products or services. EightCap may also disclose your personal information to related entities or business partners to enable them to tell you about a product or service. You may contact EightCap at any time if you do not wish to receive such communications.

Note EightCap will not use any information it has received through the credit reporting system for marketing purposes.

Website(s) and Cookies -

EightCap's website(s) may have links to external third-party websites that may benefit you. Please note that these third-party websites are not covered by this Privacy Policy and these sites are not subject to EightCap's privacy standards and procedures.

Likewise, EightCap uses cookies to give you access to certain pages of its website(s) without having to log in each time you visit. EightCap may also use independent external service providers to track the traffic and usage on its website(s).

Cookies are small pieces of text stored on your computer to help EightCap determine the type of browser and settings you are using, where you have been on the website(s), what you've downloaded, where you came from, and to ensure your information is secure. The purpose of this information is to provide you with a more relevant and effective experience on EightCap's website(s), including presenting web pages according to your needs or preferences.

Cookies are frequently used on many websites on the internet and you can choose if and how a cookie will be accepted by changing your preferences and options in your browser. You may not be able to access some parts of eightcap.com if you choose to disable the cookie acceptance in your browser, particularly the secure parts of the website. EightCap therefore recommends you to enable cookie acceptance to benefit from all the services on the website.

Note EightCap is constantly improving the functionality on its website(s). This may mean a change to the way in which personal information is collected or used. The impact of any technology changes which may affect your privacy, will be notified in this Privacy Policy as it may be updated from time to time.

MANAGING YOUR PERSONAL INFORMATION

Protecting Your Information -

EightCap takes all reasonable precautions to protect your personal information from misuse and loss, and from unauthorised access, modification and disclosure by ensuring that your personal information can only be accessed by people properly authorised to have access.

EightCap trains its staff who handle personal information to respect the confidentiality of customer information and the privacy of individuals. EightCap regards breaches of your privacy very seriously and will impose appropriate penalties, including dismissal.

EightCap may store your personal information in a combination of secure computer storage facilities and paper-based files and other records, and irrespective of the format of the information, takes steps to protect the personal information it holds from interference, misuse, loss, unauthorised access, modification or disclosure. EightCap maintains physical security, such as locks and security systems, over its paper and electronic data stores and premises. EightCap also maintains computer and network security. For example, EightCap uses firewalls (security measures for the internet) and other security measures such as identification codes and passwords to control access to computer systems. EightCap continually maintains and monitors its online security systems to ensure that EightCap's online services are secure and that your personal information is appropriately protected when you use these services.

EightCap may need to maintain your personal records for a significant period of time. However, when EightCap considers the information is no longer needed, it will remove any details that will identify you or it will securely destroy the records.

Protecting Your Privacy -

You can help EightCap to protect your privacy by staying informed about its security requirements and contacting EightCap immediately if your contact details change.

EightCap also requires you to keep your customer information such as passwords and user details confidential and secure at all times. This means that you should not disclose your personal user information to any other person. You should contact EightCap immediately if you believe that your personal user information may have been disclosed to another person or if you would like to change your password or user details.

ACCESSING YOUR PERSONAL INFORMATION

Under the *Privacy Act* (subject to certain exceptions), you have the right to find out what personal information EightCap holds about you, including what information it has obtained through the credit reporting system. You should contact EightCap if you wish to find out about the personal information it holds about you - please note this request should be made in writing for security reasons - EightCap will also need to verify your identity before giving you access.

EightCap will normally be able to deal with your request immediately. However, if the request is complex, then such request will be dealt with within 14 to 30 days. Further, depending on the complexity of your request, EightCap may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, EightCap will advise and disclose the likely cost in advance and can help to refine your request if required.

Note in certain circumstances, EightCap may not be able to tell you what personal information is held about you. In these circumstances, EightCap will write to you to explain why it cannot provide you with the information and attempt to find alternative means to enable you to access your information.

CORRECTING/UPDATING PERSONAL INFORMATION

If you believe that the personal information EightCap holds about you is inaccurate, incomplete or out-of-date as a result of changes of address and other personal circumstances, you should contact EightCap as soon as possible. EightCap will promptly update any personal information that is inaccurate, incomplete or out-of-date.

EightCap can generally update your personal information over the telephone, by email from your registered email address or online via the electronic trading service. Note EightCap will need to confirm your identity before making any amendments.

RESOLVING YOUR PRIVACY CONCERNS

If you consider or believe that any action of EightCap breaches this Privacy Policy or the *Privacy Act* or an applicable code or otherwise doesn't respect your privacy, you are entitled to make a complaint. This will be acted upon promptly.

You may lodge your complaint online at www.eightcap.com or by contacting the Client Services Desk.

Telephone: +61 3 8373 4800 (9am – 7pm AEST weekdays)

Email: customerservice@eightcap.com

Alternatively, if your complaint is not satisfactorily resolved, you may also contact the Complaint Resolution Manager who will work closely with you to address your concern quickly and amicably.

Mail:

Attn: EightCap Complaint Resolution Manager

Level 11, 356 Collins Street, Melbourne, VIC 3000, AU

Managing Your Complaint –

If you make a complaint, EightCap will endeavour to respond within 48 hours to let you know who is responsible for managing your complaint and will try to resolve your complaint within 10 working days. When this is not possible, EightCap will contact you within that time to let you know how long it will take to resolve your complaint.

EightCap will investigate your complaint and where necessary, consult with other credit providers or credit reporting bodies about your complaint. EightCap will make a decision about your complaint and write to you to explain its decision.

If you are not satisfied with the response given by EightCap to resolve your complaint, you may wish to access an external dispute resolution service or apply to the *Office of the Australian Information Commissioner (OAIC)* to have the complaint heard and determined. When EightCap writes to you about its decision, EightCap will also explain how you may access an external dispute resolution scheme or make a complaint to the OAIC.

