

Privacy Policy

Sky Alliance Markets (AU) Pty Ltd

Company:	Sky Alliance Markets (AU) Pty Ltd
ACN:	114 266 698
AFSL:	292464
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VERSION CONTROL

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SECTION A – INTRODUCTION

1. INTRODUCTION

- 1.1 As part of Sky Alliance Markets (AU) Pty Ltd's ("**SAM (AU)**") process to ensure that it continues to maintain the highest levels of professional integrity and ethical conduct, SAM (AU) has adopted this Privacy Policy ("**Policy**") to manage personal information in an open and transparent manner.
- 1.2 The provisions of this Policy assist SAM (AU) in complying with the requirements of the *Privacy Act 1988* (Cth) ("**Privacy Act**") and the Australian Privacy Principles in protecting the personal information SAM (AU) holds about its clients.

2. WHEN DOES THIS POLICY APPLY?

- 2.1 This Policy applies to all representatives and employees of SAM (AU) at all times and the requirements remain in force on an ongoing basis.

3. GLOSSARY

TERM	DEFINITION
APP entity	means an agency or organisation as defined in section 6 of the Privacy Act.
Australian law	means (a) an Act of the Commonwealth or of a State or Territory; or (b) regulations, or any other instrument, made under such an Act; or (c) a Norfolk Island enactment; or (d) a rule of common law or equity.
Collects	SAM (AU) collects personal information only if SAM (AU) collects the personal information for inclusion in a record or generally available publication.
Court/tribunal order	means an order, direction or other instrument made by: (a) a court; or (b) a tribunal; or (c) a judge (including a judge acting in a personal capacity) or a person acting as a judge; or (d) a magistrate (including a magistrate acting in a personal capacity) or a person acting as a magistrate; or (e) a member or an officer of a tribunal; and includes an order, direction or other instrument that is of an interim or interlocutory nature.

De-identified	personal information is <i>de-identified</i> if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.
Eligible Data Breach	<p>An eligible data breach occurs:</p> <p>(a) when there has been unauthorised access or unauthorised disclosure of personal information, or a loss of personal information, that SAM (AU) holds; and</p> <p>(b) the unauthorised access or unauthorised disclosure is likely to result in serious harm to one or more clients; and</p> <p>(c) SAM (AU) is not able to prevent the likely risk of serious harm with remedial action.</p>
Holds	SAM (AU) <i>holds</i> personal information if it has possession or control of a record that contains the personal information.
Identifier of an individual	<p>means a number, letter or symbol, or a combination of any or all of those things, that is used to identify the individual or to verify the identity of the individual, but does not include:</p> <p>(a) the individual's name; or</p> <p>(b) the individual's ABN (within the meaning of the <i>A New Tax System (Australian Business Number) Act 1999</i>); or</p> <p>(c) anything else prescribed by the regulations.</p>
Permitted general situation	As defined in s16A of the Privacy Act
Permitted health situation	As defined in s16B of the Privacy Act
Personal information means	<p>means information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <p>(a) whether the information or opinion is true or not; and</p> <p>(b) whether the information or opinion is recorded in a material form or not.</p>
Sensitive information	<p>means</p> <p>(a) information or an opinion about an individual's:</p> <ul style="list-style-type: none"> (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or

	<p>(viii) sexual orientation or practices; or</p> <p>(ix) criminal record;</p> <p>that is also personal information; or</p> <p>(b) health information about an individual; or</p> <p>(c) genetic information about an individual that is not otherwise health information.</p> <p>(d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or</p> <p>(e) biometric templates.</p>
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SECTION B – CONSIDERATION OF PERSONAL INFORMATION PRIVACY

4. PRIVACY STATEMENT

- 4.1 SAM (AU)'s Compliance Officer ensures that at all times the provisions of this policy are implemented in the day to day running of SAM (AU).
- 4.2 The Compliance Officer ensures that at all times this Policy:
- (a) is current and reflects the latest applicable Australian laws; and
 - (b) contains the following information:
 - (i) the kinds of personal information that SAM (AU) collects and holds;
 - (ii) how SAM (AU) collects and holds personal information;
 - (iii) the purposes for which SAM (AU) collects, holds, uses and discloses personal information;
 - (iv) how an individual may complain about a breach of the Australian Privacy Principles, or other relevant legislation that binds SAM (AU), and how SAM (AU) deals with such a complaint;
 - (v) whether SAM (AU) is likely to disclose personal information to overseas recipients; and
 - (vi) if SAM (AU) is likely to disclose personal information to overseas recipients, the countries in which such recipients are likely to be located if it is practicable to specify those countries in this policy.
- 4.3 SAM (AU) ensures that the SAM (AU)'s Privacy Statement is available free of charge and in such form as appropriate. SAM (AU) makes the Privacy Statement available on its website.
- 4.4 If the Privacy Statement is requested in a particular form, SAM (AU) will take such steps as are reasonable to provide the Privacy Statement in the form requested.

SECTION C – COLLECTION OF PERSONAL INFORMATION (SOLICITED PERSONAL INFORMATION)

5. PERSONAL INFORMATION (OTHER THAN SENSITIVE INFORMATION)

- 5.1 This Section C applies to the collection of personal information that is solicited by SAM (AU).
- 5.2 SAM (AU) does not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of SAM (AU)'s functions or activities.
- 5.3 SAM (AU)'s functions or activities include:
- (a) Provide financial product advice for the following classes of financial products:
 - (i) deposit and payment products limited to:
 - (A) basic deposit products;
 - (B) deposit products other than basic deposit products;
 - (ii) derivatives;
 - (iii) foreign exchange contracts;
 - (iv) debentures, stocks or bonds issues or proposed to be issued by a government;
 - (v) life products including:
 - (A) investment life insurance products as well as any products issued by a Registered Life Insurance Company that are backed by one or more of its statutory funds; and
 - (B) life risk insurance products as well as any products issued by a Registered Life Insurance Company that are backed by one or more of its statutory funds;
 - (vi) interests in managed investment schemes including:
 - (A) investor directed portfolio services;
 - (vii) interests in managed investment schemes limited to:
 - (A) MDA services;
 - (viii) retirement saving accounts ("RSA") products (within the meaning of the Retirement Savings Accountant Act 1997);
 - (ix) securities;
 - (x) standard margin lending facility;
 - (xi) superannuation; and

- (xii) financial products limited to:
 - (A) Miscellaneous financial investment products limited to MDA services; and
- (b) Deal in a financial product by:
 - (i) issuing, applying for, acquiring, varying or disposing of a financial product in respect of the following classes of financial products:
 - (A) derivatives;
 - (B) interests in managed investment schemes limited to:
 - (1) MDA services; and
 - (C) Financial products limited to:
 - (1) Miscellaneous financial investment products limited to MDA services; and
 - (ii) applying for, acquiring, varying or disposing of a financial product on behalf of another person in respect of the following classes of financial products:
 - (A) deposit and payment products limited to:
 - (1) basic deposit products;
 - (2) Deposit products other than basic deposit products;
 - (B) Derivatives;
 - (C) foreign exchange contracts;
 - (D) debentures, stocks or bonds issues or proposed to be issued by a government;
 - (E) life products including:
 - (1) Investment life insurance products as well as any products issued by a Registered Life Insurance Company that are backed by one of more of its statutory funds; and
 - (2) Life risk insurance products as well as any products issued by a Registered Life Insurance Company that are backed by one or more of its statutory funds;
 - (F) Interests in managed investment schemes including:
 - (1) Investor directed portfolio services;
 - (G) Interests in managed investment schemes limited to:

- (2) MDA Services;
- (H) Retirement saving accounts (retirement saving accounts (“RSA”) products (within the meaning of the Retirement Savings Accountant Act 1997);
- (I) Securities;
- (J) Standard margin lending facilities;
- (K) Superannuation; and
- (L) Financial products limited to:
 - (1) Miscellaneous

to retail and wholesale clients.

6. SENSITIVE INFORMATION

6.1 SAM (AU) does not collect sensitive information about an individual unless:

- (a) the individual consents to the collection of the information and the information is reasonably necessary for one or more of SAM (AU)’s functions or activities (as described in section 5.3); or
- (b) the collection of the information is required or authorised by or under an Australian law or a Court/Tribunal order; or
- (c) a permitted general situation exists in relation to the collection of the information by SAM (AU); or
- (d) a permitted health situation exists in relation to the collection of the information by SAM (AU).

7. MEANS OF COLLECTION

7.1 SAM (AU) only collects personal information by lawful and fair means.

7.2 SAM (AU) only collects personal information about an individual from the individual (rather than someone else), unless it is unreasonable or impracticable to do so or the individual has instructed SAM (AU) to liaise with someone else.

7.3 SAM (AU) collects personal information from an individual when:

- (a) SAM (AU)’s Application Form is completed;
- (b) a Client provides the information to SAM (AU)’s representatives over the telephone or via email; and
- (c) a Client provides the information to SAM (AU) on the website;

8. INFORMATION COLLECTED BY SAM (AU)

8.1 The information SAM (AU) collects may include the following:

- (a) name;
- (b) date of birth;
- (c) postal or email address; or
- (d) phone numbers;
- (e) other information SAM (AU) considers necessary to their functions and activities.

9. PURPOSE OF COLLECTION

9.1 If an individual is acquiring or has acquired a product or service from SAM (AU), the individual's personal information will be collected and held for the purposes of:

- (a) checking whether an individual is eligible for SAM (AU)'s product or service;
- (b) providing the individual with SAM (AU)'s product or service;
- (c) managing and administering SAM (AU)'s product or service;
- (d) protecting against fraud, crime or other activity which may cause harm in relation to SAM (AU)'s products or services;
- (e) complying with legislative and regulatory requirements in any jurisdiction; and
- (f) to assist SAM (AU) in the running of its business;

9.2 SAM (AU) may also collect personal information for the purposes of letting an individual know about products or services that might better serve their needs or other opportunities in which they may be interested. Please refer to Section G for further information.

SECTION D – COLLECTION OF PERSONAL INFORMATION (UNSOLICITED PERSONAL INFORMATION)

10. DEALING WITH UNSOLICITED PERSONAL INFORMATION

10.1 If SAM (AU):

- (a) receives personal information about an individual; and
- (b) the information is not solicited by SAM (AU)

SAM (AU) must, within a reasonable period after receiving the information, determine whether or not it was permitted to collect the information under Section C above.

10.2 SAM (AU) may use or disclose the personal information for the purposes of making the determination under paragraph 10.1.

10.3 If SAM (AU):

- (a) determines that it could not have collected the personal information; and
- (b) the information is not contained in a Commonwealth record,

SAM (AU) must as soon as practicable, destroy the information or ensure that the information is de-identified, only if it is lawful and reasonable to do so.

SECTION E – NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION

11. NOTIFICATION OF COLLECTION

11.1 This section 11 applies to:

- (a) solicited information; and
- (b) unsolicited information to which section 10 does not apply.

11.2 SAM (AU) must notify the individual of the following matters in the Privacy Statement:

- (a) SAM (AU)'s identity and contact details;
- (b) if SAM (AU) collects the personal information from a third party or the individual is not aware that SAM (AU) has collected the personal information, the fact that SAM (AU) so collects, or has collected the information and the circumstances of that collection;
- (c) if the collection of the personal information is required or authorised by or under an Australian law or a Court/Tribunal order, the fact that the collection is so required or authorised (including the details of the law or court);
- (d) the purposes for which SAM (AU) collects the personal information;
- (e) the main consequences (if any) for the individual if the information is not collected by SAM (AU);
- (f) any other entities to which SAM (AU) usually discloses personal information of the kind collected by SAM (AU);
- (g) that SAM (AU)'s Privacy Statement and this Privacy Policy contains information about how the individual may access the personal information about the individual that is held by SAM (AU) and seek correction of such information;
- (h) that SAM (AU)'s Privacy Statement contains information about how the individual may complain about a breach of the Australian Privacy Principles and how SAM (AU) will deal with such a complaint;
- (i) whether SAM (AU) discloses the personal information to overseas recipients; and
- (j) if SAM (AU) discloses the personal information to overseas recipients – the countries in which such recipients are located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

SECTION F – USE OR DISCLOSURE OF PERSONAL INFORMATION

12. USE OR DISCLOSURE

12.1 Where SAM (AU) holds personal information about an individual that was collected for a particular purpose (“**the primary purpose**”), SAM (AU) must not use or disclose the information for another purpose (“**the secondary purpose**”) unless:

- (a) the individual has consented to the use or disclosure of the information; or
- (b) the individual would reasonably expect SAM (AU) to use or disclose the information for the secondary purpose and the secondary purpose is:
 - (i) directly related to the primary purpose (if the information is sensitive information); or
 - (ii) related to the primary purpose (if the information is *not* sensitive information);
- (c) the use or disclosure of the information is required or authorised by or under an Australian law or a Court/Tribunal order; or
- (d) a permitted general situation exists in relation to the use or disclosure of the information by SAM (AU); or
- (e) SAM (AU) reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

12.2 Where SAM (AU) uses or discloses personal information in accordance with section 12.1(e), SAM (AU) keeps a copy of this disclosure (e.g.: the email or letter used to do so).

12.3 This section 12 does not apply to:

- (a) personal information for the purposes of direct marketing; or
- (b) government related identifiers.

12.4 If SAM (AU) collects personal information from a related body corporate, this section 12 applies as if SAM (AU)’s primary purpose for the collection was the primary purpose for which the related body corporate collected the information.

13. WHO DOES SAM (AU) DISCLOSE PERSONAL INFORMATION TO?

13.1 SAM (AU) may disclose personal information collected from clients and prospective clients to the following:

- (a) organisations involved in providing, managing or administering SAM (AU)’s product or service such as third-party suppliers, e.g. printers, posting services, and our advisers;
- (b) organisations involved in maintaining, reviewing and developing SAM (AU)’s business systems, procedures and infrastructure, including testing or upgrading SAM (AU)’s computer systems;

- (c) organisations involved in a corporate re-organisation;
- (d) organisations involved in the payments system, including financial institutions, merchants and payment organisations;
- (e) organisations involved in product planning and development;
- (f) other organisations, who jointly with SAM (AU)'s, provide its products or services;
- (g) authorised representatives who provide SAM (AU)'s products or services on its behalf;
- (h) the individual's representatives, including legal advisers;
- (i) debt collectors;
- (j) SAM (AU)'s financial advisers, legal advisers or auditors;
- (k) fraud bureaus or other organisations to identify, investigate or prevent fraud or other misconduct;
- (l) external dispute resolution schemes; or
- (m) regulatory bodies, government agencies and law enforcement bodies in any jurisdiction.

SECTION G – DIRECT MARKETING

14. DIRECT MARKETING

14.1 SAM (AU) must not use or disclose the personal information it holds about an individual for the purpose of direct marketing.

15. EXCEPTION – PERSONAL INFORMATION OTHER THAN SENSITIVE INFORMATION

15.1 SAM (AU) may use or disclose personal information (other than sensitive information) about an individual for the purposes of direct marketing if:

- (a) SAM (AU) collected the information from the individual; and the individual would reasonably expect SAM (AU) to use or disclose the information for that purpose; or
- (b) SAM (AU) has collected the information from a third party; and either:
 - (i) SAM (AU) has obtained the individual's consent to the use or disclose the information for the purpose of direct marketing; or
 - (ii) it is impracticable for SAM (AU) to obtain the individual's consent; and
- (c) SAM (AU) provides a simple way for the individual to opt out of receiving direct marketing communications from SAM (AU);
- (d) in each direct marketing communication with the individual SAM (AU):
 - (i) includes a prominent statement that the individual may opt out of receiving direct marketing; or

- (ii) directs the individual's attention to the fact that the individual may opt out of receiving direct marketing; and

- (e) the individual has not made a request to opt out of receiving direct marketing.

16. EXCEPTION – SENSITIVE INFORMATION

- 16.1 SAM (AU) may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

17. REQUESTS TO STOP DIRECT MARKETING

- 17.1 Where SAM (AU) uses or discloses personal information about an individual for the purposes of direct marketing by SAM (AU) or facilitating direct marketing by another organisation, the individual may request:

- (a) that SAM (AU) no longer provide them with direct marketing communications;
- (b) that SAM (AU) does not use or disclose the individual's personal information for the purpose of facilitating direct marketing by another organisation;
- (c) that SAM (AU) provides the source of the personal information.

- 17.2 Where SAM (AU) receives a request from an individual under section 17.1, SAM (AU):

- (a) gives effect to the request under section 17.1(a) or 17.1(b) within a reasonable period after the request is made and free of charge; and
- (b) notifies the individual of the source of the information, if the individual requests it, unless it is impracticable or unreasonable to do so.

- 17.3 This Section G does not apply to the extent that the following laws apply:

- (a) the Do Not Call Register Act 2006;
- (b) the Spam Act 2003; or
- (c) any other Act of the Commonwealth of Australia.

SECTION H – CROSS BORDER DISCLOSURE OF PERSONAL INFORMATION

18. DISCLOSING PERSONAL INFORMATION TO CROSS BORDER RECIPIENTS

- 18.1 Where SAM (AU) discloses personal information about an individual to a recipient who is not in Australia and who is not SAM (AU) or the individual, SAM (AU) must ensure that the overseas recipient does not breach the Australian Privacy Principles (with the exception of APP1).

- 18.2 The countries we may disclose an individual's personal information to include:

- (a) Australia; and

- (b) United States.

18.3 Section 18.1 does not apply where:

- (a) SAM (AU) reasonably believes that:
 - (i) information is subject to a law or binding scheme that has the effect of protecting the information in a way that is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and
 - (ii) there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or
- (b) both of the following apply:
 - (i) SAM (AU) has informed the individual that if they consent to the disclosure of information SAM (AU) will not take reasonable steps to ensure the overseas recipient does not breach the Australian Privacy Principles; and
 - (ii) after being so informed, the individual consents to disclosure;
- (c) the disclosure of the information is required or authorised by or under an Australian law or a Court/Tribunal order; or
- (d) a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1) of the Privacy Act) exists in relation to the disclosure of the information by SAM (AU).

SECTION I – ADOPTION, USE OR DISCLOSURE OF GOVERNMENT IDENTIFIERS

19. ADOPTION OF GOVERNMENT RELATED IDENTIFIERS

19.1 SAM (AU) must not adopt a government related identifier of an individual as its own identifier unless:

- (a) SAM (AU) is required or authorised by or under an Australian law or a Court/Tribunal order to do so; or
- (b) the identifier, SAM (AU) and the circumstances of the adoption are prescribed by regulations.

20. USE OR DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS

20.1 Before using or disclosing a government related identifier of an individual, SAM (AU) must ensure that such use or disclosure is:

- (a) reasonably necessary for SAM (AU) to verify the identity of the individual for the purposes of the organisation's activities or functions; or
- (b) reasonably necessary for the organisation to fulfil its obligations to an agency or a State or Territory authority; or
- (c) required or authorised by or under an Australian law or a Court/Tribunal order; or

- (d) within a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1) of the Privacy Act; or
- (e) reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (f) the identifier, SAM (AU) and the circumstances of the adoption are prescribed by regulations.

SECTION J – INTEGRITY OF PERSONAL INFORMATION

21. QUALITY OF PERSONAL INFORMATION

21.1 SAM (AU) ensures that the personal information it collects and the personal information it uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

22. SECURITY OF PERSONAL INFORMATION

22.1 SAM (AU) ensures that it protects any personal information it holds from misuse, interference, loss, unauthorised access, modification and disclosure.

22.2 SAM (AU) takes reasonable steps to destroy or de-identify any personal information it holds where:

- (a) SAM (AU) no longer needs the personal information for any purpose for which the information may be used or disclosed by SAM (AU);
- (b) the information is not contained in a Commonwealth record;
- (c) SAM (AU) is not required to retain that information under an Australian law, or a Court/Tribunal order.

23. STORAGE OF PERSONAL INFORMATION

23.1 SAM (AU) stores personal information in different ways, including:

- (a) hard copy on site at SAM (AU)'s head office;
- (b) electronically secure data centres which are located in Australia or overseas, and owned by either SAM (AU) or external service providers;

23.2 In order to ensure SAM (AU) protects any personal information it holds from misuse, interference, loss, unauthorised access, modification and disclosure, SAM (AU) implements the following procedure/system:

- (a) access to information systems is controlled through identity and access management;
- (b) employees are bound by internal information securities policies and are required to keep information secure;
- (c) all employees are required to complete training about information security; and

- (d) SAM (AU) regularly monitors and reviews its compliance with internal policies and industry best practice;

SECTION K – ACCESS TO, AND CORRECTION OF, PERSONAL INFORMATION

24. ACCESS

- 24.1 SAM (AU) must give an individual access to the personal information it holds about the individual if so requested by the individual.
- 24.2 SAM (AU) must respond to any request for access to personal information within a reasonable period after the request is made.
- 24.3 SAM (AU) must give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so and must take such steps as are reasonable in the circumstances to give access in a way that meets the needs of SAM (AU) and the individual.
- 24.4 SAM (AU) must not charge an individual for making a request and does not impose excessive charges for the individual to access their personal information.

25. EXCEPTIONS

- 25.1 SAM (AU) is not required to give an individual access to their personal information if:
 - (a) SAM (AU) reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
 - (b) giving access would have an unreasonable impact on the privacy of other individuals; or
 - (c) the request for access is frivolous or vexatious; or
 - (d) the information relates to existing or anticipated legal proceedings between SAM (AU) and the individual, and would not be accessible by the process of discovery in those proceedings; or
 - (e) giving access would reveal intentions of SAM (AU) in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - (f) giving access would be unlawful; or
 - (g) denying access is required or authorised by or under an Australian law or a Court/Tribunal order; or
 - (h) SAM (AU) has reason that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
 - (i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
 - (j) giving access would reveal evaluative information generated within SAM (AU) in connection with a commercially sensitive decision-making process.

26. REFUSAL TO GIVE ACCESS

- 26.1 If SAM (AU) refuses to give access in accordance with section 24 or to give access in the manner requested by the individual, SAM (AU) will give the individual a written notice that sets out:
- (a) the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
 - (b) the mechanisms available to complain about the refusal; and
 - (c) any other matter prescribed by the regulations.
- 26.2 Where SAM (AU) refuses to give access under section 25.1(j) SAM (AU) may include an explanation of the commercially sensitive decision in its written notice of the reasons for denial.

SECTION L – CORRECTION OF PERSONAL INFORMATION

27. CORRECTION OF INFORMATION

- 27.1 SAM (AU) must take reasonable steps to correct all personal information, having regard to the purpose for which the information is held where:
- (a) SAM (AU) is satisfied the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
 - (b) the individual requests SAM (AU) corrects the information.
- 27.2 Where SAM (AU) corrects personal information about an individual that SAM (AU) previously disclosed to another APP entity and the individual requests SAM (AU) to notify the other APP entity of the correction, SAM (AU) must take reasonable steps to give that notification, unless it is impracticable or unlawful to do so.

28. REFUSAL TO CORRECT INFORMATION

- 28.1 If SAM (AU) refuses to correct personal information as requested by the individual, SAM (AU) will give the individual a written notice that sets out:
- (a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
 - (b) the mechanisms available to complain about the refusal; and
 - (c) any other matter prescribed by the regulations.

29. REQUEST FROM A CLIENT TO ASSOCIATE A STATEMENT WITH THEIR INFORMATION

- 29.1 If:
- (a) SAM (AU) refuses to correct personal information as requested by the individual; and

- (b) the individual requests that SAM (AU) associate a statement noting that the information is inaccurate, out of date, incomplete, irrelevant or misleading, with the individual's information,

SAM (AU) must take such steps as are reasonable in the circumstances to associate the statement (as described in section 29.1(b)) with the individual's personal information. The statement is associated with the information in such a way that will make the statement apparent to users of the information.

30. DEALING WITH REQUESTS

30.1 SAM (AU):

- (a) responds to requests under this Section L within a reasonable period after the request is made; and
- (b) does not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information.

SECTION M – MISCELLANEOUS

31. NOTIFIABLE DATA BREACHES SCHEME

- 31.1 Under the *Privacy Amendment (Notifiable Data Breaches) Act 2017* ("**Privacy Amendment Act**") SAM (AU) is required to notify the Office of the Australian Information Commissioner ("**OAIC**") in relation to all eligible data breaches.
- 31.2 SAM (AU) notifies the OAIC by lodging a Notifiable Data Breach Form soon as practicable. The Notifiable Data Breach Form is available at the following link: <https://forms.business.gov.au/smartforms/landing.htm?formCode=OAIC-NDB>.
- 31.3 Under the Privacy Amendment Act, SAM (AU) also promptly informs clients whose personal information has been compromised by the eligible data breach that a breach of their personal information has occurred.
- 31.4 SAM (AU) has also developed a Data Breach Response Plan in accordance with the OAIC's guidelines to ensure the timely notification of all clients affected by any eligible data breach.

32. POLICY BREACHES

- 32.1 Breaches of this Policy may lead to disciplinary action being taken against the relevant party, including dismissal in serious cases and may also result in prosecution under the law where that act is illegal. This may include re-assessment of bonus qualification, termination of employment and/or fines (in accordance with the Privacy Act).
- 32.2 Staff are trained internally on compliance and their regulatory obligation to SAM (AU). They are encouraged to respond appropriately to and report all breaches of the law and other incidents of non-compliance, including SAM (AU)'s policies, and seek guidance if they are unsure.
- 32.3 Staff must report breaches of this Policy directly to the Compliance Officer.

33. RETENTION OF FORMS

- 33.1 The Compliance Officer retains the completed forms for seven (7) years in accordance with SAM (AU)'s Document Retention Policy. The completed forms are retained for future reference and review.
- 33.2 As part of their training, all staff are made aware of the need to practice thorough and up to date record keeping, not only as a way of meeting SAM (AU)'s compliance obligations, but as a way of minimising risk.

34. POLICY REVIEW

- 34.1 SAM (AU)'s Privacy Policy is reviewed on at least an annual basis by the Compliance Officer of SAM (AU), having regard to the changing circumstances of SAM (AU). The Compliance Officer then reports to the Director on compliance with this Policy.

Issued by Sky Alliance Markets (AU) Pty Ltd

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