



## **ELKCORP GROUP OF COMPANIES PRIVACY POLICY**

### **Elkcorp, Elkcorp House, Elk Service Centre, Elk Financier, Elk Advisory, Elk Invest, Elk Numbers & Strategy and Elk Realty & Capital Privacy Policy**

#### **Introduction**

The privacy of your personal information is important to us. Our privacy policy governs how we collect and use your personal information. This privacy policy sets out how we respect your rights to privacy in accordance with the Australian Privacy Principles contained in the Privacy Act 1988 (Commonwealth).

#### **How we collect personal information**

We may collect personal information from you during the completion of the / our Client Needs Analysis & Fact Find, during our face to face or telephone (including remote digitally delivered) appointments we complete with you, and further to this as part of the matters and / or services that you have requested that we investigate and / or provide to you. Information may be disclosed by Elkcorp and / or Elkcorp House and / or Elk Service Centre and / or Elk Financier and / or Elk Advisory and / or Elk Invest and / or Elk Numbers & Strategy and / or Elk Realty & Capital only to organisations / individuals that require such information in order to allow for details of product and service options to be provided to you. In addition, information may be provided to credit providers / funders and / or product manufacturers in order to action and implement the finance proposals (including Credit Advice Proposals) and / or applications, and / or advice recommendations (including as document in a Statement of Advice or Record of Advice), that you have requested we investigate and / or implement / establish for you. Further to this, information may also be provided to third party entities that may have initially provided your details to us, or that may have initially referred you to us.

#### **Use of your personal information**

We will use your personal information:

1. In order to effectively conduct our business including providing such information to Elkcorp group entities and / or its Directors, staff, members or representatives, as well as to third party entities that may have initially provided your details to us, or that may have initially referred / introduced you to us.
2. During performing transactions on your behalf to which the provision of that personal information relates.

3. In order to provide information to third party organisations / individuals, so details regarding the products and services we provide access to, can be provided to you; and,
4. For internal administration and marketing purposes including providing such information to Elkcorp group entities and / or its Directors, staff, members or representatives, Elk Service Centre Pty Ltd as well as to third party entities that may have initially provided your details to us, or that may have initially referred / introduced you to us.
5. If you wish to cease receiving any communication from us (other than as required for the day –to-day operation of our business), please contact:

The Privacy Officer  
Elkcorp House  
P.O. Box 102  
West Burleigh QLD 4219

### **Access rights to your personal information**

You have the right to access any information allowable by law from Elkcorp, Elkcorp House, Elk Service Centre, Elk Financier, Elk Advisory, Elk Invest, Elk Numbers & Strategy, and Elk Realty & Capital that relates to you. In order to access this information, you may ask us to provide you with a list of personal information we hold, and copies of the information. We will endeavour to provide you within 30 days of receiving this request. If you believe any of the information we are holding about you is incorrect, you may ask us to correct it.

### **Storage of your personal information**

We take all reasonable steps to securely protect your personal information from loss, misuse, or unauthorised access. When your information is no longer required for our business, we will destroy it or permanently de-identify this information.

#### **Elkcorp Pty Ltd**

Tel: 1300 669 363 Email: [servicecentre@elkcorp.com.au](mailto:servicecentre@elkcorp.com.au) Web: [www.elkcorp.com.au](http://www.elkcorp.com.au) Fax: (07) 5604 1198  
Head Office: Ground Floor, Central 240 Varsity Parade, Varsity Lakes QLD 4227  
Mail: P.O Box 102 West Burleigh, QLD 4220  
Australian Financial Services Licence No. 413980 ABN: 13 154 214 034

# Privacy Policy

Version 7 04.12.22

## Your Privacy Protection

We will maintain a file which contains all the personal details and associated information (including source and supporting documentation) you have disclosed and that we have collected, including information included in the Client Needs Analysis & Fact Find. You can arrange to examine your personal file by simply contacting us to make the appropriate arrangements regarding this. We will also disclose to you (and provide for your review) a copy of the Client Needs Analysis & Fact Find Privacy Consent & Authorisation specifically relating to the information we capture and collate during the completion of our (including the other organisations / entities / businesses that form part of, and comprise, Elkcorp group of companies) Client Needs Analysis and Fact Find (this may be contained within the: Welcome to Elkcorp Documentation suite; Elkcorp Services Guide & Disclosure Statement; and / or Elkcorp Financial Services Guide).

## Our Commitment

At Elkcorp, the entities that form part of the Elkcorp group ("the Companies") – including the authorised representatives that represent such companies recognise that your privacy is important.

Our Privacy Policy explains in detail our commitment to protecting your personal information.

We are bound by, and committed to supporting, the Australian Privacy Principles (APP) set out in the Privacy Amendment (Private Sector) Act 2001 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012. The information set out below is largely a summary of our obligations under the APP.

We encourage you to check our website, [www.elkcorp.com.au](http://www.elkcorp.com.au), regularly for any updates to our Privacy Policy.

## Use and Disclosure

We are subject to certain legislative and regulatory requirements which necessitate us obtaining and holding detailed information which personally identifies you and/or contains information or an opinion about you. In addition, our ability to provide you with comprehensive financial advice and services is dependent on us obtaining certain personal information about you, which may include:

Name and address;

Employment details and employment history;

Phone numbers, email address and personal address and / or PO Box address;

Career history;

Credit Card details (including for credit card payments);

Banking details; and

Statement of financial position (including details of your current superannuation accounts and balances)

We will destroy or de-identify your personal information when it is no longer required.

## Access and Correction

You may access the personal information we retain and request corrections. This right of access is subject to some exceptions allowed by law. Some exceptions exist where we 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 us and would not be discoverable in those proceedings;

04 December 2022

- providing access would reveal our 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.

We will not provide you access to personal information which would reveal any confidential formulae or the detail of any in-house evaluative decision making process, but may instead provide you with the result of the formulae or process or an explanation of that result.

We reserve the right to charge a fee for searching for and providing access to your personal information. Should we refuse you access to your personal information, we will provide you with a written explanation for that refusal.

We will endeavour to ensure that at all times the personal information about you that we hold is up to date and accurate. The accuracy of the personal information is dependant to a large degree on the information you provide and you should advise us if there are any errors in your personal information.

### **Privacy Complaints**

If you wish to complain about any breach or potential breach of this privacy policy or the National Privacy Principles, you should contact us by any of the methods contained in this policy statement and request that your complaint be directed to the Privacy Officer.

Your complaint will be considered within seven days and responded to accordingly. It is our intention to use our best endeavours to resolve any complaint to your satisfaction; however, if you are unhappy with our response, you are entitled to contact the Office of the Australian Information Commissioner who may investigate your complaint further.

### **Openness**

We may use and disclose personal information for the purposes for which it was provided or secondary purposes in circumstances where you would reasonably expect such use or disclosure.

We may use the personal information collected from you for the purpose of providing you with direct marketing material such as articles that may be of interest to you. You may, by contacting us by any of the methods detailed in this policy statement, request not to receive such information and we will give effect to that request. Please allow two weeks for your request to be actioned

### **Collection**

Our main purposes for collecting personal information are to facilitate the services that Elkc corp provide or that you have agreed / requested.

At or before the time we collect personal information from you we will take reasonable steps to inform you why we are collecting that personal information, who else we might disclose that personal information to and what may happen if you do not provide personal information to us.

We don't usually collect unsolicited personal information. Where we receive unsolicited personal information, we'll determine whether or not it would have been permissible to collect that personal information if it had been solicited. If we determine that collection would not have been permissible, to the extent permitted by law, we'll destroy or de-identify that personal information as soon as practicable.

Elkc corp Pty Ltd collects personal information in a number of ways, including: directly from you, when you attend a face-to face interview; directly from you, when you provide information through a data collection form; directly from you, when you provide information by phone; directly from you via an email or the internet; and directly from fund managers, superannuation funds, life insurance companies and other product issuers once authorisation has been provided by you.

You have a right to refuse us authorisation to collect information from a third party.

Without your consent we will not collect information about you that reveals your racial or ethnic origin, political opinions, religious or philosophical beliefs or affiliations, 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. Personal information will be treated as confidential information and sensitive information will be treated highly confidential.

If you provide inaccurate or incomplete information we may not be able to provide you with the products or services you are seeking.

## **Data Security**

We take reasonable steps to protect the information we retain from misuse, loss and from unauthorised access, modification or disclosure.

We will not retain any of your information for any longer than it is required by us, except to satisfy statutory requirements of the Act.

It is a legislative requirement that we keep all personal information and records for a period of 7 years. Should you cease to be a client of ours, we will maintain your personal information on or off site in a secure manner for 7 years. After this, the information will be destroyed.

We may disclose personal information to third parties or external contractors carrying out functions and duties for and on behalf of the Companies (or entities that form part of, or comprise Elkcorp. It is a condition of our agreement with each of our external contractors that they adopt and adhere to this privacy policy.

Some of the recipients to whom Elkcorp discloses your personal information may be based overseas. It is not practicable to list every country in which such recipients are located but it is likely that such countries will include The Philippines. If this occurs, we will obtain your specific consent before such information is sent overseas.

The information we collect from you may also be disclosed to third parties if the disclosure is required by or permitted by law.

We may disclose your personal information to organisations outside Elkcorp. The organisations to which we disclose information may include:

- superannuation fund trustees, insurance providers, fund managers and other product providers in order to manage or administer your product or service;
- compliance consultants to ensure that our representatives are meeting our compliance standards;
- paraplanning contractors or 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 to maintain, review and develop our business systems, procedures and infrastructure including testing or upgrading our computer systems;
- government and regulatory authorities and other organisations, as required or authorised by law, for example, to government or regulatory bodies for the purposes related to public health or safety, the prevention or detection of unlawful activities or to protect public revenue;
- another representative of XXX if necessary;
- a potential purchaser/organisation involved in the proposed sale of our business for the purpose of due diligence, corporate re-organisation and transfer or all or part of the assets of our business;
- Product planning and development advisers;
- where you have given your consent including your legal advisers;
- a new owner of our business that will require the transfer of your personal information.

In the event that we propose to sell our business we may disclose your personal information to potential purchasers for the purpose of them conducting due diligence investigations. Any such 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. In the event that a sale of our business is affected, we may transfer your personal information to the purchaser of the business. As a client you will be advised of any such transfer

## Identifiers

Although in certain circumstances we are required to collect government identifiers such as your tax file number, Medicare number or pension card number, we do 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.

## Anonymity

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

## Sensitive Information

Without your consent, we will not collect sensitive information about you. Exceptions to this include where the information is required by law, and / or the provision of service you have requested and / or require, or for the establishment, exercise or defence of a legal claim.

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 we 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).

As a financial services organisation we are subject to certain legislative and regulatory requirements which necessitate us to obtain personal information about you, including s961B of the Corporations Act. We collect information about you for the purpose of reporting to AUSTRAC under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006.

## Our website and use of cookies

Our Website utilises cookies to provide you with a better user experience. Cookies also allow us to identify your browser while you are using our site – they do not identify you. If you do not wish to receive cookies, you can instruct your web browser to refuse them.

## How we respect your Privacy

Any information you give us may be used for providing product and service options to you via the different entities, representatives and service providers across and within the Elkcorp group of entities. Such information will be shared and utilised within the group and these entities for the purposes of providing such product and services to you. We may use this information for other purposes, such as administration and marketing. We maintain a Register for those individuals not wanting direct marketing material.

We may disclose personal and financial information to other / third party companies. We will do this only where we are allowed or required to do so by law, or where you have consented. If you want to access your personal information, you can write to, or call us.

### Elkcorp Pty Ltd

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