



KENNEDY KING
CHARTERED ACCOUNTANTS

PRIVACY POLICY

KENNEDY KING CHARTERED ACCOUNTANTS

Preparation date: 26 September 2019

1. INTRODUCTION

This Policy applies to Kennedy King Chartered Accounts, Kennedy King Pty Ltd ABN 51 112 191 447 (referred to as 'Kennedy King', 'we', 'our', 'us') and extends to and covers all operations and functions of those organisations. We recognise the importance of ensuring the confidentiality and security of your personal information.

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

This Policy outlines Kennedy King's obligations to manage and protect personal information. Kennedy King is bound by the Australian Privacy Principles ('APPs'), the Credit Reporting Privacy Code ('the Code') and the *Privacy Act 1988* ('Privacy Act'). This Policy also outlines a number of Kennedy King's practices, procedures and systems that ensure compliance with the Privacy Act, APPs and the Code.

In this Privacy Policy:

- 'Disclosure' of information means providing information to persons outside Kennedy King;
- '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 Kennedy King for questions or complaints regarding Kennedy King'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 Kennedy King.

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

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

- Name;
- Address;
- Phone numbers;
- Email addresses;
- Occupation;
- Bank account details;
- Drivers' licence details;
- Credit information, including:
 - Details of assets, liabilities, income, expenses;

- Information about your consumer credit liabilities, such as the name of an entity that has provided you with credit, the date of the credit was provided and the maximum amount of credit made available;
- Information about your repayment history, such as whether you were late in making a monthly repayment and when repayments were due;
- The type and amount of credit you sought in an application;
- Whether you are 60 days or more overdue in making a repayment of \$150 or more;
- Whether you have repaid overdue payments;
- Information about new credit arrangements you have entered into as a result of defaulting in repayments;
- Information about court judgements against you in relation to credit that has been provided to you;
- Publicly available information that relates to your credit worthiness;
- Information recorded in the national personal insolvency index about you;
- Any other personal information that may impact our assessment of your credit worthiness; and
- Any other information that is relevant to the services that we provide.

3. HOW WE COLLECT PERSONAL INFORMATION

We generally collect your personal information by the following methods:

- Directly from applications, questionnaires and other forms you complete when you wish to use our services or apply for a position with us;
- From information disclosed to us by you on the phone, or by sending us correspondence (including letters, faxes and emails) or visiting us in person;
- From a variety of third party sources, including our business contacts, identity verification service providers, financial institutions or a credit provider, fund recipients, referrers or travel companies.

The above list is not exhaustive.

In some circumstances we may be provided with personal information about you from a third party. When we are provided with personal information from a third party, we will take reasonable steps to ensure that you are or have been made aware of the matters set out in this Privacy Policy. You may also appoint us as your agent to obtain credit information about them from a credit reporting body or credit provider, to assist us in providing our services to them.

Kennedy King 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 by an individual, we may not be able to provide you with the benefit of our services or meet your needs appropriately.

Kennedy King does not give individuals the option of dealing with them anonymously, or under a pseudonym. This is because it is impractical, and in some circumstances illegal, for Kennedy King to deal with individuals who are not identified.

4. UNSOLICITED PERSONAL INFORMATION

We may receive personal information about you when we have taken no active steps to collect that information. This is known as 'unsolicited' personal information. Kennedy King's employees are required to notify the Privacy Officer of all unsolicited personal information received by them. We destroy all unsolicited personal information, unless the personal information is relevant to Kennedy King's purposes for collecting personal information.

5. WHO DO WE COLLECT PERSONAL INFORMATION ABOUT?

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

- 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 site www.kennedyking.com.au 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 KENNEDY KING COLLECT AND HOLD PERSONAL INFORMATION?

We may use and disclose the information (excluding credit information) we collect about you for the following purposes:

- To assist Kennedy King in providing a product or service to you;
- Completion of documentation and forms;
- To consider and assess your request for a product or service;
- To provide you with information about a product or service and invite you to marketing events;
- To protect our business and other clients 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 Kennedy King;
- To comply with relevant laws, regulations and other legal obligations; and
- To help us improve the products and services offered to our clients, and to enhance our overall business.

8. HOW MIGHT WE USE AND DISCLOSE PERSONAL INFORMATION?

Kennedy King 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 (excluding credit 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 you 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, Kennedy King will attempt to de-identify the information. We also undertake to take reasonable steps to delete all personal information about you when it is no longer needed.

9. WHO MIGHT WE DISCLOSE PERSONAL INFORMATION TO?

We may disclose personal information (excluding credit information) to:

- A related entity of Kennedy King;
- An agent, contractor or service provider we engage to carry out our functions and activities, such as our lawyers, other accountants, debt collectors or other advisors;
- Organisations involved in a transfer or sale of all or part of our assets or business;
- Organisations involved in managing payments, including payment merchants and other financial institutions such as banks;
- Regulatory bodies, government agencies, law enforcement bodies and courts;
- Financial product issuers and credit providers; and
- Anyone else to whom the individual authorises us to disclose it or is required by law.

We may also collect personal information from these organisations and individuals and will deal with that information in accordance with this Policy.

We may disclose personal information to credit reporting bodies, in order to comply with our obligations under the *Anti-Money Laundering and Counter Terrorism Financing Act 2006 (Cth)* (**AML/CTF obligations**).

To comply with our AML/CTF obligations, we may disclose your, Name, Date of Birth and Residential Address, to credit reporting bodies, in order to verify whether the personal information matches the identification information held by the credit reporting body.

We may, upon request, provide you with an alternative method of verification; however, any alternative verification method must also comply with the AML/CTF legislation.

10. HOW DO WE USE AND DISCLOSE CREDIT INFORMATION?

We will only use your credit information to:

- Assess your application for credit;
- Collect payments that are overdue in relation to credit provided by us;
- Assist you to avoid defaulting on your obligations; or
- Manage how we provide our credit products and services to you.

We will only disclose credit information to:

- A related body corporate;
- A person who will be processing your application for credit;
- A person who manages credit services provided by us, for use in managing those credit services;
- To a person considering whether to act as a guarantor or offer property as security and you have expressly consented to the disclosure;
- A debt collector;
- An external dispute resolution scheme of which we are a member; or
- Any other person or entity that is entitled or authorised by law to require us to disclose it.

11. SENDING INFORMATION OVERSEAS

We may disclose personal information to related entities, related body corporates or legal providers that are located outside Australia in some circumstances. These recipients may be located in the following countries:

- Singapore;
- China;
- United Kingdom;
- United States of America;

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 Act, the apps and the Credit Reporting Privacy Code;
- The recipient is subject to an information privacy scheme similar to the Privacy Act; or
- The individual has consented to the disclosure.

If you consent to your personal information being disclosed to an overseas recipient, and the recipient breaches the APPs, we will not be accountable for that breach under the Privacy Act, and you will not be able to seek redress under the Privacy Act.

12. MANAGEMENT OF PERSONAL INFORMATION

Kennedy King recognises how important the security of personal information is to clients. We will at all times seek to ensure that the personal information we collect and hold is protected from inference, misuse or loss, and unauthorised access, modification or disclosure. Kennedy King 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 through the use of access passwords.

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

- Data ownership is clearly defined within Kennedy King;
- Passwords are routinely changed;
- 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;
- Personal information is overwritten to the extent possible when the information is no longer required; and
- Kennedy King has in place the necessary Firewall security to ensure the protection of data.

Kennedy King 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.

13. DIRECT MARKETING

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

- The personal information does not include sensitive information; and
- You 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
- You have not requested to opt out of receiving direct marketing from us.

If we collect personal information about you from a third party, we will only use that information for the purposes of direct marketing if you have consented (or it is impracticable to obtain your consent), and we will provide a simple means by which you can easily request not to receive direct marketing communications from us. We will draw your attention to the fact you may make such a request in our direct marketing communications. We will not use your credit information for the purposes of direct marketing.

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

You 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.

14. 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. Kennedy King 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.

15. HOW DO WE KEEP PERSONAL INFORMATION ACCURATE AND UP TO DATE?

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

We encourage you to contact us to update any personal information we hold about you. 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 you for correcting the information.

16. ACCESS TO PERSONAL INFORMATION

Subject to the exceptions set out in the Privacy Act, you may gain access to the personal information that we hold about you by contacting the Kennedy King 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.

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.

17. 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. Any changes to our policy document must be approved by the managing Director of Kennedy King.

18. RESPONSIBILITIES

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

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

19. PRIVACY TRAINING

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

20. NON-COMPLIANCE AND DISCIPLINARY ACTIONS

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

21. INCIDENTS/COMPLAINTS HANDLING

Kennedy King has an effective complaint 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 Kennedy King's privacy procedures; and
- Helping to build and preserve Kennedy King's reputation and business.



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You can make a complaint to Kennedy King about the treatment or handling of your personal information by lodging a complaint with the Privacy Officer.

22. CONTRACTUAL ARRANGEMENTS WITH THIRD PARTIES

Kennedy King must ensure that all contractual arrangements with third parties adequately address privacy issues. Kennedy King 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 Kennedy King.

23. INQUIRIES AND COMPLAINTS

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

- By telephoning – (03) 9243 6200
- By writing to – Kennedy King Privacy Officer, PO Box 3037, Victoria Gardens, Richmond VIC 3121
- By emailing – mail@kennedyking.com.au

24. WHAT IF I AM NOT SATISFIED WITH THE RESPONSE?

If you are not satisfied with the result of your complaint to Kennedy King 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